

Town of Athabasca

Land Use Bylaw

DRAFT

BYLAW ##-##

June 2025



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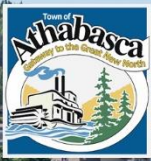


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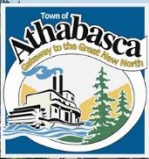
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BYLAW ##-## LAND USE BYLAW

Pursuant to the Act, 2000, as amended, the Council of the Town of Athabasca duly assembled, hereby enacts as follows:



PART 1.0: PURPOSE

1.1 TITLE

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

1.2 PURPOSE

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things to divide the municipality into districts, regulate land and building uses within each district, establish a Development Authority and Development Officers, and outline procedures for Development Permit decisions, notifications, and dwelling unit limits on parcels of land.

1.3 METRIC AND IMPERIAL MEASUREMENTS

Within this Bylaw, both Metric and Imperial measurements are normally provided. Imperial measurements are approximate, meant only to provide guidance for persons who are unfamiliar with Metric measurements. In all cases, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.

1.4 DATE OF RECEIPT

Unless stated otherwise, the date of receipt of a decision made under this Bylaw is deemed to be 7 days from the date the decision is mailed. This applies to the following decisions:

- (1) subdivision or Development Permit approval or refusal,
- (2) subdivision or development appeal notice,
- (3) notice to reclassify lands, or
- (4) notice of appeal hearing,

In the event of a dispute, the Interpretation Act, as amended, shall apply.

1.5 REFERENCES TO OTHER BYLAWS

- (1) Any reference in this Bylaw to other bylaws or to a provincial or federal statute shall be deemed a reference to the bylaw or statute then in force, including all amendments thereto and any successor legislation.

1.6 FEES AND CHARGES

- (1) Fees and charges for services or other things provided under this Bylaw, including processing of applications, are set out in by the Council of the Town of Athabasca.
- (2) The fee applicable to an application for a Development Permit must be paid in full before the Development Authority issues a decision on the application.

1.7 SEVERABILITY

Each provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, all other provisions remain valid and enforceable.

1.8 ROUNDING OF NUMBERS

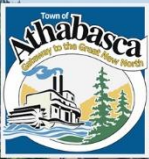
- (1) In determining whether a building complies with this Bylaw in respect to placement on the site or projection of the building over setback areas, the measurements of the building shall be rounded to the same number of significant digits as set out in this Bylaw.

1.9 REPEALING EXISTING CONTROLS

Bylaw 13-10 , as amended, is hereby repealed.

1.10 DATE OF COMMENCEMENT

This Bylaw comes into effect on the date it is given third reading.



PART 2.0: AGENCIES

2.1 SUBDIVISION AUTHORITY

- (1) The Subdivision Authority, established by the Subdivision Authority Bylaw of the Town of Athabasca, shall perform such duties as are specified in this Bylaw.

2.2 DEVELOPMENT AUTHORITY

- (1) The Development Authority of the Town of Athabasca is hereby established.
- (2) The Development Authority shall be:
 - (a) The Development Officer,
 - (b) the Municipal Planning Commission, and
 - (c) the Council, only within a Direct Control district.
- (3) If the Development Officer is deciding on a Development Permit application, the term "Development Authority" in this Bylaw refers to the Development Officer.
- (4) If the Municipal Planning Commission is deciding on a Development Permit application, the term "Development Authority" in this Bylaw refers to the Municipal Planning Commission.
- (5) If the Council is deciding on a Development Permit application, the term "Development Authority" in this Bylaw refers to the Council.

2.3 DEVELOPMENT OFFICER

- (1) The position of designated officer for the limited purpose of exercising the powers, duties and functions of a Development Officer is hereby established.
- (2) The Development Officer shall be a person or persons appointed by resolution of Council.
- (3) The Development Officer shall perform such duties that are specified in **Subsections (4), (5) and (6)** and in **PART 3.0** of this Bylaw.
- (4) The Development Officer shall receive and determine whether an application is complete in accordance with the timelines prescribed within the MGA.
- (5) The Development Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given to them by the Development Authority.

- (6) The Development 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.
- (7) For the purposes of Section 542 of the Act (Municipal inspections and enforcement), the Development Officer is hereby declared to be the designated officer.

2.4 MUNICIPAL PLANNING COMMISSION

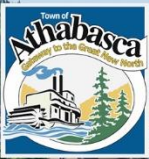
- (1) The Municipal Planning Commission (MPC), established by the Municipal Planning Commission Bylaw of the Town of Athabasca, shall perform such duties as are specified in this Bylaw.
- (2) The MPC shall decide upon all Development Permit applications where:
 - (a) the uses constitute discretionary uses in a District, or
 - (b) the proposed development does not comply with all of the regulations of the District in which it is located, or
 - (c) decision making authority has been assigned to the Commission by this Bylaw;
- (3) 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.

