

**TOWN OF MUNDARE**

**LAND USE BYLAW**

**BYLAW NO. 825/10 (As Amended)**

**Office Consolidation February, 2015**

**Note:**

This document has been prepared for convenience only. The official Bylaws, including all amendments are available from the office of the Town Administrator and should be consulted for all purposes of interpretation and application

**Consolidated Copy includes:**

Bylaw No. 833.12  
Bylaw No. 834.12  
Bylaw No. 838.12  
Bylaw No. 849.13  
Bylaw No. 850.13  
Bylaw No. 851.13  
Bylaw No. 862.15

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**BYLAW NO. 825/10**  
**LAND USE BYLAW**

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Town of Mundare duly assembled, hereby enacts as follows:

**PART ONE - GENERAL**

**1.1 Title**

The title of this Bylaw shall be the Land Use Bylaw of the Town of Mundare.

**1.2 Purpose**

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a parcel of land.

**1.3 Interpretation**

In this Bylaw

- (1) "**accessory building**" means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same parcel of land;
- (2) "**accessory use**" means a use customarily incidental and subordinate to the main use or building and is located in the same parcel of land with such main use or building;
- (3) "**Act**" means the Municipal Government Act, 2000, as amended;

- (4) "**adjacent land**" means land that is contiguous to a particular parcel of land and includes:
- (a) land that would be contiguous if not for a highway, road, river or stream, and
- (5) "**alcohol retail sales**" means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods;
- (6) "**amenity area**" means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or communal use and may be under either individual or common ownership;
- (7) "**amusement establishment**" means a development facility within any building, room or area for entertainment activities where patrons are primarily participants. This shall include such activities as bingo, electronic games, and gambling but does not include indoor recreation facilities such as bowling alleys or billiard halls;
- (8) "**apartment**" means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;
- (9) "**basement**" means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;
- (10) "**basement suite**" means a self-contained dwelling unit, in the basement of a single detached dwelling, having a common access with a dwelling unit on the main floor;
- (11) "**bed and breakfast establishment**" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of two (2) bedrooms, with or without meals, are provided for remuneration to members of the public;
- (12) "**boarding and lodging house**" means a building, other than an hotel or a motel which may or may not contain a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public;

- (13) "**building**" includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
- (14) "**canopy**" means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (15) "**cantilever**" means the projection of habitable or liveable space outside the foundation. Cantilevers include any floor space that a person can enter, such as closets, cantilevered room space and bay windows. For the purposes of this bylaw, fireplaces are also considered cantilevers.
- (16) "**carport**" means a roofed structure used for storing or parking not more than two (2) vehicles and which has more than forty percent (40%) of its total perimeter open and unobstructed;
- (17) "**child care facility**" means an establishment licensed by the regional Child and Family Services Authority intended to provide care, educational services and supervision for 7 or more children for a period less than 24 hours at a time. This use includes group day care centres, out-of-school centres, nursery or play schools, and drop-in centres;
- (18) "**commercial school**" means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include schools operated by a School Division, but includes secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- (19) "**corner lot**" means a lot with boundary lines on two separate roads or highways, or with a boundary line on a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane;
- (20) "**corner site**" means a part of a lot adjacent to two separate roads, highways, or lanes, or any combination of them, or adjacent to a single road, highway, or lane that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road, highway, or lane right-of-way boundary lines and a straight line joining points on the road, highway or lane right-of-way boundary line located 6.1 m (20.0 ft.) from their intersection. At the intersection of a lane with another lane the corner site shall be the triangular area formed by the intersecting lane right-of-way boundary lines and a straight line joining points on the lane right-of-way boundary line located 2.4 m (7.9 ft.) from their intersection.
- (21) "**Council**" means the Council of the Town of Mundare;

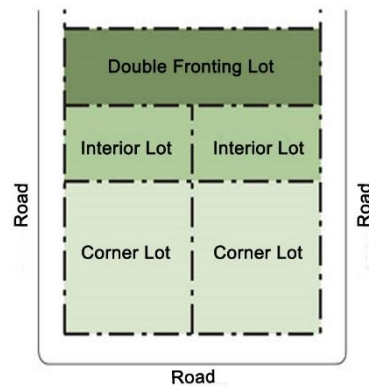
<p>Amended By Bylaw No. 838/12</p>
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- (22) **"day home"** means a provincially licensed child care facility operated from a dwelling unit supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- (23) **"deck"** means any open structure attached to a building having a height greater than 0.6 m (2 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;
- (24) **"density"** means a measure of the average number of persons or dwelling units per unit of area;
- (25) **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- (26) **"development"** means:
- (a) an excavation or stockpile and the creation of either of them, or
  - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
  - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
  - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
  - (e) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site; or
  - (f) the placing of refuse or waste material on any land; or
  - (g) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
  - (h) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
  - (i) the demolition or removal of a building; or
  - (j) the placement of an already constructed or a partially constructed building on a parcel of land; or
  - (k) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way; or
  - (l) the removal of topsoil.

- (27) "**Development Authority**" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (28) "**development permit**" means a document authorizing a development issued pursuant to this Bylaw;
- (29) "**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;
- (30) "**double fronting lot**" means a lot abutting onto two roads:

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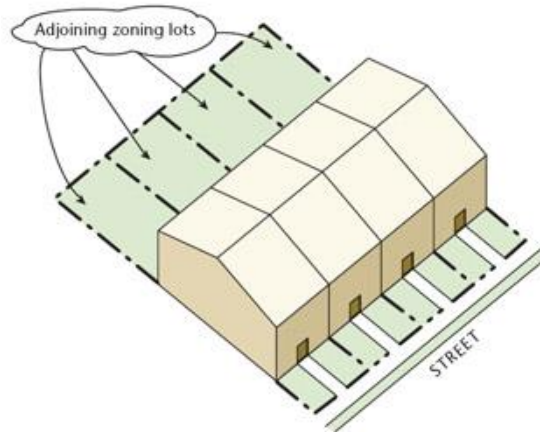
**Figure 1: Double Fronting Lot**

- (31) "**drinking establishment**" means a development possessing a Class A Minors Prohibited liquor license where the sale and consumption of liquor on site are open to the public and where alcohol, rather than food, is the predominant item consumed. A drinking establishment does not include an entertainment establishment;
- (32) "**drive-in business**" means a development which serves customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
- (33) "**drive-in restaurant**" means a development where patrons may purchase food and non-alcoholic beverages on site and normally consume the food and beverages off site. This use does not include alcohol retail sales;

- (34) **"duplex"** means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other, and which may or may not share a common access;
- (35) **"dwelling"** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include one family dwellings, duplexes, row housing, zero lot line dwelling, apartments, and manufactured homes;

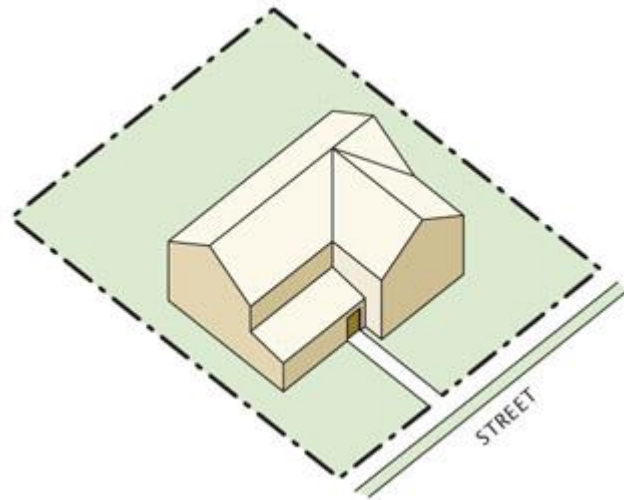
**Examples of dwelling types**

**Row housing** means: an attached dwelling abuts two side lot lines and is one of a row of dwellings on adjoining lots. The end dwellings of a row of attached dwellings are considered semi-detached dwellings if they each have a side yard.



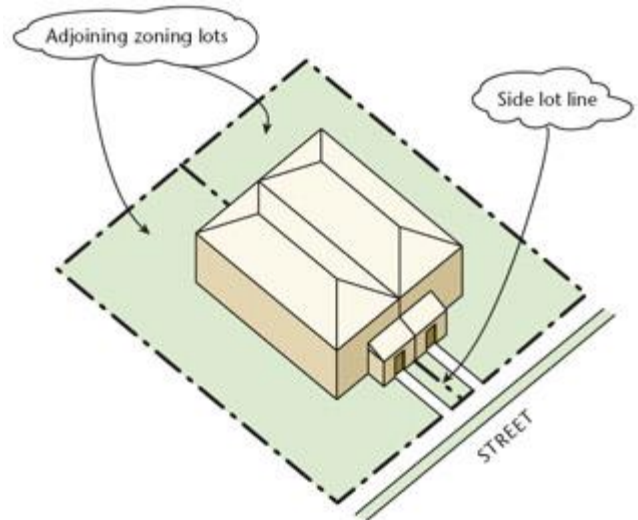
**Figure 2: Row Housing**

A **one family dwelling** means a detached dwelling is a freestanding dwelling that does not abut any other dwelling on an adjoining lot and where all sides of the dwelling are surrounded by yards or open areas within the lot.



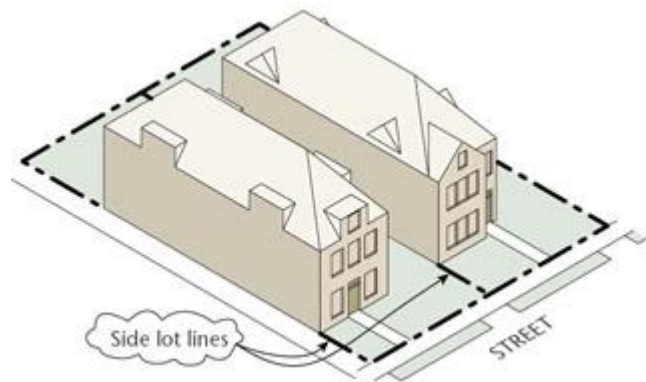
**Figure 3: One family Dwelling**

A **duplex** means a semi-detached dwelling is a dwelling that abuts or shares one side lot wall with another dwelling on an adjoining lot and where the remaining sides of the dwelling are surrounded by open areas or street lines.



**Figure 4: Semi-detached or Duplex**

A **zero lot line dwelling** is a dwelling that abuts one side lot line of a zoning lot and does not abut any other dwelling on an adjoining lot.



**Figure 5: Zero Lot Line Dwelling**

- (36) "**dwelling unit**" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
- (37) "**eating establishment**" means a development where patrons may purchase and consume food and/or alcoholic beverages on site where food, rather than alcohol, is the predominant item consumed. An eating establishment does not include an entertainment establishment;
- (38) "**entertainment establishment**" means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;

- (39) "**family care facility**" means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;
- (40) "**fence**" means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- (41) "**floor area**" means the total area of all floors of all buildings, not including accessory buildings, located on any lot, excluding the area of basement floors, except that all basement suites and all dwelling units in apartment buildings shall be included in the calculation of floor area;
- (42) "**floor area ratio**" means the ratio or decimal resulting from dividing the floor area of a building by the total area of the lot on which the building is located;
- (43) "**front line**" means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall generally be considered the front line;
- (44) "**front yard**" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
- (45) "**garage**" means an accessory building or that part of a main building which is designed and/or used primarily for the storage of motor vehicles and includes a carport;
- (46) "**garage suite**" means a self-contained dwelling located above a rear detached garage which is accessory to a single detached house. Garage suites have a separate entrance from the vehicle entrance to the rear detached garage, either from a common indoor landing or directly from the exterior of the structure.
- (47) "**gas bar**" means development used for the retail sale of gasoline, other petroleum products and incidental auto accessories. This use does not include service stations;
- (48) "**guest house**" means a building which is used for human habitation. A guest house may not include kitchen facilities and must be located on the same premises as the main dwelling and be occupied for the sole use of members of the family, temporary guests or persons permanently employed on the premises;

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- (49) "**grade**" means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- (50a) "**greenhouse and plant nursery**" means development used primarily for the raising, storage and sale of produce, bedding, household, ornamental plants and related materials such as tools, soil, and fertilizers. The main part of the business must be plant related and any aggregate sales must be a minor accessory component only.
- (50) "**gross leasable floor area**" means that portion of the floor area leased to a tenant for his exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole;
- (51) "**ground floor area**" means the total area of a lot including accessory buildings which is covered by any building or structure;
- (52) "**group care facility**" means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, or boarding homes;
- (53) "**group home**" means a development consisting of the use of a dwelling as a facility which is authorized, licensed or certified by a public authority to provide room and board for foster children or disabled persons, or for persons with physical, mental, social, or behavioral problems and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance or supervision. The residential character of the development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This does not include drug or alcohol addiction treatment centres;
- (54) "**hardsurfacing**" means a durable ground surface constructed of cast-in-place concrete, brick, concrete paving blocks, turfstone, stone, asphalt, or similar materials (not including gravel and clay);
- (55) "**health service**" means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, health clinics and counseling services;

- (56) **"heavy industrial uses"** means activities involved in the processing, fabrication, storage, transportation, distribution or wholesaling of the heavy industrial goods which, in the sole opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use. Heavy industrial uses shall not include heavy petrochemical industrial uses;
- (57) **"heavy petrochemical industrial uses"** means activities involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the sole opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use;
- (58) **"height"** means the vertical distance measured from the average grade at the corners of the subject site to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device;
- (59) **"home occupation, major"** means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in Section 1 of Part 2 of Schedule C of this Bylaw. A major home occupation does not include adult entertainment services, day homes, bed and breakfast establishments, dating or escort services, or veterinary services;
- (60) **"home occupation, minor"** means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in Section 1 of Part 2 of Schedule C of this Bylaw. A minor home occupation does not include adult entertainment services, or dating or escort services;
- (61) **"hotel"** means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal services shops, retail stores, alcohol retail sales, and entertainment establishments, but shall not include any retail store larger than 24 sq. m (258.3 sq. ft.) or any

entertainment establishment where there is a dance floor larger than 5 sq. m (53.8 sq. ft.) unless specifically approved by the Development Authority;

(62) "**household**" means:

- (a) a person, or
- (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
- (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;

(63) "**institutional use**" means development for the purpose of education, health service, or detention and correction. Uses include public and private schools, hospitals, nursing homes, senior citizen lodges, detoxification centres, and remand and correction centres;

(64) "**landscaping**" means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;

(65) "**lane**" means a right-of-way on which motorized vehicles are normally allowed to operate, which is 10 m (32.8 ft.) or less, and 6.0 m (19.7 ft.) or more in width, or an alley as defined in the Highway Traffic Act, as amended;

(66) "**light industrial use**" means a development where:

- (a) raw materials are processed, and/or
- (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- (d) goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- (e) materials, goods and equipment are stored and/or transshipped, and/or
- (f) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or
- (g) personnel are trained in general industrial operations,



in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. Light industrial uses include motor vehicle body and paint shops, but does not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the general industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors.

- (67) "**lot**" means:
- (a) a quarter section, or
  - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (68) "**lot coverage**" is a calculation of the ground floor area divided by the area of the lot;
- (69) "**lot width**" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- (70) "**main building**" means a building in which is conducted the main or principle use of the lot on which it is erected;
- (71) "**main use**" means the use which is the principle use of the lot on which the use is located;
- (72) "**maintenance**" means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will

change the habitable floor area of any dwelling unit or the internal volume of any building;

- (73) "**manufactured home**" means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as a single dwelling unit. This definition shall not include a dwelling that would be considered to be a single detached dwelling or a modular home if the roof pitch were equal to or greater than 1:4, if the depth of eaves were equal to or greater than 30.4 cm (1.0 ft.), or if the ratio of depth vs. width (or width vs. depth) were less than 3:1. If the roof pitch is less than 1:4, if the eaves is less than 30.4 cm (1.0 ft.), or if the ratio noted above is more than 3:1, the building shall be considered to be a manufactured home;
- (74) "**manufactured home park**" means any lot on which two or more occupied manufactured homes are harboured or are allowed to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks;
- (75) "**manufactured home subdivision**" means an area within the RMH1 District in this Bylaw which is subdivided by a registered plan into individual lots;
- (76) "**medium industrial use**" means a development which would be considered to be a light industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for obnoxious or offensive activities; an adverse environmental impact beyond the immediate site of the medium industrial use; the potential for significant toxic or noxious by-products such as air or water-born emissions which may be offensive or hazardous to human health, safety or well-being; the storage of toxic, flammable or explosive products in significant quantities; or large-scale outdoor storage that is unsightly or visually offensive;
- (77) "**modular home**" means a dwelling conforming to the Canadian Standards Association A-277 Series certified standards in place at the time of manufacture, that is designed to be transported to the building site in pieces and assembled on-site on top of a site-constructed basement or foundation but does not include a dwelling that would be considered to be a manufactured home;
- (78) "**motel**" means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from

grade, either at grade or via stairways. A motel may include eating establishments, but shall not include alcohol retail sales or an entertainment establishment;

- (79) "**municipality**" means the Town of Mundare;
- (80) "**neighbourhood convenience store**" means a retail store where those goods required by area residents or employees on a day to day basis are the predominant product offered for sale. Typical uses include small food stores, drug stores, and variety stores selling confections, tobacco, groceries, beverages, pharmaceutical and personal care items, and/or printed matter;
- (81) "**non-conforming building**" means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (82) "**non-conforming use**" means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (83) "**nuisance**" means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;
- (84) "**obnoxious**" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;
- (85) "**offensive**" or "**objectionable**" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or

other particulate matter; odour; toxic or non-toxic matter; radiation; fire or explosion hazard; heat; humidity; glare; or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure;

- (86) "**office use**" means a development primarily used for the provision of professional, management, administrative, consulting or financial services, but does not include health services. Uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, and similar office support services; and banks, credit unions, loan offices and similar financial services, and the offices of governments or government agencies;
- (87) "**one family dwelling**" means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a basement suite, but this term does not include a dwelling that would be considered to be a manufactured home;
- (88) "**owner**" means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
  - (b) in the case of any other land, the person shown as the owner of a parcel of land on the municipality's assessment roll;
- (89) "**parking lot**" means a parking area which is located on a parcel of land and not accessory to a particular use or development;
- (90) "**parking space**" means an area set aside for the parking of one (1) vehicle;
- (91) "**patio**" means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above grade;
- (92) "**permitted use**" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied and all of the considerations and requirements of the Development Authority are or will be met;
- (93) "**personal service shop**" means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning

establishments and laundromats. This does not include health services;

- (94) "**place of worship**" means a building wherein people regularly gather for worship and related religious, philanthropic or social activities. Typical uses include churches, chapels, convents, kingdom halls, monasteries, mosques, synagogues, and temples. Places of worship may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a place of worship may be used as an entertainment establishment;
- (95) "**public and private schools**" means development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public and private schools include the administration offices, storage, and maintenance operations of the School Division. Public and private schools include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools" (and similar schools), and their administrative offices and maintenance facilities;
- (96) "**public utility**" means a public utility, as defined in the Act, but shall not include those uses included as utility services as defined in this Bylaw;
- (97) "**public or quasi-public services**" means a building used by the public for the purposes of assembly, instruction, or culture, or providing government services directly to the public. It includes government buildings, places of worship, community halls, and recreation facilities. Buildings containing public or quasi-public services may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a building containing public or quasi-public services may be used as an entertainment establishment;
- (98) "**rear line**" means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
- (99) "**rear yard**" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot;
- (100) "**recreation facility**" means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;
- (101) "**recreational trailer park**" means a development which is designed for or intended to be used for the temporary location of more than one recreational vehicle;

- (102) "**recreational vehicle**" means a vehicular-type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power, or is mounted on or drawn by another vehicle. Recreational vehicles include vehicles commonly referred to as travel trailers, 5<sup>th</sup> wheels, tent trailers, camping trailers, truck campers and motor homes;
- (103) "**renovation**" means; an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (104) "**rentable unit**" means a separate unit of a hotel or motel used or intended to be used for the temporary dwelling accommodation of one or more persons;
- (105) "**retail store**" means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confections, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and/or similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots, are allowed within retail stores. This does not include developments used for the sale of alcoholic beverages, gasoline, heavy agricultural or industrial equipment; vehicle and equipment sales/rentals; or warehouse development;
- (106) "**road**" means a "road" as defined in the Municipal Government Act and, for the purposes of this Bylaw, shall not include a highway;
- (107) "**Retooling Downtown Mundare**" means the document entitled "Retooling Downtown Mundare, Alberta" prepared by Avi Friedman Consultants, Inc. and dated August 2008;
- (108) "**row housing**" means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment";
- (109) "**secondary suite**" means an additional separate dwelling unit on a property that would normally accommodate only one dwelling unit. A secondary suite is considered "secondary" or "accessory" to the primary residence on the parcel. It normally has its own entrance, kitchen, bathroom and living area;
- (110) "**service station**" means development used for the servicing, washing, and/or repairing of vehicles; and the sale of gasoline, other petroleum products, and a limited range of vehicle parts and accessories. The use may also include a restaurant and a convenience store;
- (111) "**shopping centre**" means a building or a group of buildings, comprising retail

commercial and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;

- (112) "**show home**" means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of a neighbourhood or development in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;
- (113) "**side line**" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;
- (114) "**side yard**" means generally, a yard extending from the nearest wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot;
- (115) "**stall**" means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park;
- (116) "**Subdivision and Development Appeal Board**" means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act;
- (117) "**Subdivision Authority**" means the Subdivision Authority established by the municipality's Subdivision Authority Bylaw and appointed in accordance with the provisions of that Bylaw;
- (118) "**substandard lot**" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
- (119) "**tie down**" means an apparatus which firmly secures a manufactured home to the ground. This apparatus usually consists of steel cables attached to the manufactured home and concrete pylons strategically placed on the accommodating site;
- (120) "**utility services**" means development for public infrastructure purposes. Uses include sewage treatment plants, garbage transfer stations, power stations, incinerators, and recycling plants;
- (121) "**vehicle and equipment repair shop**" means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically

repaired and where related accessories and parts are sold and/or installed. Vehicle and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, but not body repair or paint shops;

- (122) "**vehicle and equipment sales/rentals**" means development used for the sale or rental of vehicles, machinery or mechanical equipment. Such goods include cars, trucks, manufactured homes, recreation vehicles, boats, farm equipment, and heavy machinery used in construction or oilfield production;
- (123) "**vehicle body repair and paint shop**" means a development where the bodies of automobiles, motorcycles, snowmobiles and similar vehicles are repaired and or painted;
- (124) "**veterinary service**" means the care and treatment of animals including livestock, where the veterinary service primarily involves outpatient care and medical procedures involving hospitalization for fewer than 4 days. Typical uses include veterinary clinics and veterinary offices for the care of small animals and livestock. Major veterinary services may include outdoor storage;
- (125) "**width**" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- (126) "**yard**" means a part of a lot upon or over which no main building is to be erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

#### 1.4 Metric and Imperial Measures

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures. As a result, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.

#### 1.5 Establishment of Districts

- (1) For the purpose of this Bylaw, the Town of Mundare is divided into the following Districts:
  - R1 Residential District
  - R1A Small Lot Residential District
  - R1B Innovative Design Residential District
  - RE Estate Residential District



R2	Residential District
R2A	Residential District
R3	Residential District
RMH1	Residential Manufactured Home Subdivision District
RMH2	Residential Manufactured Home Park District
C1	Downtown Commercial District
C2	General Commercial District
C3	Highway Commercial District
M	Industrial District
P	Community District
I	Institutional District
PG	Golf Course District
UR	Urban Reserve District

(2) For the purposes of this Bylaw, the R1, R1A, R1B, R1C, RE, R2, R2A, R3, RMH1, and RMH2 Districts shall be considered to be Residential Districts; the C1, C2, and C3 Districts shall be considered to be Commercial Districts, and the M District shall be considered the Industrial District.

(3) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.

(4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:

Rule 1. Where a boundary is shown as following a highway, road, lane, railroad line, or water course, it shall be deemed to follow the centre line thereof.

Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

Rule 3. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:

- (a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
- (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

(5) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in

doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

- (6) After the Council has fixed a District boundary pursuant to the provisions of subsection (5), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (7) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

## 1.6 Establishment of Land Use District Regulations

Land Use District regulations shall be as set forth in the Schedule of Land Use District Regulations, being **Schedule C** hereto, which Schedule is hereby adopted to be part of this Bylaw, and which may be amended in the same manner as any other part of this Bylaw.

## PART TWO - AGENCIES

### 2.1 Development Authority

- (1) The Development Authority of the Town of Mundare shall be as established by the municipality's Development Authority Bylaw.
- (2) If the Municipal Planning Commission is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Municipal Planning Commission.
- (3) In all instances other than those indicated in Subsection (2) above, when used in this Bylaw, the term "Development Authority" shall be the Development Authority Officer.

### 2.2 Development Authority Officer

- (1) The Development Authority Officer shall be appointed by resolution of Council.
- (2) The Development Authority Officer shall perform such duties that are specified in this Bylaw.
- (3) The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by the Development Authority or by the Development Authority Officer.
- (4) The Development Authority Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments

thereto, and keep a register of all applications for development, including the decisions thereon.

- (5) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be the designated officer.

### 2.3 Municipal Planning Commission (MPC)

- (1) The MPC shall decide upon all development permit applications referred to it by the Development Authority Officer.
- (2) The MPC may:
  - (a) provide recommendations for subdivision proposals to the Subdivision Authority; and
  - (b) perform such other duties as described or implied in this Bylaw or as may be assigned to it by Council.

### 2.4 Council

The Council shall perform such duties that are specified for it in this Bylaw.

### 2.5 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

## PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES

### 3.1 Control of Development

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### 3.2 Development Not Requiring a Development Permit

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance or repair to the exterior of any building located outside of the Town Centre Overlay Area as shown on the Future Land Use Map in the Municipal Development Plan, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
- (2) The completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the said approval.
- (3) The use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The maintenance, improvement or alteration of gates, fences, walls or other means of enclosure less than 1.21 m (4 ft.) in height in a front or side yard.
- (5) The maintenance, improvement or alteration of gates, fences, walls or other means of enclosure less than 1.82 m (6 ft.) in height in a rear yard.
- (6) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
- (7) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (8) An accessory building or structure in a Residential District with a gross floor area of under 100 sq. ft., excluding laying hen coops, unless the accessory building or structure does not satisfy the regulations indicated in Section 1.15 of Schedule C hereof.

- (9) Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.
- (10) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (4) through (8) above, both inclusive.

### 3.3 Non-Conforming Buildings and Uses

- (1) If a development permit has been issued on or before the day on which this Land Use Bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw or the amendment.
- (2) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (4) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building,
  - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4(19) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

- (7) Except as noted in Section 2.1(3)(h) of Schedule C, the land use or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

### 3.4 Permission for Development

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - (a) a site plan showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;
  - (b) the boundaries of the site including any lots that may make up the site,
  - (c) all of the existing and proposed buildings on the site,
  - (d) a statement of the proposed uses;
  - (e) a statement of ownership of the land and the interest of the applicant therein; and
  - (f) a statement indicating how the proposed development conforms to applicable architectural controls.
- (2) Council has approved the contents of Retooling Downtown Mundare as their intent for the designated area outlined on Schedule B of this Bylaw. The Development Authority shall make Retooling Downtown Mundare known to individuals requesting an application for all development permits within the designated Town Center area if their development proposal includes any construction which is or may be visible from a road.
- (3) At the sole discretion of the Development Authority, new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the property to be developed indicating where the storm water is to be directed. Storm water from the property to be developed cannot be directed onto the adjoining properties. If the applicant does not provide verification of compliance with the elevation and storm water management plan, the cost to verify that the lot grades have been completed according to the plan may be included in the cost of the development permit.
- (4) Each application for a development permit shall be accompanied by a fee as established by resolution of Council.
- (5) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:

- (a) the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
- (b) the height and horizontal dimensions of all existing and proposed buildings;
- (c) outlines of roof overhangs on all buildings;
- (d) elevations of buildings and floors relative to the invert elevations of public utilities;
- (e) existing and proposed grades on the site and on adjacent sites, roads and lanes;
- (f) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
- (g) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
- (h) drainage plans;
- (i) the location of proposed accesses and egresses, signs, parking spaces, garbage storage areas;
- (j) landscaping plans;
- (k) in an application for row housing or an apartment building, the relationship of buildings to each other, to surrounding developments, and to the landscape, in particular such matters as architectural appearance, the provision of light, air, and privacy;
- (l) in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
- (m) future development plans for a site which is to be partially developed through the applicable development permit;
- (n) in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
- (o) in the case of the placement of an already constructed or partially constructed building on a site, including a manufactured home, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;
- (p) any other information or tests required by the Development Authority, at his sole discretion, respecting the site or adjacent lands, including an environmental screening of the site; and
- (q) a statutory declaration indicating that the information supplied is accurate.

- (6) The Development Authority may also require with an application for a development permit information prepared by a Professional Engineer describing the potential of a subject site being flooded from a 1:100 year flood event, the potential subsidence or erosion of a subject site, and the ground compaction of a subject site, and further information describing the mitigative measures necessary to eliminate the defined flood, subsidence, erosion hazard or to resolve any ground compaction concerns.
- (7) Within the Downtown area overlay, outlined on **Schedule AB** of this Bylaw, if the development proposal includes any construction which is or may be visible from a road, the Development Authority shall also require additional information respecting the relationship of the proposed development to Retooling Downtown Mundare, which is the report prepared by Avi Friedman.
- (8) The Development Authority may also require an environmental assessment or any phase of environmental assessment to determine the possible contamination of a subject site and the mitigative measures necessary to eliminate such contamination.
- (9) The Development Authority may also require that an application for an industrial use be accompanied by the following information:
  - (a) type of industry;
  - (b) size of buildings;
  - (c) number of employees;
  - (d) estimated water demand and anticipated source;
  - (e) type of effluent and method of treatment;
  - (f) transportation routes to be used (rail and road);
  - (g) reason for specific location;
  - (h) any accessory works required (pipeline, railway spurs, etc.);

and/or any such other information as may be reasonably required by the Development Authority.

- (10) The Development Authority shall receive, review, consider and decide on all applications for a development permit.
- (11) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.



- (12) In making a decision, the Development Authority may:
- (a) approve the application unconditionally,
  - (b) approve the application subject to those conditions considered appropriate,
  - (c) approve the application permanently or for a limited period of time, or
  - (d) refuse the application.
- (13) In making a decision, the Development Authority may impose such conditions as are required to ensure compliance with this Bylaw including the verification by either an official appointed by the Town or by certification by either an engineer or an Alberta Land Surveyor that the elevation plan and storm water drainage plan indicated in Subsection (3) above has been completed in accordance with the Development Authority's approval, the undertaking of the mitigative or elimination measures described in the reports and information described under Subsections (5) and/or (7) above.
- (14) In making a decision on a development permit application made for land within the Downtown area overlay, outlined on **Schedule B**, the Development Authority may require that the development be modified as s/he, deems necessary in order to conform with Retooling Downtown Mundare.
- (15) In making a decision, the Development Authority may attach any site plans, landscaping plans, or other plans or drawings submitted as part of the application and may require as a condition of approval of the development permit that any attached plans be undertaken, constructed, or developed within any specified period of time.
- (16) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (17) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may, at his sole discretion, refuse to accept the submission of another application for a permit on the same lot and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (18) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such

use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule C.