2.5 COUNCIL

- (1) The Council of the Town of Athabasca shall perform such duties that are specified for it in this Bylaw.

2.6 INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Intermunicipal Subdivision and Development Appeal Board, established by the Intermunicipal Subdivision and Development Appeal Board Bylaw of the Town of Athabasca, shall perform such duties as are specified in **PART 4.0** of this Bylaw



PART 3.0:

DEVELOPMENT PERMITS AND SUBDIVISIONS

3.1 CONTROL OF DEVELOPMENT

- (1) No development other than that indicated in **Section 3.2** of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a Development Permit has been issued.
- (2) In the case where land is being developed by way of subdivision, the developer shall not begin any aspect of the development prior to obtaining the necessary approvals. This includes, but is not limited to:
 - (a) clearing, piling and burning of trees and shrubs
 - (b) grading
 - (c) any other development which may unduly affect the lands or the neighbouring lands.
- (3) All forested lands shall not be cleared without firstly obtaining a Development Permit. Applications shall be directed to the Municipal Planning Commission.
- (4) If the use of a building or a portion thereof ceases for six months or less, re-establishment of the same or substantially the same use on the same lot does not require a Development Permit, provided no structural changes are made to the space. If structural changes are made, a new Development Permit is required.

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 renovation to any building, provided that such works do not include structural alterations or major works of renovation;
- (2) the completion and use of a building which was lawfully under construction at the date of approval of this Bylaw, provided that:
 - (a) the building is completed in accordance with the terms and conditions of the Development Permit granted for it, where applicable; and
 - (b) that the building, whether a permit was granted for it, is completed within a period of twelve (12) months from the date of approval

- (3) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a Development Permit has been issued under this Bylaw;
- (4) the construction, completion, alteration, maintenance, improvement, or repair of public works, public services, and public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (5) the construction, completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a road right-of-way, utility easement or other lands or undertaken to connect the same with any lawful use of buildings or land;
- (6) the erection or placement of a temporary building or sign no larger than 5.9 sq. m (64.0 sq. ft.), 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, provided the temporary building or sign is removed within thirty (30) days of substantial completion, or as determined by the Development Authority;
- (7) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - (a) such signs are removed within seven (7) days after the election date,
 - (b) such signs do not obstruct or impair vision or traffic,
 - (c) such signs are not attached to fences, trees, or utility poles; and
 - (d) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (8) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent, provided that the sign(s) is (are):
 - (a) displayed on the property being advertised,
 - (b) removed within one (1) day after the sale or rental agreement has been entered into,
 - (c) are a maximum of 0.6 sq. m (6.5 sq. ft.) in area, and
 - (d) are placed or erected no closer than 3.0 m (9.8 ft.) to a road right-of-way;
- (9) the placement of signs in Commercial or Industrial districts, provided they are inside the window or inside the building;
- (10) hard-surfacing of any yard area in a Residential District for the purpose of providing vehicular access from a road to an on-site parking space, provided that the width of such hard-surfacing does not exceed 8.0 m (26.2 ft.) in width is approved by the Development Authority;

- (11) accessory buildings and structures in Residential Districts which are entirely portable and up to 9.3 sq. m (100 sq. ft.) in area, provided it meets all the requirements outlined in **Section 8.1** of this Bylaw;
 - (a) Notwithstanding **Subsection (11)** above, in Residential Districts, tented accessory structures used for the sheltering of vehicles and other household goods do not require a Development Permit if they are up to 23 sq. m (250 sq. ft) in area.
- (12) extensive agriculture on lots 8 ha (20 acres) or more in area within the **Urban Reserve (URD) District;**
- (13) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, unless landscaping is part of a development that requires a Development Permit;
- (14) the demolition or removal of any building or structure for the erection of which a Development Permit would not be required pursuant to Subsections (4) through (15) above, both inclusive;
- (15) television satellite dishes;
- (16) an existing or proposed minor home occupation, as defined in this Bylaw, but not including an existing or proposed bed and breakfast operation, also as defined in this Bylaw, if the existing or proposed home occupation, in the opinion of the Development Officer, complies with all provisions and requirements of **Section 8.10** of this Bylaw;
- (17) the construction and maintenance of utility services, primary infrastructure, and private utilities associated with a principal residential use of land, not including a waste transfer stations, regional landfills, communications towers, or a municipal sewage lagoon.