- (19) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
- (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.
- (20) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) day period. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this subsection.
- (21) The Development Authority may suspend or revoke a development permit where:
- (a) the applicant fails to comply with the conditions of the approval of a permit, or
  - (b) development on the lot is undertaken contrary to the terms or conditions of a permit, or
  - (c) the application for the development permit contained incorrect information, or information which was subsequently found to be incorrect, or
  - (d) the development permit was issued in error.
- (22) Any person who undertakes any development without a development permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing being issued by the Development Authority, and shall not resume such development unless a development permit has been issued or the development permit is reinstated.

### 3.5 Development Permits and Notices

- (1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date that notice of an order, decision or development permit is received as described in Section 3.5(3) of this Bylaw. For the purposes of this Bylaw, notice is deemed to be received on the fifth day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a permit has been issued, the Development Authority shall immediately:
  - (a) post a notice in the Town Office in the case of permits for permitted uses where no regulations of this Bylaw were either relaxed or varied; and
  - (b) in all other circumstances:
    - (i) post a notice of the decision conspicuously on the property for which the application has been made; and/or
    - (ii) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or
    - (iii) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (4) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and completed within twelve (12) months of commencement, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority. In such a case the applicant is not entitled to a fee rebate. If the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
- (5) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (6) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (7) When an application for a development permit has been approved by the Development Authority, the development permit shall not be valid unless and until:

- (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and
  - (b) no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in Part Four - Appeals.
  
- (8) When an application for a development permit has been approved by the Subdivision and Development Appeal Board, the development permit shall not be valid unless and until:
  - (a) the Board has issued its decision; and
  - (b) any conditions of approval, save those of a continuing nature, have been fulfilled.
  
- (9) If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision to the Court of Appeal, such notice shall operate to suspend the development permit.

The final determination of an appeal to the Court of Appeal shall operate to validate, amend or revoke, as the case may be, a development permit suspended under this Section.

## **PART FOUR - APPEALS**

### **4.1 Appeal Procedure**

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority:
  - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues a development permit for a discretionary use, or for a permitted use pursuant to Section 3.4 of this Bylaw, or
  - (d) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) The person applying for the permit or affected by the order, under Subsection (1), or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
- (4) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board, together with reasons and the development appeal fee as established by Council, within fourteen (14) days after:
  - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 3.5(3); or
  - (b) the forty (40) day period referred to in subsection (1)(a) has expired.

### **4.2 Appeal Hearing**

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold an appeal hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those adjacent land owners who were notified under Section 3.5(3)(c) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and
  - (d) such other persons as the Board specifies.

- (3) The Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - (a) the application for the development permit, its refusal and the appeal therefrom; or
  - (b) the order of the Development Authority under Section 5.1,as the case may be.
- (4) At the appeal hearing referred to in subsection (1), the Board shall hear:
  - (a) the appellant or any other person acting on behalf of the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on behalf of that person; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on behalf of that person.

#### 4.3 Decision

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
  - (a) to a judge of the Court of Appeal; and
  - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

## PART FIVE ENFORCEMENT AND ADMINISTRATION

### 5.1 Contravention

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
  - (a) the Act or the regulations made thereunder, or
  - (b) a development permit or subdivision approval, or
  - (c) this Bylaw,

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

within the time frame specified by the notice, as the case may be.

- (2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (4) Where any person obstructs or hinders the Development Authority or any other person in the exercise or performance of his powers or duties under the Act, that obstructing or hindering person shall be guilty of an offence and liable to a fine or to imprisonment in accordance with Provincial legislation.
- (5) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

- (6) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (7) Violation Tickets
  - (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
  - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Town.
  - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
  - (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
  - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
  - (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

## 5.2 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 5.3.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

## 5.3 Form of Application

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
  - (a) an application fee as established by Council for each application; and



- (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
- (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable, and
- (d) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.

5.4 Amending Bylaws

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

5.5 Schedules

Schedules A and B are part of this Bylaw.

5.6 Repealing Existing Controls

Bylaw No. 694-98, as amended, is hereby repealed.

5.7 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed.

Read a first time August 10, 2010.

\_\_\_\_\_

Date

\_\_\_\_\_

Mayor

\_\_\_\_\_

Date

\_\_\_\_\_

CAO

Read a second time \_\_\_\_\_, 2010.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
CAO

Read a third time \_\_\_\_\_, 2010

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor


















\_\_\_\_\_  
Date

\_\_\_\_\_  
CAO

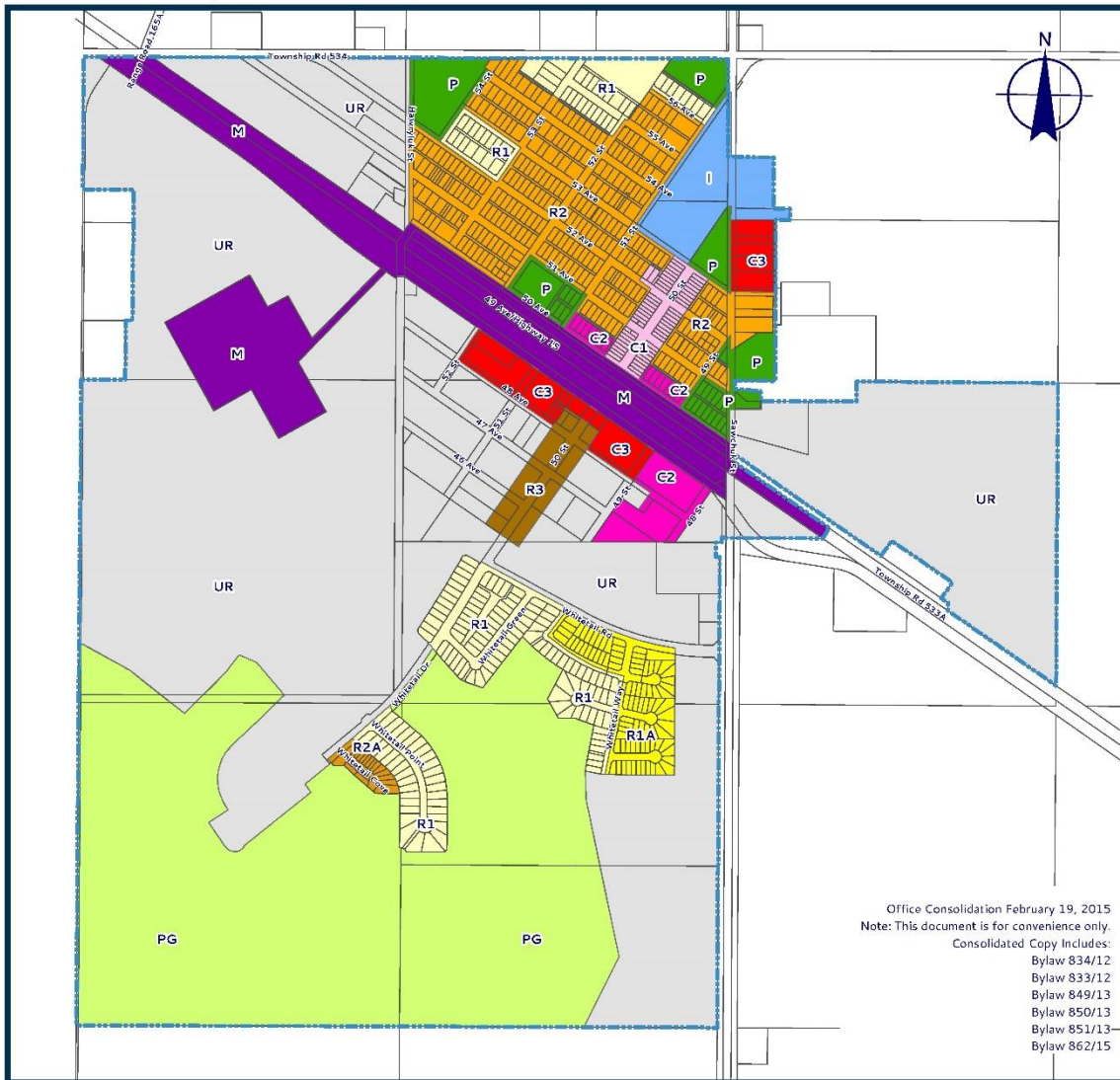
# SCHEDULE A: LAND USE DISTRICT MAP

## Town of Mundare Land Use Bylaw

### Schedule A: Land Use District Map

- |   |  |  |
|---|--|--|
|  R1 - Residential                    |  R3 - Residential                                 |  M - Industrial     |
|  R1A - Small Lot Residential         |  RMH1 - Residential Manufactured Home Subdivision |  I - Institutional  |
|  R1B - Innovative Design Residential |  RMH2 - Residential Manufactured Home Park        |  P - Community      |
|  RE - Estate Residential             |  C1 - Downtown Commercial                         |  PG - Golf Course   |
|  R2 - Residential                    |  C2 - General Commercial                          |  UR - Urban Reserve |
|  R2A - Residential                   |  C3 - Highway Commercial                          |  |

0 0.5 1 Kilometre



Digital Geographic Information: Canada National Topological Survey Geobase and Geogratis & Altalis  
 Geographic coordinate system and projection: UTM, NAD 83 Datum: Zone 12N  
 FOR MORE INFORMATION: [www.munplan.ab.ca](http://www.munplan.ab.ca) | #208, 1751-107 Avenue NW Edmonton, AB T5S 1E5 | 780.486.1991



# SCHEDULE B: DOWNTOWN OVERLAY

## Schedule B: Downtown Overlay



RETOOLING DOWNTOWN MUNDARE, ALBERTA

Source from: AVI FRIEDMAN CONSULTANTS, INC.

## SCHEDULE C: SCHEDULE OF LAND USE DISTRICT REGULATIONS

### PART 1 - GENERAL PROVISIONS

#### 1.1 Subdivision of Land

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.

#### 1.2 Dwelling Units on a Lot

No permit shall be issued for more than one (1) dwelling unit on a single lot unless the second dwelling unit is within a secondary suite, a duplex, row housing or an apartment.

#### 1.3 Existing Substandard Lots

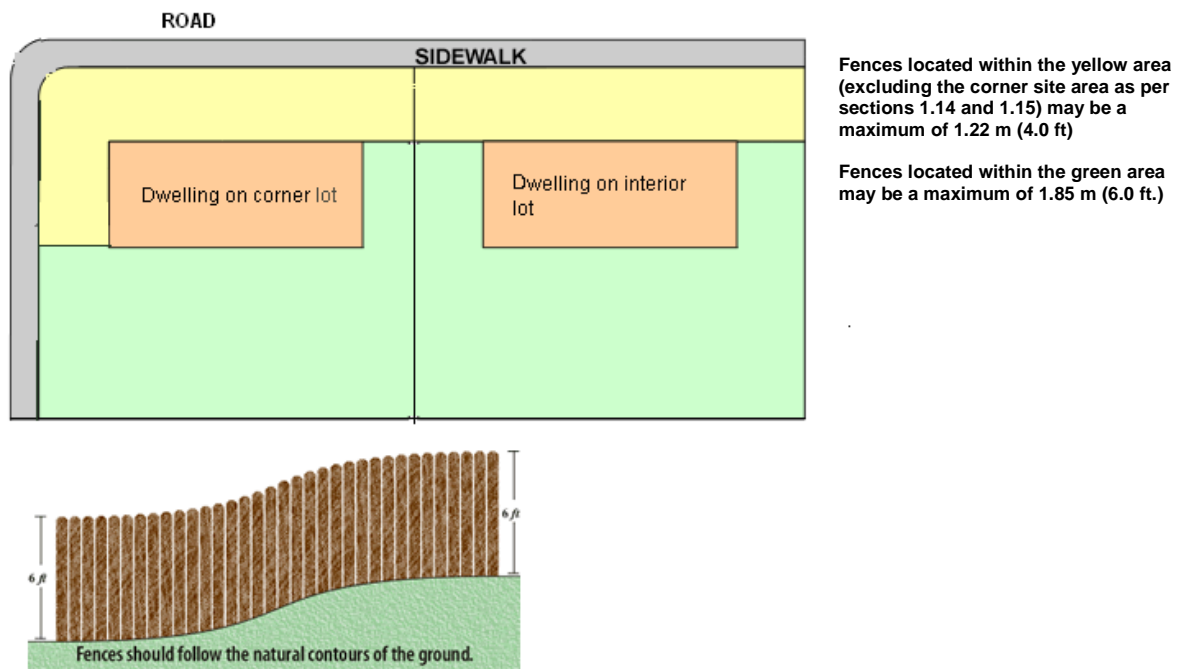
With the approval of the Development Authority the minimum lot area and minimum lot width may be less in the case of existing substandard lots.

#### 1.4 Removal of Top Soil

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of the development, minimum topsoil coverage in accordance with approved grading plans as approved by the Development Authority and the subject lot shall be landscaped to the satisfaction of the Development Authority.

#### 1.5 Fences, Walls and Hedges

- (1) Notwithstanding any regulation respecting required yard setbacks to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot except within a corner site.
- (2) No fence, wall, or hedge in any Residential District shall be:
  - (a) higher than 1.85 m (6.0 ft.) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence, hedge, or wall unless otherwise provided in this Bylaw. **Figure 6** illustrates how required fence heights may be determined when the fence is located in an area that exhibits a change in elevation, or
  - (b) higher than 1.22 m (4.0 ft.) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection; or



**Figure 6: Fence Setbacks on Residential Lots**

- (3) All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.5 m (5.0 ft.) nor more than 2.1 m (7.0 ft.) in height, along any side lines adjacent to any Residential District.
- (4) All commercial uses shall provide, to the satisfaction of the Development Authority, solid fences of not less than 1.5 m (5.0 ft.) in height nor more than 2.1 m (7.0 ft.) in height adjacent to any Residential District. In addition, garbage containers and outdoor storage shall be screened to the satisfaction of the Development Authority.
- (5) All drive-in businesses, car washing establishments, service stations and gas bars adjacent to any Residential District shall provide and maintain, to the satisfaction of the Development Officer, a solid fence of not less than 1.5 m (5.0 ft.) nor more than 2.1 m (7.0 ft.) in height.

## 1.6 Landscaping

- (1) Landscaping shall be provided and maintained for all drive-in businesses, car washing establishments, service stations and gas bars, to the satisfaction of the Development Authority.
- (2) When landscaping or planting is a condition of the approval of a development permit, all such landscaping and planting must be carried out to the satisfaction of

the Development Authority within one year (weather permitting) of the occupancy or the commencement of operation of the proposed development.

- (3) Off-street parking lots in apartment developments, in row housing developments, and in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.
- (4) All apartment developments and row housing developments shall include a landscaped area to be developed to the satisfaction of the Development Authority.
- (5) A minimum of 10% of the lot area of all commercial developments shall be landscaped, to the satisfaction of the Development Authority.
- (6) Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the municipality's landscaping standards as stated in Subsection (12). Where a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.
- (7) Landscaping plans shall include the following information which adheres to the following standards:
  - (a) the final grading of the area and the placing and spreading of topsoil. In particular:
    - (i) the cross slope across boulevards shall be a minimum of two percent (2%), and
    - (ii) all areas to be landscaped shall be graded to drain to the road, into catch basins, or into adjacent drainage easements. Under no circumstances shall an area be designed, built, or landscaped to drain from public property onto private property, or from private property onto adjacent private property without appropriate easements;
  - (b) all physical features, both existing and proposed, including: shrubs and trees identified by their common name, their botanical name, and their size; grassed areas; flower beds; berms showing contours; walls; fences; outdoor furniture; surface utilities; water features; and decorative paving; and
  - (c) playground equipment and public seating areas if the area forms part of a communal amenity area.
- (8) The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.

- (9) The owner of the site or his successors or assignees shall be responsible for proper maintenance of the landscaping. If plant material does not survive a two (2) year maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size.
- (10) When no lane separates commercial or industrial development from residential development, a landscaped buffer between the uses shall be required. A landscaped buffer may be required where a lane separates such uses. The planting and width of the buffer shall be as required by the Development Authority.
- (11) Trees shall be planted on all buffers.
- (12) Unless otherwise specified, plant material required in a landscape plan must meet the following landscaping standards:
  - (a) be hardy to the municipality and the proposed site. ( The Horticultural Standards of the Canadian Nursery Trades Association may be used as a reference guide in selecting plants);
  - (b) the proportion of deciduous to coniferous trees shall be approximately 60:40, unless the landscaping plan is prepared by a professional landscape architect;
  - (c) deciduous trees must have a minimum calliper width of 5 cm (1.9 in.) measured 10 cm (3.9 in.) above the root ball;
  - (d) coniferous trees must be a minimum height of 2.0 m (6.6 ft.) at the time of planting; and
  - (e) shrub material, if deciduous, must have a minimum height of 60 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40 cm (15.7 in.) when planted.
- (10) Where trees are required within a parking lot, they shall be provided in a ratio of one (1) tree per five (5) parking spaces (single row parking) or one (1) tree per ten (10) parking spaces (double row parking), and planted in landscaped islands.
- (11) Landscaped islands must be:
  - (a) designed to protect all plant material from damage,
  - (b) raised at least 15 cm (5.9 in.) above finished grade, and
  - (c) finished with tree grates, ground cover vegetation, and/or hard landscaping.
- (12) Approved tree species include:
 

COLORADO SPRUCE – <i>Picea pungens</i>
SCOTS PINE – <i>Pinus sylvestris</i>



LODGEPOLE PINE – <i>Pinus contorta</i> var. <i>latifolia</i>
SIBERIAN LARCH – <i>Larix sibirica</i>
WHITE SPRUCE – <i>Picea glauca</i>
NORWAY SPRUCE – <i>Picea abies</i>
SWISS STONE PINE – <i>Pinus cembra</i>
GREEN ASH – <i>Fraxinus pennsylvanica</i>
MANCHURIAN ASH – <i>Fraxinus mandshurica</i> ‘Mancana’
BLACK ASH – <i>Fraxinus nigra</i>
AMERICAN ELM – <i>Ulmus americana</i>
EUROPEAN MOUNTAIN ASH – <i>Sorbus aucuparia</i>
BUR OAK – <i>Quercus macrocarpa</i>
AMERICAN BASSWOOD (LINDEN) – <i>Tilia americana</i>
LITTLE LEAF LINDEN – <i>Tilia cordata</i>
THUNDERCHILD CRABAPPLE – <i>Malus</i> x ‘Thunderchild’
IVORY SILK JAPANESE LILAC – <i>Syringa reticulate</i> ‘Ivory Silk’
MORDEN HAWTHORN – <i>Crataegus</i> x <i>mordenensis</i> ‘Toba’
RUSSIAN OLIVE – <i>Elaeagnus angustifolia</i>
LAUREL-LEAF WILLOW – <i>Salix pentandra</i>
SILVER MAPLE – <i>Acer saccharinum</i>
AMUR MAPLE – <i>Acer ginnala</i>
OHIO BUCKEYE – <i>Aesculus glabra</i>
SCHUBERT CHOKECHERRY – <i>Prunus virginiana</i> ‘Schubert’

- (13) Other tree species may be allowed at the discretion of the Development Authority.
- (14) Landscaping must be located so that it will not have a negative impact on above or below ground utilities.

1.7 Objects Prohibited or Restricted in Yards

- (1) No person shall keep or permit in any part of any yard in any Residential District:
  - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
  - (b) no more than two (2) non-operational vehicles, that is, vehicles that do not have current license plates and or registration certificates, for more than fourteen (14) successive days or fourteen (14) days total in a single year;

- (c) no more than four(4) operational vehicles, that is, vehicles that have current license plates and /or registration certificates for more than fourteen (14) days;
  - (d) Notwithstanding (c) above, additional vehicles may be permitted on a temporary basis, with a development permit, at the sole discretion of the Development Authority;
  - (e) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
  - (f) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
  - (g) any commercial vehicle, loaded or unloaded, of a maximum weight in excess of 9000 lbs.
- (2) No person shall keep or allow a recreational vehicle or a commercial vehicle in any part of any front yard in any Residential District unless it located on a driveway.
- (3) No person shall keep or permit in a yard adjacent to a dwelling, on a recreational vehicle site either:
- (a) a propane tank that is larger than 68.2kg (150 lbs.);
  - (b) more than four (4) propane tanks; or
  - (c) any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.)

without first obtaining a development permit.

- (4) Notwithstanding Subsections (1) above, on residential lots which are:
- (a) greater than 1.2 ha (3 ac.) in area; and
  - (b) where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;

the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 68.0 kg (150 lbs.) to be located on a residential lot.

## 1.8 Projection into Yards

- (1) Except for fences as noted in Section 1.5(1) of this Schedule and for the features of buildings as described in subsection (3) hereof, no building or structure shall be

located or project into a required front yard in any Residential District.

- (2) If balconies are developed as part of a dwelling, yard requirements shall be measured from the leading edge of the balcony.
- (3) The following features may project into a required yard:
  - (a) steps, eaves, gutters, sills, patios, and decks, or other similar projections, with the amount of the projection to be as allowed, at the discretion of the Development Authority;
  - (b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 3.0 ft.; and
  - (c) any other features which, in the opinion of the Development Authority, are similar to the foregoing.
- (4) Cantilevered structures may project into required side yards provided:
  - (a) that the closest part of the cantilevered projection is no less than 1.2 m (3.93 ft.) from the property line; and
  - (b) that no two cantilevered projections are located adjacent to each other.
- (5) Eaves, gutters and sills may project in to a side yard provided that the closest part of the projections is located no less than of 1.2 m (3.93 ft.) from the property line.

## 1.9 Site Development

The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.

### 1.10 Protection from Exposure Hazards

- (1) Liquid Propane Gas (LPG) containers with a water capacity of less than 9000 l (2000 gal.) shall be located in accordance with regulations under the current provincial regulations.
- (2) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under current provincial regulations.
- (3) Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and appropriate Provincial Regulations and legislation.
- (4) No anhydrous ammonia storage shall be allowed in the municipality.

### 1.11 Sour Gas Facilities

- (1) No development shall be allowed within 100 m (330 ft.) of a Level 1 sour gas facility as determined by the Alberta Energy Resources Conservation Board (ERCB).
- (2) No development shall be allowed within 500 m (1640 ft.) of a Level 2 sour gas facility as determined by the Alberta Energy Resources Conservation Board (ERCB).
- (3) No development shall be allowed within 1500 m (4921 ft.) of a Level 3 sour gas facility as determined by the Alberta Energy Resources Conservation Board (ERCB).

### 1.12 Off-Street Loading

- (1) When required by the Development Authority, a development shall provide loading spaces, each having dimensions of not less than 3.0 m (10.0 ft.) in width, 7.6 m (25.0 ft.) in length, and 4.25 m (14.0 ft.) in height.
- (2) Such loading spaces shall provide vehicular ingress to and egress from a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting roads or lanes.
- (3) Such loading spaces shall be developed, including any hardsurfacing and drainage, in accordance with any requirements of the Development Authority.
- (4) Number of Off-Street Loading Spaces

The number of loading spaces required to be provided in a development shall be as follows:

- (a) For a retail, industrial, warehouse, office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or similar development, one (1) space for each 2322.5 sq. m (25,000 sq. ft.) of gross floor area or part thereof; and
- (b) for other uses, no spaces.

### 1.13 Off-Street Automobile Parking

- (1) Location of Site and Site Standards

All off-street parking areas and accessory off-street parking areas:

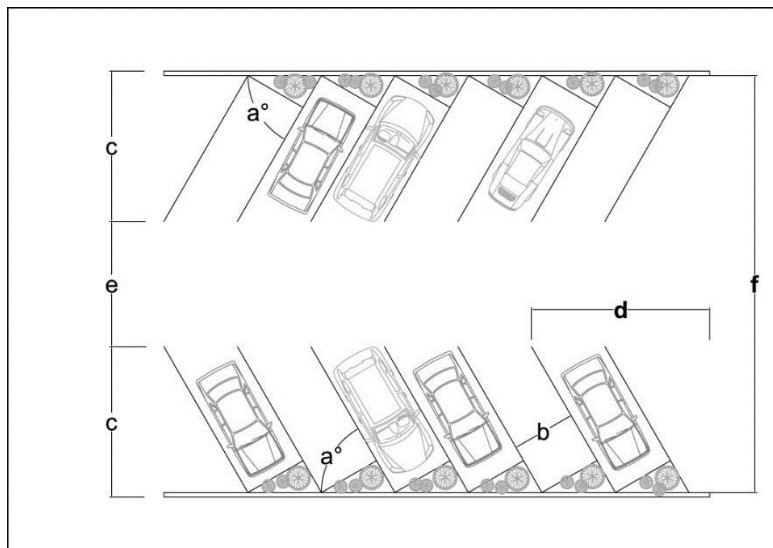
- (a) shall not be located within 0.9 m (3.0 ft.) of a lot boundary line common to the lot and to a road;
- (b) shall have parking spaces and maneuvering aisles designed and

- sized to the satisfaction of the Development Authority;
- (c) shall be constructed so that adequate access to, and exit from each parking space is provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority,
  - (d) shall have necessary curb cuts located to the satisfaction of the Development Authority; and
  - (e) shall conform to the following requirements:

**Minimum Parking Standards (in m (ft.))**

(a) Parking Angle in Degrees	(b) Width of Stall	(c) Depth of Stall Perpendicular to Maneuvering Aisle	(d) Width of Stall Parallel to Maneuvering Aisle	(f) Overall Depth	(e) Width of Maneuvering Aisle
0	2.75 (9.0)	2.75 (9.0)	7.0 (23.0)	9.1 m (29.86 ft.)	One Way 3.66 (12)
30	2.75 (9.0)	5.2 (17.0)	5.5 (18.0)	14.0 m (45.93 ft.)	One Way 3.66 (12)
45	2.75 (9.0)	5.8 (19.0)	3.9 (12.7)	15.2 m (49.87 ft.)	One Way 3.66 (12)
60	2.75 (9.0)	6.1 (20.0)	3.14 (10.3)	18.2 m (59.71 ft.)	One Way 6.1 (20)
90	2.75 (9.0)	6.1 (20.0)	2.75 (9.0)	19.5 m (63.98 ft.)	One Way 7.32 (24)

(See figure below for definitions of column headings)



**Figure 7: Parking Figure**

(2) Surfacing and Drainage

- (a) At the discretion of the Development Authority, parking spaces and the accesses to them may be required to be hardsurfaced if the access is from a road, or lane which is hardsurfaced.
- (b) Parking areas must be paved or of a gravel mixture as approved by the Development Authority.
- (c) Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

(3) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each development shall be calculated from the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.

The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project, or that there is sufficient parking available in the area of the development to meet needs, or if the development is to occupy an existing building in the C1 or C2 District where no or little parking is available.

<b>Use of Building or Development</b>	<b>Minimum Number of Parking Spaces</b>
<u>Residential Uses</u>	
One family dwellings and duplexes	1.0 per dwelling unit
Apartments and row housing, including dwelling units on lots within the C1 District	1.5 per dwelling unit (Where this results in a fractional requirement, the total requirement shall be the next whole number.)
Home occupations	1 in addition to the requirements for the residential use
<u>Commercial Uses</u>	
Eating and drinking establishments entertainment establishments	1 per 5 seating spaces plus 1 per 3 employees
Hotels and motels	1 per rentable unit plus 1 per 3 employees
All other commercial uses	1 per 46.5 sq. m (500 sq. ft.) of gross leasable floor area
<u>Places of Public Assembly</u>	
Auditoriums, churches, halls, clubs, theatres and other amusement or recreation places	To the satisfaction of the Development Authority, but not less than 1 space per 10 seating spaces.

Schools

Public, separate or private elementary and Jr. High Schools

1 per employee, plus 5

Public or private Sr. High Schools, with or without an auditorium, gymnasium or swimming pool

1 per employee, plus 1 for every 10 students

Industrial Uses

All industrial uses  
public utility buildings

1 per 3 employees on maximum shift provided that this standard may be varied by the Development Authority

Hospitals & Similar Uses

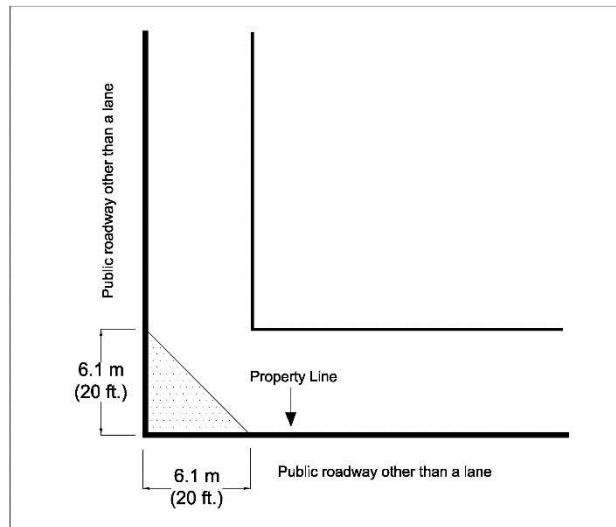
Hospitals, sanitariums, convalescent homes,

1 per 93 sq. m (1000 sq. ft.) of gross floor area, etc. or 1 per 4 beds and 1 for every 2 employees on maximum shift, whichever is greater

1.14 Corner Site

Amended  
By Bylaw  
No. 838/12

- (1) Except in the Downtown Commercial District – C1, no structures greater than 1.2 m (4.0 ft.) in height shall be placed within a corner site. **Figure 8** shows the area of a corner site.



**Figure 8: Corner Site Building Setback**

- (2) Notwithstanding 1.14 (1) no fence shall be placed within the corner site of two lane right-of-ways.
- (3) No building shall be placed within a corner site in any district in such a manner that the line of sight at the intersection of the abutting roads, highways, or lanes would result in a traffic hazard.

1.15 Corner and Double Fronting Lots

Amended  
By Bylaw  
No. 838/12

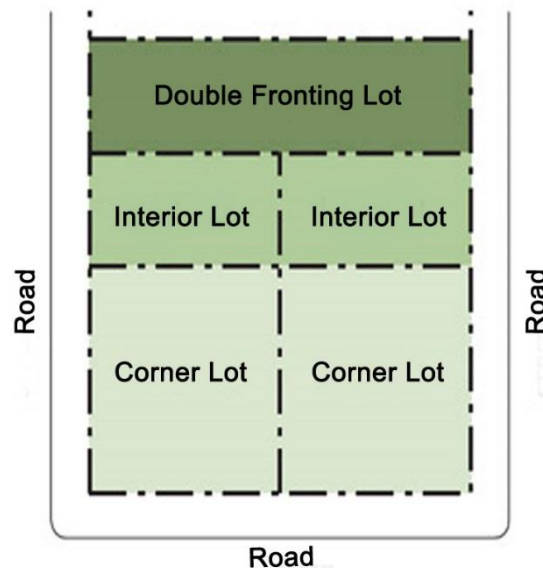
- (1) Notwithstanding Sections 1.5 and 1.6 of this Schedule C, on corner lots in a Residential District, no fence, wall, tree, bush, building, structure or thing more than 1.2 m (4.0 ft.) in height shall be erected, placed or maintained within a corner site. **(See Figure 8a)**
- (2) Notwithstanding 1.15 (1) no fence shall be placed within the corner site of two lane right-of-ways. **(See Figure 8a)**



**Figure 8a: Corner Site Setback for Fences**



- (3) In all land use districts, a double fronting lot shall have a front yard setback on each road in accordance with the front yard regulations of this bylaw.
- (4) In all cases, the location of buildings on corner lots and double fronting sites shall be subject to approval of the Development Authority who may, at their discretion, relax one front yard setback requirement taking into account the alignment, location, and orientation of existing adjacent buildings or the required setback on adjacent sites where a building does not exist. **Figure 10** illustrates double fronting and corner lot types.