3.3 NON-CONFORMING BUILDINGS AND USES

- (1) If a Development Permit has been issued on or before the effective date of this Land Use bylaw or any amendment thereto, and the Bylaw would render the subject use or building non-conforming, the Development Permit remains in effect despite the Bylaw or amendment coming into effect.
- (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 or site may not be exceeded or transferred in whole or in part to any other part of the lot or site and no additional buildings may be constructed upon the lot or site 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 this Bylaw to approve a Development Permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (6) Except as specifically indicated in respect of particular uses, buildings, or developments elsewhere within this Bylaw, 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 COMPLIANCE CERTIFICATES

- (1) The registered owner, or a person with a registered legal or equitable interest in a site, may apply for a Compliance Certificate.
- (2) The applicant for a Compliance Certificate shall submit an original Real Property Reports that has been produced no more than one year prior to the date of the application, along with the required fees.
- (3) The Development Authority may issue a Compliance Certificate when, in their opinion, the buildings as shown on the Real Property Report are located on the site in accordance with the separation distance, and yard and building setback regulations of this Bylaw, or the yard or building setbacks specified in any Development Permit which may have been issued.
- (4) The Compliance Certificate shall only reference those buildings shown on the Real Property Report as provided by the Applicant.
- (5) The Development Authority may refuse to issue a Compliance Certificate when, in their opinion, they do not have sufficient information to determine if buildings as shown are located in accordance with the yard and building setback regulations of this Bylaw, or the yard or building setbacks specified in any Development Permit which may have been issued for the site.
- (6) A Compliance Certificate is not a Development Permit.

3.5 DEVELOPMENT PERMIT APPLICATIONS

- (1) An application for a Development Permit shall be made to the Development Officer in writing, in the form required by the Development Officer, and shall be accompanied by:
 - (a) a site plan shall show:
 - (i) the boundaries of the site including any lots that may make up the site,
 - (ii) all of the existing and proposed buildings on the site,
 - (iii) the front, rear, and side yards, if any,
 - (iv) any provision for off-street loading, vehicle standing, and parking areas,
 - (v) access and egress points to the site, and
 - (vi) lot and building dimensions, and distances to property lines and between buildings;
 - (b) an indication of the proposed uses;
 - (c) an indication of the ownership of the land and the interest of the applicant therein; and
 - (d) the estimated cost of the project or contract price
- (2) Each application for a Development Permit shall be accompanied by a fee as established by Council.
- (3) The Development Officer 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) existing and proposed elevations on the site and on adjacent sites, roads and lanes;
 - (e) post construction site and building elevations;
 - (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) 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;

- (j) future development plans for a site which is to be partially developed through the applicable Development Permit;
- (k) 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;
- (l) 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;
- (m) any other information or tests required by the Development Authority, at their sole discretion, respecting the site or adjacent lands, including an environmental screening of the site and or a geotechnical report; and a statutory declaration indicating that the information supplied is accurate.

(4) **Industrial Hemp Production Facility**

- (a) In addition to the information requirements indicated in **Subsections (1) and (3)**, an application for a Development Permit for an industrial hemp production facility, may be required to include with the application, the following information:
 - (i) Waste Management Plan;
 - (ii) Environment Site Assessment;
 - (iii) Traffic Impact Assessment;
 - (iv) Water / Wastewater report;
 - (v) Storm Water Management Plan;
 - (vi) A map that identifies the distance from the proposed facility to the property boundary of a school or any other public place usually frequented by persons under the age of 18 years; and
 - (vii) any other information as may be reasonably required by the Development Authority.
- (b) The separation distance between the proposed facility and the property boundary of a school, or any other public place usually frequented by persons under the age of 18 years shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed facility is located to the closest point on the lot line of the lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of buildings.

(5) **Cannabis Retail Sales Establishments**

- (a) For cannabis retail sales establishments, the application for a Development Permit shall include a map identifying the distance from the proposed development to all property boundaries of:

- (i) A building containing a school or a boundary of a parcel of land on which the building is located;
- (ii) A parcel of land that is designated as school reserve or municipal school reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- (iii) Provincial Health Care Facilities or the boundary of a parcel of land on which the facilities are located;
- (iv) Any other development or land use required by the Alberta Gaming and Liquor Commission; and
- (v) Any other sensitive land use or development identified by the Town of Athabasca.

(6) **Industrial**

- (a) In addition to the information requirements in **Subsections (1) and (3)**, each application for industrial development may be requested, at the discretion of the Development Authority, to be accompanied by the following information:

- (i) type of industry,
- (ii) estimated number of employees,
- (iii) estimated water demand and anticipated source,
- (iv) type of effluent and method of treatment,
- (v) transportation routes to be used,
- (vi) reason for specific location,
- (vii) means of solid waste disposal,
- (viii) any accessory works required (pipeline, railway spurs, power lines, etc.),
- (ix) anticipated residence location of employees,
- (x) municipal servicing costs associated with the development,
- (xi) physical suitability of site with respect to soils, slopes and drainage,
- (xii) if a subdivision is involved, the size and number of parcels and proposed phasing (if any),
- (xiii) servicing requirements and provisions for meeting them, and
- (xiv) costs associated with providing new or upgraded municipal services associated with the development,
- (xv) and/or any other information as may be reasonably required by the Development Authority.