**Figure 9: Lot Definitions**

1.16 Accessory Buildings

- (1) Unless specifically allowed in the District in which the accessory building is located, and unless specifically built to house a dwelling unit, an accessory building shall not be used as a dwelling.
- (2) Accessory buildings shall be located such that the minimum distances shown on Figure 10 between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.
- (3) The siting of an accessory building on an irregularly-shaped lot shall be as required by the Development Authority.
- (4) No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard nor a side yard which abuts a road or highway.

- (5) No accessory building other than a fence, pool, deck, or patio shall be located closer than 2.13 m (7.0 ft.) to a main building.
- (6) No accessory building other than a fence shall be located above any power, gas, or other utility lines.
- (7) The height of an accessory building in the residential district shall not exceed 4.5 m (14.8 ft.) nor one storey, unless there is a dwelling unit located on the second storey of the accessory building, in which case, notwithstanding the distances shown on Figure 10, the accessory building shall be setback a minimum of 2.5 m (8.2 ft.) from all property boundaries.
- (8) Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
- (9) The total area of all accessory buildings on a lot shall not exceed 15% of the area of the lot.

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No. 838/12

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No. 838/12

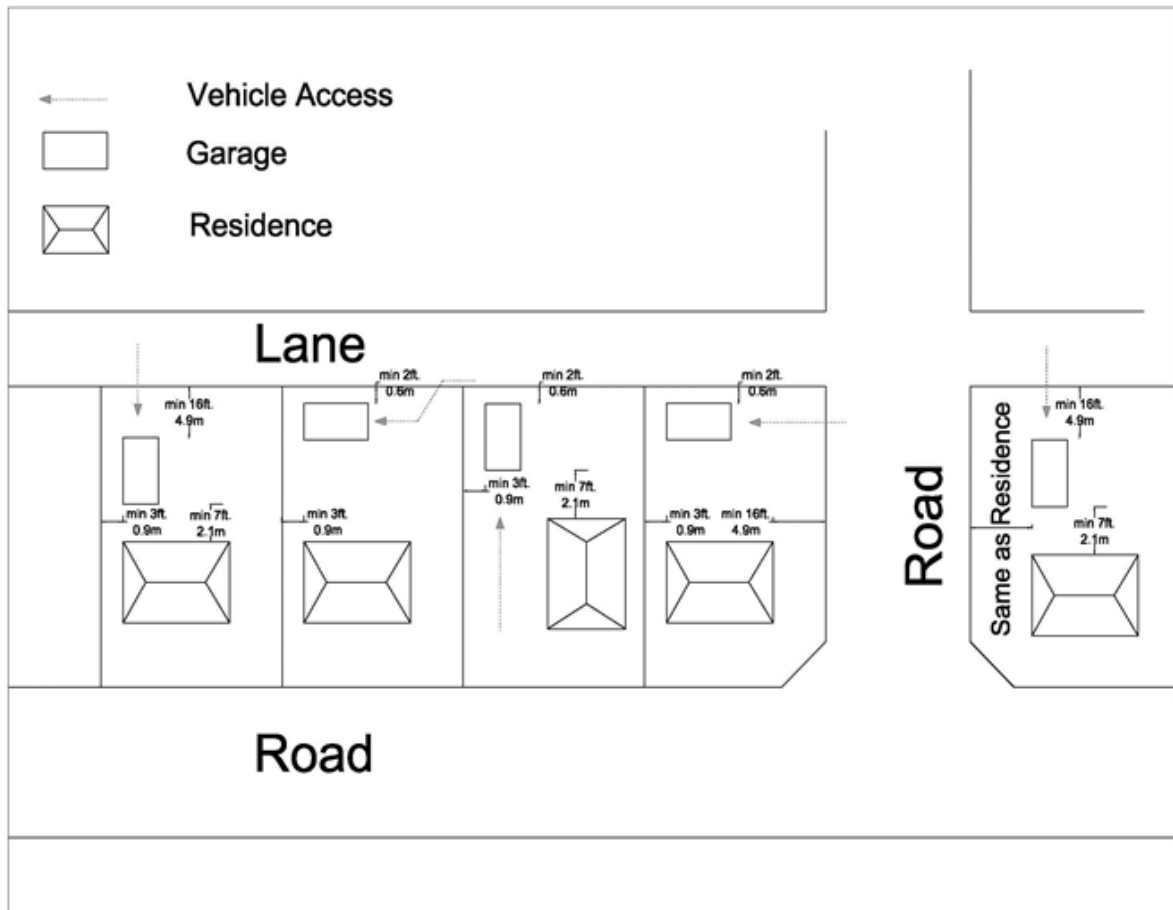


Figure 9: Siting of Accessory Buildings

## 1.17 Historical and Archaeological Sites

Historical sites or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with guidelines established by the Provincial government.

## 1.18 Signs

- (1) No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the owner.
- (3) No signs or advertising structures shall be erected on or affixed to public or municipally-owned property without the prior written consent of the appropriate public body.
- (4) Notwithstanding the generality of Subsection (1) above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit provided that no such signs shall be illuminated:
  - (a) signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a hotel, apartment, club or similar institution, not exceeding 1.11 sq. m (12.0 sq. ft.) in area and limited to one (1) sign per lot;
  - (b) temporary advertisements relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding 1.86 sq. m (20.0 sq. ft.), provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements related;
  - (c) advertisements or signs in relation to the function of local authorities, public utilities, or other public or quasi-public bodies.
- (5) No sign or advertising structure shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- (6) All signs and advertising structures shall be kept in a safe, clean and tidy

condition, and may, by resolution of Council, be required to be renovated or removed.

- (7) No signs or advertising structures other than those specified in Subsection (4) above shall be allowed in any Residential District.

## PART 2 - SPECIAL PROVISIONS

### 2.1 Home Occupations

All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

- (1) A major home occupation shall comply with the following regulations:
  - (a) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking which is excessive for its location relative to other dwellings.
  - (b) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - (c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
  - (d) Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
  - (e) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
  
- (2) A minor home occupation shall comply with the following regulations:
  - (a) The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
  - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
  
- (3) All home occupations shall comply with the following requirements:
  - (a) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - (b) The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
  - (c) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 31 sq. m (330 sq. ft.), whichever is less, of the dwelling unit for business usage. Except as noted in subsection (f) herein, there shall be no exterior signage,

display or advertisement, but there may be a limited volume of on-premises sales.

- (d) No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.
- (e) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- (f) Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.25 sq. m (2.7 sq. ft.) in area.
- (g) In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- (h) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- (i) Home occupations shall not involve:
  - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## 2.2 Industrial Development

- (1) An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.
- (2) All lot regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

## 2.3 Service Stations and Gas Bars

- (1) No part of any building or accessory building, structure, or use shall be located within 6.1 m (20.0 ft.) of a side or rear line and 12.2 m (40.0 ft.) of a front line; however, gasoline pumps may be located as little as 6.1 m (20.0 ft.) from the front line.
- (2) The minimum lot area shall be 745 sq. m (8,000.0 sq. ft.). When a car wash is included, the minimum lot area shall be 1115 sq. m (12,000.0 sq. ft.).

- (3) If a service station or gas bar is part of a shopping centre, the number of parking spaces shall be as determined by the Development Authority.
- (4) Any lighting shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.
- (5) The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times:
  - (a) not carry on any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to dwellings or businesses near the service station or gas bar by reason of dust, noise, gases, odour, smoke or vibration; and
  - (b) be responsible for seeing that:
    - (i) no motor vehicles obstruct the sidewalks or boulevards abutting or adjacent to the service station or gas bar, and
    - (ii) motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided.

#### 2.4 Car Washes

- (1) The minimum lot area shall be 557 sq. m (6000 sq. ft.) and shall contain space for six (6) vehicles to wait or be parked prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations or gas bars including car washes, minimum lot area shall be 1115 sq. m (12,000 sq. ft.).
- (2) All lot and building requirements pertaining to drive-in businesses shall also apply to car washes.

#### 2.5 Drive-In Businesses

- (1) Points of access and egress shall be located to the satisfaction of the Development Authority.
- (2) The minimum lot area shall be 557 sq. m (6000 sq. ft.). There shall be a provision for at least six (6) customer vehicles to wait or be parked on the lot.
- (3) Site Design Requirements:
  - (a) All parts of the lot to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
  - (b) The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
  - (c) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.

- (4) The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

## 2.6 Motels

- (1) Minimum Lot Area per Rentable Unit
  - (a) One Storey - 140 sq. m (1500 sq. ft.)
  - (b) Two Storeys - 930 sq. m (10,000 sq. ft.)
- (2) Minimum Floor Area per Rentable Unit – 26.5 sq. m (280 sq. ft.)
- (3) Minimum Yards
  - (a) Front - 7.6 m (25.0 ft.)
  - (b) Side – 3.0 m (10.0 ft.)
  - (c) Rear – 3.0 m (10.0 ft.)
- (4) Space Between Buildings

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.65 m (12.0 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the lot.

- (5) Entrances and Exits

Not more than two accesses for vehicles to a road, each of a minimum width of 7.6 m (25.0 ft.), shall be allowed, provided however, that one (1) combined motor vehicle entrance and exit may be allowed, not less than 9.1 m (30.0 ft.) in width.

- (6) The owner, tenant, operator or person in charge of a motel shall at all times:
  - (a) maintain the lot and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;
  - (b) maintain garbage facilities to the satisfaction of the Development Authority;
  - (c) maintain an appropriate fence, where required by the Development Authority, not less than 1.5 m (5.0 ft.) in height, around the boundaries of the lot; and
  - (d) landscape and keep the lot landscaped to the satisfaction of the Development Authority.

## 2.7 Places of Worship

- (1) The lot on which a place of worship is situated shall have a frontage of not less than 30.5 m (100 ft.) and an area of not less than 929 sq. m (10,000 sq. ft.) except



in the case where a building for a clergyman's residence is to be erected on the same lot. The area of the lot in this case shall not be less than 1395 sq. m (15,000 sq. ft.).

- (2) Minimum front, side and rear yards shall comply with those required within the District in which the church is located.

## 2.8 Manufactured Homes

- (1) Manufactured homes shall have Canadian Standards Association Z-240 Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be:
  - (a) designed and erected as to harmonize with the manufactured homes;
  - (b) considered as part of the main building; and
  - (c) erected only after obtaining a Development Permit.
- (3) A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- (4) The maximum allowed floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
- (5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall or a lot on which a manufactured home is located.
- (6) The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Safety Codes Act.
- (7) The following regulations apply to manufactured homes located in all subdivisions:
  - (a) the hitch and wheels are to be removed from the manufactured home;
  - (b) all manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base; and
  - (c) the lot is to be fully landscaped within two (2) years from the date of issuance of the development permit.
- (8) The following regulations also apply to manufactured home parks:
  - (a) manufactured home stalls shall be located at least 3.0 m (10.0 ft.) from a property boundary line. This 3.0 m (10.0 ft.) wide strip shall be

- landscaped and/or fenced to the satisfaction of the Development Authority;
- (b) all roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.1 m (30.0 ft.);
  - (c) a safe, convenient, all season pedestrian walkway of at least 0.9 m (3.0 ft.) in width shall be provided for access between individual manufactured homes, the park roadways, and all community facilities provided for park residents;
  - (d) visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured homes. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.;
  - (e) the design of manufactured home parks shall be to the satisfaction of the Development Authority;
  - (f) all utilities shall be provided underground to stalls;
  - (g) a minimum of 5% of the gross lot area shall be devoted to recreational use;
  - (h) all areas not occupied by manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds;
  - (i) no part of the park shall be used for non-residential purposes except for home occupations and such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park;
  - (j) each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges;
  - (k) street lighting shall be to the same standard as that in a conventional residential neighbourhood;
  - (l) signs:
    - (i) Only one (1) main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority; and
    - (ii) Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
  - (m) manufactured homes shall be separated from each other by at least 6.1 m (20.0 ft.) in all directions. Any porch or addition to the manufactured

home shall be regarded as part of the manufactured home for the purpose of this separation;

- (n) the maximum permissible density for a manufactured home park shall be 3.25 manufactured homes per gross developable hectare (8 per acre) of the lot being developed at each stage of development; and
- (o) the minimum area for a manufactured home stall shall be 4000 sq. ft. (371.6 sq. m).

## 2.9 Neighbourhood Convenience Stores

- (1) Neighbourhood convenience stores may be allowed to locate in those Districts in which the use is listed as a permitted or as a discretionary use provided the development meet all of the other regulations of this Bylaw and, further, that the development:
  - (a) does not include as part of its operation a gas bar or vehicular servicing component; or
  - (b) is situated on a corner lot with safe access to a collector road.
- (2) All development permit applications for neighbourhood convenience stores shall be referred to the school jurisdictions for comments respecting possible impact on school operations.

## 2.10 Group Homes

In addition to all other regulations of this Bylaw, a group home development shall comply with the following regulations:

- (1) All group homes shall conform to regulations under the Safety Codes Act and any other relevant Provincial legislation and regulations.
- (2) In making a decision on a development permit for a group home the Development Authority shall consider, among other matters, if the development would be suitable for the location proposed, taking into account: potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed location from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- (3) The maximum number of residents shall be established by the Development Authority who shall have regard for the nature of the group home and the density of the District in which it is located.
- (4) The group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located.

## 2.11 Child Care Facilities and Day Homes

In addition to all other regulations of this Bylaw, a child care facility development and a day home development shall comply with the following regulations.

- (1) All day homes and child care facilities shall conform to regulations under the Safety Codes Act and any other relevant Provincial legislation and regulations.
- (2) In making a decision on a development permit for a day home or a child care facility, the Development Authority shall consider, among other matters, if the development would be suitable for the location proposed, taking into account: potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed location from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- (3) The maximum number of children for which care may be provided in a day home shall be established by the Development Authority who shall have regard for the nature of the day home, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.
- (4) Notwithstanding Subsection (3) above, the number of children within a day home established within a dwelling unit in any Residential District shall not exceed the maximum number of children allowed under current provincial regulations.
- (5) A child care facility shall not be the main use of a building within any Residential District.
- (6) A child care facility in any non-residential District shall be in a separate facility, either within the main building on the lot or in an accessory building, with a separate access to ground level and an adjacent playground area.

## 2.12 Swimming Pools

These regulations will apply to all private swimming pools, both above and below ground, having a depth greater than 0.5 m (1.5 ft.) and a water surface area greater than 10 sq. m (107.6 sq. ft.).

- (1) In addition to any other requirements of this Bylaw, in considering a development permit application for a swimming pool, the Development Authority shall consider the location of the swimming pool with regard to other buildings and structures, and possible damage to property at a lower level due to seepage or rupture in the case of an above-grade pool.

- (2) If the development permit application is approved, detailed plans shall be submitted for a Permit pursuant to the Safety Codes Act. Details and specifications shall include the filtration system, the circulation system, the drainage and fill system, the chlorination system, and all piping systems.
- (3) An outdoor swimming pool shall be enclosed with a 1.83 m (6.0 ft.) high fence with a self-latching lockable gate with the latches located at least 1.22 m (4.0 ft.) above grade.

### 2.13 Auto Wrecking Yards

In addition to all other regulations of this Bylaw, an auto wrecking yard development shall comply with the following regulations:

- (1) Auto wrecking yards shall be completely enclosed by a solid wall or uniformly painted fence not less than 2 m (6.6 ft.) high, and no salvage or scrap shall be piled to a height exceeding the surrounding wall or fence.
- (2) The operation of all auto wrecking yards shall comply with Provincial environmental and public health regulations. If the Development Authority believes that a proposed auto wrecker development may conflict with these regulations, the application shall be referred to the appropriate Provincial or other agency for comment prior to considering the issuance of a development permit.

### 2.14 Alcohol Retail Sales and Drinking Establishments

- (1) In addition to the requirements of Sections 3.4(1) to (6) of this Bylaw, if, in the sole opinion of the Development Authority, it appears that traffic volumes or vehicular movements may create a significant negative impact on surrounding development, the Development Authority may require that a traffic impact study be submitted with any application for a development permit for an alcohol retail sales or drinking establishment development.
- (2) In addition to any other regulations of this Bylaw, alcohol retail sales shall not be located closer than 50 m (164.0 ft.) to any lot being actively used at the time of the alcohol retail sales development permit application for community or recreation activities, public parks, or those public or private schools which are from the elementary through to the senior high school levels. The 50 m (164.0 ft.) distance shall be measured along a straight line drawn from the property line of the community or recreation activities, public parks, public or private schools to the entranceway of the alcohol retail sales outlet. Except in the Downtown Commercial (C-1) District.
- (3) In addition to any other regulations of this Bylaw, drinking establishments shall not be located closer than 100 m (328 ft.) to any lot being actively used at the time of the development permit application for community or recreation activities, public parks, or those public or private schools which are from the elementary

through to the senior high school levels. The 100 m (328 ft.) distance shall be measured along a straight line drawn between the two closest points of the lot lines. Except in the Downtown Commercial District.

- (4) Subsection (2) will not apply to alcohol retail sales operating prior to the approval of this bylaw, except that if the alcohol retail sales development ceases to operate, the regulations of this Bylaw relating to non-conformity will apply.
- (5) Subsection (3) will not apply to drinking establishments operating prior to the approval of this bylaw except that if the drinking establishment development ceases to operate, the regulations of this Bylaw relating to non-conformity will apply.

## 2.15 Small and Micro Wind Energy Conversion Systems

### (1) Wind Turbine Tower Height

For property sizes between 0.1 ha (0.25 acre) and 0.2 ha (0.5 acre) the wind turbine tower height shall be limited to a maximum of 25.0 m (80 ft.). For property sizes of 0.2 ha (0.5 acre) or more, there is no limitation on wind turbine tower height, subject to the set-back requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.

### (2) Property line setbacks

The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (9.8 ft.) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.6 ft.) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.

### (3) Sound

The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6 decibels (DBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mi. per hour) and except during short-term events such as utility outages and/or severe wind storms.

### (4) Compliance with Building Code

Development permit applications for small wind energy systems shall be

accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.

(5) Compliance with Air Traffic Safety Regulations

Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Navigation Canada.

(6) Compliance with Existing Electric Codes

Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.

(7) Utility Notification

No small wind energy system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

(8) Number per lot

One Small Wind Energy System is allowed per lot.

(9) Micro wind energy conversion systems

Notwithstanding any other provisions in this Land Use Bylaw, micro wind energy conversion systems, which are systems which have a rated capacity of less than 0.5 KW, may only be ground mounted within a side or rear yard.

## 2.16 Solar Energy Collection Systems

(1) Location

Ground mounted solar collectors may be allowed at the discretion of the Development Authority and shall be located in a side or rear yard only.

(2) Solar Access Requirements

When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:

- (a) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.66 m (12 ft.) obstruction located on the lot line; and
- (b) has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

(3) Solar Access Exemptions

Section 2.16(2) above does not apply to structures or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.



## PART 3 - DISTRICT SCHEDULES

### 3.1 RESIDENTIAL DISTRICT – R1

The general purpose of this District is to allow development of low density single detached dwellings and associated uses.

#### (1) Permitted Uses

- (a) Day homes
- (b) Minor home occupations
- (c) One family dwellings
- (d) Parks and Playgrounds
- (e) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Family care facilities
- (b) Group care facilities
- (c) Major home occupations
- (d) Modular home
- (e) Neighbourhood convenience stores
- (f) Parks and playgrounds
- (g) Places of Worship
- (h) Public or quasi-public services required to serve the immediate area
- (i) Public utilities required to serve the immediate area
- (j) Relocated buildings
- (k) Show homes
- (l) Buildings and uses accessory to discretionary uses
- (m) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

- (a) Relating to One Family Dwellings:
  - (i) Minimum lot area – 511.0 sq m (5500 sq ft.)
  - (ii) Minimum front yard – 6.1 m (20.0 ft.)
  - (iii) Minimum rear yard:
    - a. interior lots – 7.6 m (25.0 ft.)
    - b. corner lots - 5.5m (18.0 ft.)

- (iv) Notwithstanding any other provision of this Bylaw to the contrary, if the doors of a garage face a road they shall be setback a minimum of 6.1 m (20 ft.) from the lot line.
- (v) Minimum side yard:
  - a. A minimum of 1.5 m (5.0 ft.) on all lots over 15.24 m (50.0 ft.) in width
  - b. In laneless subdivisions, where no attached garage is provided, on side yard shall be a minimum of 3.0 m (10 ft.)
  - c. Corner or double fronting lots – 3.95m (13.0 ft.) abutting road
  - d. On lots adjacent to a commercial or industrial district or any district where apartments or row housing are permitted or discretionary the minimum side yard will be 3.95m (13.0 ft.)
- (vi) Minimum floor area:
  - a. For 1 storey                      92.9 sq. m (1000 sq. ft.) for 1 storey
  - b. For 1½ storey                    111.5 sq. m (1200 sq. ft.)
  - c. For 2 storeys                    130 sq. m (1400 sq. ft.)
- (vii) Maximum lot coverage – 40%
  - a. Of the 40% maximum lot coverage a maximum of 15% of the lot may be covered by Accessory buildings.
  - b. Others uses- as determined by the Development Authority.
- (viii) Maximum building height is 9.75m (32.0 ft.)
- (ix) Minimum lot width:
  - a. Interior lots    - 15.24m (50.0 ft.)
  - b. corner lots     - 16.45m (54.0 ft.)
- (x) Grading and Drainage
  - a. Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
  - b. The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.
- (c) Relating to All Other Uses - as required by the Development Authority

### 3.2 SMALL LOT RESIDENTIAL DISTRICT – R1A

The purpose of this District is to provide for one family dwellings on residential lots with a minimum width of 12.2 m (40 ft.). The District also provides for a limited range of complementary uses that are compatible with residential uses in an urban setting of lots of this size.

#### (1) Permitted Uses

- (a) Day homes
- (b) Minor home occupations
- (c) One family dwellings
- (d) Parks and playgrounds
- (e) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Family care facilities
- (b) Group care facilities
- (c) Major home occupations
- (d) Modular Homes
- (e) Public utilities required to serve the immediate area
- (f) Public or quasi-public services required to service the immediate area
- (g) Relocated Buildings
- (h) Show homes
- (i) Buildings and uses accessory to discretionary uses
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

##### (a) Relating to One Family Dwellings

- (i) Minimum lot width
  - a. Corner lots – 13.4 m (44.0 ft.)
  - b. All other lots – 12.2 m (40.0 ft.)
- (ii) Minimum lot area is 408.7 sq. m (4400 sq. ft.)
- (iii) Maximum lot coverage – 40%
  - a. Of the 40% maximum lot coverage a maximum of 15% of the lot may be covered by Accessory buildings.
  - b. Others uses- as determined by the Development Authority

- (iv) Maximum height is 9.75 m (32.0 ft.)
  - (v) Minimum front yard is 6.1 m (20.0 ft.)
  - (vi) Minimum side yard
    - a. Where there is no direct vehicular access to the rear yard or to an attached garage, one side yard shall be a minimum of 3.0 m (10 ft.)
    - b. Corner lots – 3.95 m (13.0 ft.) abutting road.
    - c. Lots adjacent to Commercial or Industrial Districts or any Districts where apartments or row housing is a permitted or a discretionary use – 3.95 m (13.0 ft.).
    - d. All other lots – 1.22 m (4.0 ft.)
  - (vii) Minimum rear yard
    - a. Corner lots – 5.5 m (18.0 ft.)
    - b. All other lots – 7.6 m (25.0 ft.)
  - (viii) Notwithstanding any other provision of this Bylaw to the contrary, if the doors of a garage face a road, they shall be set back at least 6.1 m (20 ft.) from the lot line.
  - (ix) Grading and Drainage
    - a. Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
    - b. The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.
- (b) Relating to All Other Uses - as required by the Development Authority

### 3.3 INNOVATIVE DESIGN RESIDENTIAL DISTRICT – R1B

This District is generally intended to provide for a street-oriented mix of comprehensively planned lots for one family and two family developments of a one family character. A high quality of design and livability is essential. This District will normally be applied in new areas, in areas close to the Town Centre, and on sites which due to their size, configuration and location, are appropriate for comprehensive planning.

This District will be used where planned zero lot line dwellings are proposed. Zero lot line developments provide for greater usable yard space on each lot and in some instances smaller lot sizes. Zero side yard developments require that planning for all of the house locations is done at the same time in order to ensure that the predominately single-family detached character of the district is maintained.

#### (1) Permitted Uses

- (a) Buildings and uses accessory to permitted uses
- (b) Day homes
- (c) Minor home occupations
- (d) Parks and playgrounds
- (e) One family dwellings

#### (2) Discretionary Uses

- (a) Buildings and uses accessory to discretionary uses
- (b) Duplexes
- (c) Family care facilities
- (d) Group care facilities
- (e) Major home occupations
- (f) Modular Homes
- (g) Places of worship
- (h) Public or quasi-public uses required to serve the immediate area
- (i) Public utilities required to serve the immediate area
- (j) Relocated Buildings
- (k) Show homes
- (l) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (m) Zero lot line dwellings

#### (3) Regulations

- (a) Relating to One Family Dwellings
  - (i) Minimum lot depth is 30.5 m (100 ft.)
  - (ii) Minimum lot width

- a. Corner lots – 11.5 m (37.8 ft.)
  - b. All other lots – 10.0 m (32.8 ft.)
- (iii) Minimum lot area is 300.0 sq. m (3229 sq. ft.)
- (iv) Maximum density is 32 .0 dwelling units per net ha. (13.0 dwelling units per net ac.)
- (b) Relating to Duplex Dwellings
  - (i) Minimum lot depth is 30.5 m (100 ft.)
  - (ii) Minimum lot width per dwelling unit
    - a. Corner lots – 9.1 m (29.9 ft.)
    - b. All other lots – 7.6 m (24.9 ft.)
  - (iii) Minimum lot area per dwelling unit is 230 sq. m (2476 sq. ft.)
  - (iv) Maximum density is 39.5 dwelling units per net ha. (16.0 dwelling units per net ac.)
- (c) Maximum Lot Coverage is 45%
  - (i) Of the 45% a maximum of 15% of the lot may be covered by Accessory buildings
- (d) Maximum Height is 10 m (32.8 ft.)
- (e) Minimum Required Front Yard
 

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 5.5 m (18 ft.).
- (f) Minimum Required Side Yard
  - (i) The minimum required side yard on each lot shall be zero for one side and as indicated in Subsection (iii) below on the other, except that no zero side yard will be allowed on a side yard abutting another District.
  - (ii) Notwithstanding Subsection (i) above, where a lot has a parking space provided in the required side yard which is adjacent to a zero side yard of another unit, the minimum side yard where the parking space is provided shall be 3.5 m (11.5 ft.).

- (iii) The minimum required side yard other than in the situations described in Subsections (i) and (ii) above shall be:
    - a. 2.74 m (9.0 ft.) for an interior side yard,
    - b. 3.2 m (10.5 ft.) for an exterior side yard adjacent to a road, and
    - c. 2.134 m (7.0 ft.) for an exterior side yard adjacent to a lane.
  - (iv) Corner lots shall provide side yards as provided pursuant to Section 1.14 of Schedule C of this Bylaw.
  - (v) Notwithstanding any other provision of this Bylaw to the contrary, verandahs, steps, porches, eaves, bay or oval windows, chimneys, and other appurtenances of a building shall not project more than 0.6 m (2.0 ft.) into any required minimum side yard.
- (g) Easements Required for Zero Side Yard Developments
- (i) Where a zero side yard is allowed, an easement shall be provided on the side abutting that side yard for the maintenance of all buildings and for any overhang of any building onto that adjacent site. The Development Authority may require that an easement plan be registered in addition to the normal plan of subdivision.
  - (ii) Where an accessory building is allowed to have a zero side yard abutting a lot, the landowner will be responsible for the negotiation and registration of any easements required pursuant to Subsection (i) above prior to the issuance of a development permit for the zero side yard development proposal.
- (h) Grading and Drainage for Zero Side Yard Developments
- (i) Prior to the approval of any zero side yard development, plans showing grading and drainage on the affected site acceptable to the Development Authority must be submitted.
  - (ii) The Development Authority may require, as a condition of development approval, certification that the proposed grading & drainage plan has been implemented.
- (i) Provision for Future Zero Side Yard Development
- Where a plan is accepted for a zero side yard project or zero side yard site, and where than plan indicates the location or alternative locations for future accessory buildings (including garages) on the site, easements required pursuant to Subsection (g) above shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the main building.

(j) Minimum Required Rear Yard

The minimum required rear yard shall be 7.6 m (25.0 ft.), except in the case of a corner lot, where the rear yard next to a lane may be reduced to 4.5 m (14.8 ft.).

(k) Minimum Setback from Highways

Where development is adjacent to a Provincial Highway, there shall be a minimum setback of 63 m (206 ft.) between any dwelling and the Highway right-of-way, except that this may be reduced by the Development Authority when, in his sole opinion, sufficient landscaping and noise attenuation will be provided to mitigate the noise and impact of the Highway.

(l) Minimum Floor Area

- (i) One family dwellings – 74.3 sq. m (800 sq. ft.)
- (ii) Duplex dwelling units – 74.3 sq. m (800 sq. ft.) for each dwelling unit
- (iii) Other uses - at the discretion of the Development Authority

(m) Parking

- (i) In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
- (ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
- (iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
- (iv) Notwithstanding any other provision of this Bylaw to the contrary, if the doors of a garage face a road, they shall be set back at least 6.1 m (20 ft.) from the lot line.

(n) Separation Space

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

(o) Design Requirements

The design of dwellings must ensure individuality and variety within a unified project to the satisfaction of the Development Authority. This will require



consideration of elevations, colours, materials, and textures, as well as setbacks, orientations, massing, floor plans, roof lines, and wall openings.

(p) Non-Zero Side Yard Development

- (i) Side yards shall total at least twenty percent (20%) of the side width, with a minimum side yard of 1.38 m (4.5 ft.), except that the minimum side yard for buildings over 7.5 m (24.6 ft.) in height shall be 2.0 m (6.6 ft.).
- (ii) Where there is no lane abutting the lot, one side yard shall be at least 3.0 m (9.8 ft.) for vehicular access, unless there is an attached garage or a garage which is an integral part of the dwelling on the site.
- (iii) On a corner lot where the main building's front door faces the front yard, the minimum side yard abutting the road other than a lane shall be 3.2 m (10.5 ft.).
- (iv) On a corner lot where the main building's front door faces the side yard adjacent to the road, the minimum side yard abutting the road shall be 5.5 m (18.0 ft.) and the minimum yard abutting the lane shall be 2.134 m (7.0 ft.).

### 3.4 ESTATE RESIDENTIAL DISTRICT – RE

The purpose of this District is to provide for an estate residential lifestyle on residential properties with a minimum width of 25 m (82.0 ft.). This District also provides for a limited range of complementary uses that are compatible with residential uses in an urban setting of lots of this size.

#### (1) Permitted Uses

- (a) Day homes
- (b) Minor home occupations
- (c) One family dwellings
- (d) Parks and playgrounds
- (e) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Family care facilities
- (c) Group care facilities
- (d) Major home occupations
- (e) Modular Homes
- (f) Public utilities required to serve the immediate area
- (g) Relocated Buildings
- (h) Show homes
- (i) Buildings and uses accessory to discretionary uses
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

##### (a) Relating to One Family Dwellings

- (i) Maximum density – 8 dwelling units per net ha. (3.2 dwelling units net ac.)
- (ii) Minimum lot width
  - a. Interior lots – 25.0 m (82.0 ft.)
  - b. Corner lots – 25.60 m (84.0 ft.)
- (iii) Minimum lot area – 1250 sq. m (13,455 sq. ft.)
- (iv) Maximum lot coverage – 40%

- a. Of the 40% maximum lot coverage a maximum of 15% of the lot may be covered by Accessory buildings
  - b. Others uses - as determined by the Development Authority
- (v) Maximum height – 9.75 m (32.0 ft.)
- (vi) Minimum front yard – 6.10 m (20.0 ft.)
- (vii) Minimum side yard – 1.52 m (5.0 ft.)
  - a. Corner lots – 6.1 m (20.0 ft.) abutting road
  - b. Where there is no direct vehicular access to the rear yard or to an attached garage, one side yard shall be a minimum of 3.0 m (10 ft.)
  - c. Lots adjacent to Commercial or Industrial Districts or any Districts where apartments or row housing is a permitted or a discretionary use – 3.95 m (13.0 ft.)
- (viii) Minimum rear yard – 10.1 m (33.0 ft.)
- (ix) Notwithstanding any other provision of this Bylaw to the contrary, if the doors of a garage face a road, they shall be set back at least 6.1 m (20 ft.) from the lot line.
- (b) Relating to All Other Uses - as required by the Development Authority
- (c) Grading and Drainage
  - (i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
  - (ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.

### 3.5 RESIDENTIAL DISTRICT - R2

The general purpose of this District is to allow the development of primarily smaller one family dwellings and medium density housing types such as semi-detached or duplex developments, together with accessory uses.

#### (1) Permitted Uses

- (a) Day homes
- (b) Minor home occupations
- (c) One family dwellings
- (d) Parks and playgrounds
- (e) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Basement suites (in one family dwellings only)
- (b) Child care facilities
- (c) Duplexes
- (d) Family care facilities
- (e) Group care facilities
- (f) Group homes
- (g) Major home occupations
- (h) Manufactured homes
- (i) Modular Homes
- (j) Neighbourhood convenience stores
- (k) Public or quasi-public services required to serve the immediate area
- (l) Public utilities required to serve the immediate area
- (m) Relocated Buildings
- (n) Row housing (provided that there are no more than four dwelling units in any one row housing structure)
- (o) Show homes
- (p) Buildings and uses accessory to discretionary uses
- (q) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

- (a) Relating to One Family Dwellings and Manufactured Homes
  - (i) Maximum density is 19.76 dwelling units per net ha. (8.0 dwelling units per net ac.)
  - (ii) Minimum lot area is 511.0 sq m (5500 sq ft.)
  - (iii) Minimum front yard is 6.1 m (20.0 ft.)

- (iv) Minimum rear yard
  - a. interior lots – 7.6 m (25.0 ft.)
  - b. corner lots- 5.5 m (18.0 ft.)
  
- (v) Notwithstanding any other provision of this Bylaw to the contrary, if the doors of a garage face a road they shall be setback a minimum of 6.1 m (20 ft.) from the lot line.
  
- (vi) Minimum side yard
  - a. On interior lots with lanes a minimum of 1.5 m (5.0 ft.) for lots over 15.24 m (50.0 ft.) in width
  - b. In laneless subdivisions, where no attached garage is provided, the side yard shall be a minimum of 3.0 m (10 ft.)
  - c. On corner lots 3.95 m (13.0 ft.) abutting road
  - d. On lots adjacent to a commercial or industrial district or any district where apartments or row housing are permitted or discretionary the minimum side yard will be 3.95m (13.0 ft.)
  
- (vii) Maximum lot coverage – 40%
  - a. Of the 40% maximum lot coverage a maximum of 15% of the lot may be covered by Accessory buildings.
  - b. Others uses- as determined by the Development Authority.
  
- (viii) Minimum floor area
  - a. For 1 storey – 69.6 sq. m (750 sq. ft.)
  - b. For 1½ storey – 92.9 sq. m (1000 sq. ft.)
  - c. For 2 storeys – 111.5 sq. m (1200 sq. ft.)
  
- (ix) Maximum height - 9.75m (32.0 ft.)
  
- (x) Minimum lot width
  - a. Interior lots - 15.24 m (50.0 ft.)
  - b. Corner lots - 16.45 m (54.0 ft.)
  
- (b) Relating to Duplexes
  - (i) Maximum density – 27.18 dwelling units per net ha. (11 dwelling units per net ac.)

Amended  
By Bylaw  
No. 838/12  
(Removed)

(ii)

Amended  
By Bylaw  
No. 838/12

	Type of Unit	Location	Area
a. Adjacent to a Lane	i. Up-down units	Interior lot	274.0 sq. m (2,950.0 sq. ft.) per dwelling unit
		Corner lot	350.0 sq. m (3,767.0 sq. ft.) per dwelling unit
	ii. Side by Side” or “Semi-detached” units:	Interior lot	325.0 sq. m (3,498.0 sq. ft.) per dwelling unit
		Corner lot	370.0 sq. m (3,983.0 sq. ft.) per dwelling unit
b. Not adjacent to a Lane	i. Up-down units	Interior lot	302.0 sq. m (3,245.0 sq. ft.) per dwelling unit
		Corner lot	385.0 sq. m (4,143.7 sq. ft.) per dwelling unit
	ii. Side by Side” or “Semi-detached” units:	Interior lot	357.5 sq. m (3,848 sq. ft.) per dwelling unit
		Corner lot	407.0 sq. m (4,381.3 sq. ft.) per dwelling unit

(iii) Minimum yards are the same as for one family dwellings

(iv) Minimum floor area is 55.75 sq. m (600 sq. ft.) per unit

(v) Maximum height is 9.75m (32.0 ft.)

(vi) Minimum lot width

a. Adjacent to a lane:

- i. internal lots - 9.0 m (29.5 ft.) for each dwelling unit
    - ii. corner lots - 11.5 m (37.7 ft.) for each dwelling unit
  - b. Without an adjacent lane:
    - i. internal lots - 10.5 m (34.4 ft.) for each dwelling unit
    - ii. corner lots - 13.0 m (42.6 ft.) for each dwelling unit
- (c) Relating to Row Housing

Same as for Row Housing in the R-3 District, except that subsection (2)(1) above applies.
- (d) Grading and Drainage
  - (i) Prior to the approval of any development, plans showing grading and drainage on the affected sites acceptable to the Development Authority must be submitted.
  - (ii) The Development Authority may require, as a condition of development approval, certification that the proposed grading & drainage plan has been implemented.
- (e) Relating to All Other Uses - as required by the Development Authority

### 3.6 RESIDENTIAL DISTRICT – R2A

The purpose of this District is to provide for low density one family dwellings, side-by-side duplex housing and some low density row housing on a planned site basis with internal roadways. This District also provides for a limited range of complementary uses that are compatible with residential uses in an urban setting of lots of this size.

#### (1) Permitted Uses

- (a) Duplexes, provided they are “side-by-side” and not “one above the other” or “up and down”
- (b) Minor home occupations
- (c) One family dwellings
- (d) Parks and playgrounds
- (e) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Family care facilities
- (b) Group care facilities
- (c) Major home occupations
- (d) Modular Homes
- (e) Public utilities required to serve the immediate area
- (f) Row housing, provided that there are no more than 4 dwelling units in any one row housing structure
- (g) Relocated Buildings
- (h) Show homes
- (i) Buildings and uses accessory to discretionary uses
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

##### (a) Relating to One Family Dwellings and Duplexes

Amended  
By Bylaw  
No. 838/12

- (i) Minimum lot width – the same as for One Family Dwellings or Duplexes in the R2 District

Amended  
By Bylaw  
No. 838/12

- (ii) Minimum lot area – the same as for One Family Dwellings or Duplexes in the R2 District

- (iii) Maximum lot coverage – 40%

- a. Of the 40% maximum lot coverage a maximum of 15% of the lot may be covered by Accessory buildings.



- b. Others uses- as determined by the Development Authority.
  - (iv) Maximum height is 10.0 m (33.0 ft.)
  - (v) Minimum front yard is 6.1 m (20.0 ft.)
  - (vi) Minimum side yard
    - a. Interior Lots is 3.0 m (10 ft.)
    - b. Corner lots is 4.57 m (15.0 ft.) abutting road
  - (vii) Minimum rear yard is 7.3 m (24.0 ft.)
  - (viii) Maximum density is 19.0 dwelling units per net ha. (8.0 dwelling units per net ac.)
  - (ix) Notwithstanding any other provision of this Bylaw to the contrary, if the doors of a garage face a road, they shall be set back at least 6.1 m (20 ft.) from the lot line.
- (b) Relating to Row housing
    - (i) Maximum density is 25.0 units/ha (10 units/ac.)
    - (ii) All other regulations are as required for one family dwellings
  - (c) Grading and Drainage
    - (i) Prior to the approval of any development, plans showing grading and drainage on the affected site acceptable to the Development Authority must be submitted.
    - (ii) The Development Authority may require, as a condition of development approval, certification that the proposed grading & drainage plan has been implemented.
  - (d) Relating to All Other Uses - as required by the Development Authority

### 3.7 RESIDENTIAL DISTRICT - R3

The general purpose of this District is to allow a variety of multi-family developments and accessory uses.

#### (1) Permitted Uses

Amended  
By Bylaw  
No. 838/12

- (a) Minor home occupations
- (b) Public parks and playgrounds
- (c) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

Amended  
By Bylaw  
No. 838/12

- (a) Apartments
- (b) Basement suites (in single detached dwellings only)
- (c) Boarding and lodging houses
- (d) Child care facilities
- (e) Day homes
- (f) Duplexes
- (g) Group homes
- (h) Institutional uses
- (i) Major home occupations
- (j) Modular Homes
- (k) Neighbourhood convenience stores
- (l) One family dwelling
- (m) Public or quasi-public services
- (n) Public utilities required to serve the immediate area
- (o) Relocated Buildings
- (p) Row housing
- (q) Buildings and uses accessory to discretionary uses
- (r) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

- (a) Relating to One Family Dwellings – as required in the R1 District
- (b) Relating to Duplexes – as required in the R2 District
- (c) Relating to Row Housing
  - (i) Minimum lot area
    - a. Per internal dwelling unit - 150 sq. m (1615 sq. ft.)
    - b. Per end dwelling unit - 200 sq. m (2153 sq. ft.)
  - (ii) Minimum lot width

- a. Per internal dwelling unit - 5 m (16.4 ft.)
  - b. Per end dwelling unit - 6 m (19.7 ft.)
- (iii) Minimum front yard – 7.5 m (24.6 ft.)
- (iv) Minimum rear yard – 7.5 m (24.6 ft.)
- (v) Minimum side yard –
  - a. On lots with direct access to a lane and/or a front attached garage- a minimum of 1.2 m (3.9 ft.).
  - b. On lots without direct access to a lane, if the dwelling does not have an attached garage, one yard shall be a minimum of 3 m (9.8 ft.).
  - c. On corner lots a minimum of 4.5 m (14.8 ft.) adjacent to road or highway
- (vi) Minimum floor area – 55 sq. m (592 sq. ft.) per dwelling unit
- (vii) Maximum density - 40 units per hectare (16.2 per ac.)
- (viii) Each dwelling unit shall have an outdoor living area 7.5 m (24.6 ft.) deep, of which a minimum of 5 m (16.4 ft.) must be designed for the exclusive use of the occupants of the dwelling unit, and contained through the use of fences, screens, or landscaping at least 1.5 m (4.9 ft.) in height.
- (ix) All other regulations – as required by the Development Authority
- (d) Relating to Apartments
  - (i) Minimum lot area – 800 sq. m (8611 sq. ft.)
  - (ii) Minimum lot width – 20 m (66.0 ft.)
  - (iii) Minimum front yard – 9 m (29.5 ft.)
  - (iv) Minimum rear yard – 9 m (29.5 ft.)
  - (v) Minimum side yard
    - b. When adjacent to another R3 parcel - a minimum of 3 m (9.8 ft.)
    - c. When adjacent to any other Residential District, a minimum of 4 m (13.1 ft.)

(vi) Maximum Density and Minimum Floor Area

<b>Type of Apartment</b>	<b>Minimum Floor Area per Dwelling Unit</b>	<b>Minimum Lot Area Per Dwelling Unit</b>
Bachelor	35 sq. m (378 sq. ft.)	75 sq. m (807 sq. ft.)
One Bedroom	45 sq. m (484 sq. ft.)	98 sq. m (1055 sq. ft.)
Two Bedrooms	55 sq. m (592 sq. ft.)	135 sq. m (1453 sq. ft.)
Three or more Bedrooms	65 sq. m (700 sq. ft.)	135 sq. m (1453 sq. ft.)

(vii) Maximum building height - 15 m (49.2 ft.) or 3 storeys, whichever is shorter

(viii) Minimum landscaped area - 10% of the lot area

(ix) Garbage should be stored in weatherproof and animal proof containers, screened from adjacent lots and roads and located in accessible spots.

(x) Amenity area

An apartment development shall have a landscaped, outdoor amenity area for the enjoyment and recreation of the residents of the apartment. The required amenity area shall be the sum of the following:

- a. For each bachelor dwelling unit - 20 sq. m (215 sq. ft.)
- b. For each one bedroom dwelling unit - 28 sq. m (301 sq. ft.)
- c. For each two bedroom dwelling unit - 70 sq. m (753 sq. ft.)
- d. For each three or more bedroom dwelling unit - 93 sq. m (1001 sq. ft.)

Side yards and parking areas shall not be considered as part of or contributing to any amenity area.

(xi) Other regulations - as required by the Development Authority

(e) Grading and Drainage

(i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.

(ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.

(f) All other uses - all regulations shall be as required by the Development Authority

(4) Additional Regulations

(a) Minimum Lot Depth -

- (i) Laneless 125 ft. for R3 lands located within that portion of SE 19-53-16-W4 which is situated south of 49<sup>th</sup> Avenue
- (ii) Lane 105 ft. for R3 lands located within that portion of SE 19-53-16-W4 which is situated south of 49<sup>th</sup> Avenue
- (iii) Other areas minimum lot depth shall be at the discretion of the Development Authority.

- (b) Applications for new development within that portion of SE 19-53-16-W4 which is situated south of 49<sup>th</sup> Avenue shall be required to provide a site plan which demonstrates that the location of the proposed parcel will not impede future subdivision or development of the parcel.

### 3.8 RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT - RMH1

The general purpose of this District is to allow and regulate development of manufactured home subdivisions in which each manufactured home is located on a separate lot.

#### (1) Permitted Uses

- (a) Day homes
- (b) Manufactured homes
- (c) Minor home occupations
- (d) Parks and playgrounds
- (e) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Child care facilities
- (b) Major home occupations
- (c) One family dwellings
- (d) Public or quasi-public services
- (e) Public utilities required to serve the immediate area
- (f) Buildings and uses accessory to discretionary uses
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

- (a) Maximum building height
  - (i) Manufactured homes – 4.57 m (15.0 ft.)
  - (ii) Accessory buildings – 4.57 m (15.0 ft.)
  - (iii) Other uses – as required by the Development Authority
- (b) Minimum floor area
  - (i) Manufactured homes – 46.4 sq. m (500 sq. ft.), excluding attached porches
  - (ii) Other uses – as required by the Development Authority
- (c) Minimum lot area
  - (i) Manufactured homes – 46.5 sq. m (5,000 sq. ft.)
  - (ii) Other uses – as required by the Development Authority
- (d) Minimum lot width
  - (i) Manufactured homes – 15.24 m (50.0 ft.)
  - (ii) Other uses – as required by the Development Authority

(e) Maximum Density

Maximum density of a manufactured home park – 49 manufactured homes per hectare (20 manufactured homes per acre)

(f) Minimum stall area – 371.5 sq. m (4,000 sq. ft.)

(g) Minimum yards (relating to stalls)

(i) Front – 3.0 m (15.0 ft.), or as required by the Development Authority

(ii) Side – 3.0 m (10.0 ft.), or as required by the Development Authority

(iii) Rear – 3.0 m (10.0 ft.), or as required by the Development Authority

(h) Maximum stall coverage

(i) Manufactured Home – 25%

(ii) Accessory buildings – 15%

(iii) Others uses- as determined by the Development Authority

(i) Grading and Drainage

(i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.

(ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.

### 3.9 RESIDENTIAL MANUFACTURED HOME PARK DISTRICT - RMH2

The general purpose of this District is to allow and regulate manufactured home parks wherein stalls are provided on a rental basis.

#### (1) Permitted Uses

- (a) Day homes
- (b) Manufactured homes within manufactured home parks which have received a development permit
- (c) Minor home occupations
- (d) Parks and playgrounds
- (e) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Child care facilities
- (b) Major home occupations
- (c) Manufactured homes in manufactured home parks which have not received a development permit
- (d) Manufactured home parks
- (e) Public or quasi-public services
- (f) Public utilities
- (g) Buildings and uses accessory to discretionary uses
- (h) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### (3) Regulations

- (a) Maximum building height
  - (i) Manufactured homes – 4.57 m (15.0 ft.)
  - (ii) Accessory buildings – 4.57 m (15.0 ft.)
  - (iii) Other uses – as required by the Development Authority
- (b) Minimum floor area
  - (i) Manufactured homes – 46.4 sq. m (500 sq. ft.), excluding attached porches
  - (ii) Other uses – as required by the Development Authority
- (c) Minimum lot area
  - (i) Manufactured homes – 46.5 sq. m (5,000 sq. ft.)
  - (ii) Other uses – as required by the Development Authority
- (d) Minimum Lot Width



- (i) Manufactured homes – 15.24 m (50.0 ft.)
  - (ii) Other uses – as required by the Development Authority
- (e) Maximum Density
 

Maximum density of a manufactured home park -49 manufactured homes per hectare (20 manufactured homes per acre)
- (f) Minimum stall area – 371.5 sq. m (4,000 sq. ft.)
- (g) Minimum yards (relating to stalls)
  - (i) Front – 3.0 m (15.0 ft.), or as required by the Development Authority
  - (ii) Side – 3.0 m (10.0 ft.), or as required by the Development Authority
  - (iii) Rear – 3.0 m (10.0 ft.), or as required by the Development Authority
- (h) Maximum stall coverage
  - (i) Manufactured Home – 25%
  - (ii) Accessory buildings – 15%
  - (iii) Others uses- as determined by the Development Authority
- (i) Grading and Drainage
  - (i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
  - (ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.

### 3.10 DOWNTOWN COMMERCIAL DISTRICT - C1

The general purpose of this District is to allow commercial development appropriate for the downtown business district of the municipality, involving fairly high density development. The regulations do not allow uses which are obnoxious or involve excessive outside storage.

#### (1) Permitted Uses

- (a) Eating establishments
- (b) Office uses
- (c) Personal service shops
- (d) Public parks
- (e) Retail stores
- (f) Manufacture or treatment of products essential to the retail business conducted on the premises provided that the floor space area used is not greater than 400 sq. m (4306 sq. ft.), and such activity does not involve the use of hazardous chemicals or the killing of animals for meat. Suitable manufacturing uses include: a bakery, the manufacture of candy, confectionary, ice cream or jam
- (g) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Alcohol retail sales
- (b) Amusement establishments
- (c) Bowling alleys
- (d) Child care facilities
- (e) Commercial schools
- (f) Drinking establishments
- (g) Entertainment establishments
- (h) Gas Bars
- (i) Hotels
- (j) Institutional uses
- (k) Medical clinics
- (l) Motels
- (m) Parking lots
- (n) Public or quasi-public services
- (o) Public utilities
- (p) Service stations
- (q) Shopping centres
- (r) Theatres
- (s) Vehicle and equipment sales/rentals
- (t) Vehicle and equipment repair shops
- (u) Veterinary services
  
- (v) Dwelling units in a building used for any of the above mentioned permitted or discretionary uses

- (w) Accessory dwelling units, whether or not they are located within a building used for any of the above mentioned permitted or discretionary uses
- (x) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (y) Buildings and uses accessory to discretionary uses

(3) Regulations

- (a) Minimum lot area – 167 sq. m (1800 sq. ft.)
- (b) Minimum lot width – 4.57 m (15.0 ft.)
- (c) Minimum yards
  - (i) Front – None, except where the Development Authority may deem a front yard necessary considering existing development
  - (ii) Side – None, if the subject lot is bordered on both sides by land classified C1 or C2. If the subject lot is bordered by a Residential District on a side, the minimum side yard on that side shall be 1.5 m (5.0 ft.)
  - (iii) Rear – 7.6 m (25.0 ft.), or as required by the Development Authority
- (d) Maximum lot coverage-80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority
- (e) Minimum Floor Area – as required by the Development Authority
- (f) Where shopping centres or groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall deal with the overall scheme for the site, taking into account buildings, access, parking and the nature of the specific commercial uses.
- (g) Regulations for dwellings

All dwelling units in this district shall be multi-family dwellings. The regulations for dwelling units shall be as indicated for apartments in the R3 Residential District.

- (h) Grading and Drainage
  - (i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
  - (ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.

### 3.11 GENERAL COMMERCIAL DISTRICT - C2

The purpose of this District is to allow general commercial development including commercial developments of a secondary nature involving small scale manufacturing and storage uses, and, at the discretion of the Development Authority, more land extensive uses.

(1) Permitted Uses

- (a) All uses described as permitted uses within the C1 District
- (b) Light industrial uses
- (c) Buildings and uses accessory to permitted uses

(2) Discretionary Uses

- (a) All uses described as discretionary uses within the C1 District
- (b) Auction marts
- (c) Car washes
- (d) Drive-in businesses
- (e) Frozen food lockers
- (f) Funeral homes
- (g) Lumber sales/home improvement stores
- (h) Storage and/or sale of:
  - (i) Bulk oil
  - (ii) Farm machinery
  - (iii) Propane gas
- (i) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (j) Buildings and uses accessory to discretionary uses
- (k) Greenhouses and plant nurseries

Amended  
By Bylaw  
No. 849/13

(3) Regulations

- (a) Minimum lot area – 167 sq. m (1800 sq. ft.)
- (b) Minimum lot width – 4.57 m (15.0 ft.)
- (c) Minimum yards
  - (i) Front – None, except where the Development Authority may deem a front yard necessary considering existing development
  - (ii) Side – None, if the subject lot is bordered on both sides by land classified C1 or C2. If the subject lot is bordered by a Residential District on a side, the minimum side yard on that side shall be 1.5 m (5.0 ft.)
  - (iii) Rear – 7.6 m (25.0 ft.), or as required by the Development Authority

- (d) Maximum lot coverage-80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority
- (e) Minimum Floor Area – as required by the Development Authority
- (f) Where shopping centres or groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall deal with the overall scheme for the site, taking into account buildings, access, parking and the nature of the specific commercial uses.
- (g) Grading and Drainage
  - (i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
  - (ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.
- (h) Special Regulations

No use is to be established that is or may, in the sole opinion of the Development Authority, become obnoxious or offensive for any reason.

### 3.12 HIGHWAY COMMERCIAL DISTRICT – C3

The general purpose of this District is to allow highway commercial development which serves the traveling public.

- (1) Permitted Uses
  - (a) Motels
  - (b) Buildings and uses accessory to permitted uses
- (2) Discretionary Uses
  - (a) Car washes
  - (b) Drive-in businesses
  - (c) Eating establishments
  - (d) Entertainment establishments
  - (e) Gas bars
  - (f) Public or quasi-public services
  - (g) Public utilities
  - (h) Recreational trailer parks
  - (i) Service stations
  - (j) Small wind energy conversion systems
  - (k) Solar energy conversion systems
  - (l) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
  - (m) Buildings and uses accessory to discretionary uses
- (3) Regulations
  - (a) Minimum lot area – as required by the Development Authority
  - (b) Minimum lot width – 4.57 m (15.0 ft.)
  - (c) Minimum yards
    - (i) Front – 6.1 m (20.0 ft.), or as required by the Development Authority
    - (ii) Side – 3.0 m (10.0 ft.), or as required by the Development Authority
    - (iii) Rear – 6.1 m (20.0 ft.), or as required by the Development Authority
  - (d) Maximum lot coverage – 35%
  - (e) Maximum building height – 10.7 m (35 ft.)

(f) Access

Access to all developments within this District shall be by service road or by similar standard for controlling turning traffic, such as a one-way system, to the satisfaction of the Development Authority. The number of accesses provided to a Highway from a development or a service road shall be to the satisfaction of the Development Authority, who may consult with Alberta Transportation in this matter.

(g) Grading and Drainage

- (i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
- (ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.

### 3.13 INDUSTRIAL DISTRICT - M

The general purpose of this District is to provide opportunities for light industrial and manufacturing uses. Heavier industry may be allowed in specified locations at the discretion of the Development Authority. Uses and operations with this District shall not cause or allow any external objectionable or dangerous conditions apparent beyond any building housing processes wherein such effects may be produced, including but not limiting the generalities thereof, the following objectionable features, namely: noise, vibration, smoke, dust and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, humidity and glare.

#### (1) Permitted Uses

- (a) All uses described as permitted or discretionary uses within the C2 District
- (b) Light industrial uses
- (c) Vehicle and equipment repair shops
- (d) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

- (a) Abattoirs
- (b) Auto wrecking yards
- (c) Medium industrial uses
- (d) Municipal uses that, in the opinion of the Development Authority, are not restrictive and are compatible with an industrial area
- (e) Recreational uses that, in the opinion of the Development Authority, are not restrictive and are compatible with an industrial area
- (f) Utility services
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

#### (3) Regulations

- (a) Minimum lot area – as required by the Development Authority
- (b) Minimum yards
  - (i) Front – 9.1 m (30.0 ft.)
  - (ii) Side – as required by the Development Authority
  - (iii) Rear – 9.1 m (30.0 ft.)
- (c) Maximum lot coverage - 60%
- (d) Maximum building height – 10.7 m (35.0 ft.)



- (e) All industrial operations, including the production, processing, cleaning, testing, repair, storage or distribution of any material, shall conform to the following standards:
  - (i) Smoke, dust, ash, odour, or toxic gases shall only be released to the atmosphere in such amounts and under such conditions and safeguards as shall have been approved by the Development Authority.
  - (ii) No industrial operation shall be carried out which would produce glare, heat, noise, or vibration so as to be offensive, in the opinion of the Development Authority, beyond the boundaries of the lot.
  - (iii) No industrial waste which does not conform to the standards established by the Town of Mundare shall be discharged into any sewer.
  - (iv) External storage of goods or materials is allowed if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Authority.
  
- (f) Grading and Drainage
  - (i) Prior to approval of any development the developer may be required to submit plans showing pre and post construction lot grading and drainage.
  - (ii) The Development Authority may require, as a condition of development approval that the proposed grading and drainage plans have been implemented.

### 3.14 COMMUNITY DISTRICT - P

The general purpose of this District is to allow the use of land for service, mainly of a public nature, which have a primary orientation toward the community.

- (1) Permitted Uses
  - (a) Parks, playgrounds, recreation areas, and other similar public or quasi-public services
  - (b) Buildings and uses accessory to permitted uses
- (2) Discretionary Uses
  - (a) Cemeteries
  - (b) Federal, provincial and municipal buildings and uses
  - (c) Public utilities
  - (d) Utility services
  - (e) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
  - (f) Buildings and uses accessory to discretionary uses
- (3) Regulations
  - (a) All regulations shall be as required by the Development Authority

### 3.15 INSTITUTIONAL DISTRICT - I

The general purpose of this District is to allow development of uses of either a public or private nature which provide services to the community.

(1) Permitted Uses

- (a) Community halls
- (b) Hospitals and nursing Homes
- (c) Public and Private schools
- (d) Senior citizens homes and similar buildings
- (e) Buildings and uses accessory to permitted uses

(2) Discretionary Uses

- (a) Cemeteries
- (b) Child care facilities
- (c) Clubs and lodges
- (d) Public or quasi-public services
- (e) Public utilities
- (f) Recreational facilities
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

(3) Regulations

- (a) All regulations shall be as required by the Development Authority

### 3.16 GOLF COURSE DISTRICT - PG

The general purpose of this District is to allow development of golf courses and accessory uses.

- (1) Permitted Uses
  - (a) Golf courses
- (2) Discretionary Uses
  - (a) Outdoor recreation facilities
  - (b) Public utilities
  - (c) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
  - (d) Accessory buildings and uses, such as retail stores, eating establishments, drinking establishments, and banquet facilities
- (3) Regulations
  - (a) Relating to Golf Courses
    - (i) Maximum height – 9.1 m (30.0 ft.)
    - (ii) Minimum front yard – 19.8 m (65.0 ft.), provided that no building shall be located less than 39.6 m (130.0 ft.) from the centreline of a road
    - (iii) Minimum side yard – 19.8 m (65.0 ft.)
    - (iv) Minimum rear yard – 19.8 m (65.0 ft.)
  - (b) Relating to All Other Uses – as required by the Development Authority

### 3.17 URBAN RESERVE DISTRICT - UR

The general purpose of this District is to reserve those lands on the periphery of the municipality which, by their relationship to existing land uses, the main road system, and the established utility systems, will in time become suitable for general urban uses.

#### (1) Permitted Uses

Amended  
By Bylaw  
No. 838/12

- (a) Farming and cultivation of land, but not including the keeping of any livestock, as defined in the Agricultural Operation Practices Act.
- (b) Minor home occupations
- (c) Buildings and uses accessory to permitted uses

#### (2) Discretionary Uses

Amended  
By Bylaw  
No. 838/12

- (a) Any strictly temporary use or building which in the opinion of the Development Authority will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
- (b) Major home occupations
- (c) Modular homes
- (d) One family dwellings on existing parcels only
- (e) Public or quasi-public services
- (f) Public utilities
- (g) Relocated Buildings
- (h) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (i) Buildings and uses accessory to discretionary uses

#### (3) Regulations

- (a) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish a plan showing the subdivision design, the proposed land use classification, public reserve dedications and utilities policies.
- (b) Relating to One Family Dwellings  
  
All regulations shall be as required for one family dwellings in the R1 District
- (c) Relating to All Other Uses - as required by the Development Authority
- (d) Notwithstanding any other provision of this bylaw to the contrary, no keeping of any livestock, as defined in the Agricultural Operation Practices Act, shall be allowed within the Urban Reserve District.

- (e) Notwithstanding subsection 3(d) above the keeping of laying hens may be permitted at the discretion of the Development Authority within the Urban Reserve District.

(4)

Applications for new development within that portion of SE 19-53-16-W4 which is situated south of 49<sup>th</sup> Avenue shall be required to provide a site plan which demonstrates that the location of the proposed development on the lot will not impede future subdivision or development of the lot.

Amended  
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