- (b) In addition to the information requirements under **Subsections (1) and (3)**, a Development Permit application for an industrial use may be required to include an environmental risk assessment, identifying potential environmental impacts and indicated how they may be mitigated.

(7) **Commercial or Recreational**

- (a) In addition to the requirements under **Subsections (1) and (3)** a Development Permit application for a commercial or recreational use may be required to include the following information:

- (i) physical suitability of site with respect to soils, slopes and drainage,
- (ii) the size and number of parcels and proposed phasing (if any),
- (iii) servicing requirements and provisions for meeting them,
- (iv) costs associated with providing new or upgraded municipal services associated with the development,
- (v) the requirements and provisions for employee and customer parking and for site access,
- (vi) a landscaping plan,
- (vii) cross-sections and elevations for each building, and
- (viii) a list of proposed uses.

(8) **Natural Resource Extraction**

- (a) In addition to the requirements under **Subsections (1) and (3)**, where not required to do so by the Province, a Development Permit application for a natural resource extraction industry may be required to include a reclamation plan.

(9) **Excavation, Stripping and Grading**

- (a) In addition to the information requirements under in **Subsections (1) and (3)**, a Development Permit application for the excavation, stripping, or grading of land without any subsequent development may be required to include the following information:
- (i) location and area of the site where the excavation is to take place;
 - (ii) existing land use and vegetation
 - (iii) geotechnical report;
 - (iv) the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - (v) the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - (vi) identification of potential for outdoor noise and the discharge of substances into the air;
 - (vii) the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site;
 - (viii) an indication of all municipal servicing costs associated with the development; and
 - (ix) the proposed haul route, dust control plan and expected hours of operation.

- (10) In addition to the information requirements indicated in **Subsections (1) through (9)** above, a development application for a sign may be required to include additional information at the discretion of the Development Authority.
- (11) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to consider an application for a Development Permit where, in their sole opinion, the information supplied by the applicant is insufficient, or of insufficient quality, to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the application. The timeframe for consideration of a Development Permit application shall not commence until the Development Authority is satisfied that the Development Permit application is complete.
- (12) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may decide on a Development Permit application without all of the information required by this Bylaw where, in their opinion, the information supplied by the applicant is sufficient to properly evaluate the application.

3.6 COMPLETENESS OF APPLICATIONS

- (1) The Development Officer shall, within twenty (20) calendar days after receipt of a Development Permit application:
 - (a) Issue a written acknowledgement to the applicant advising that the application is complete; or
 - (b) Issue a written notification to the applicant advising that the applications is incomplete, listing the missing documentation required and setting a date by which this documentation must be submitted.
- (2) The timeframe referred to in **Subsection (1)** above may be extended by a written agreement between the applicant and the Development Officer.
- (3) In the event the Development Officer does not issue a notice of completeness within the timeframe specified in **Subsection (1)** above, the application shall be deemed complete.
- (4) If the applicant fails to submit any outstanding documentation within the timeframe specified in Section **Subsection (1) (b)** above, the Development Officer shall refuse the application.

3.7 REFERRAL OF APPLICATIONS

- (1) Historical Resources
 - (a) Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with Provincial legislation and regulations.

- (b) In addition to any sites identified in (a) above, an application for a Development Permit which may impact on any historical or archaeological site identified pursuant to (a) above within the Town should be submitted to Alberta Culture and Community Spirit for comment prior to a Development Permit being issued.
- (2) Development Permit applications within 305.0 m (1000.0 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation and Economic Corridors for comments prior to a Development Permit being issued. If the development is adjacent to a highway, the applicant will also be required to get a permit from Alberta Transportation.
- (3) Adjacent Municipalities
 - (a) All subdivision proposals and all applications for significant discretionary Development Permits within 1.6 km (one mile) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a Development Permit being issued or a subdivision being approved.

3.8 VARIANCE PROVISIONS

- (1) The Development Authority may approve or conditionally approve a permitted or discretionary use that does not comply with this Bylaw if, in their opinion:
 - (a) the proposed development:
 - (i) meets the general purpose and intent of the applicable District;
 - (ii) results from, or is related to, an aspect or feature that is specific to the land or building in question, not shared by a significant number of other lands or buildings in the town; and
 - (iii) will not cause a building or use to be out of compliance with federal, provincial, or other municipal laws or regulations; and
 - (b) 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
 - (c) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (2) Notwithstanding **Subsection (1)** above, the Development Officer may allow for a maximum variance of 10% (ten percent) of any or all of the following requirements:

- (a) setback regulations of front, side or rear yards;
 - (b) height of buildings; and
 - (c) floor area.
- (3) Notwithstanding **Subsections (1) and (2)** above, the Development Authority may allow for a maximum variance of 15% of the applicable minimum parking requirements, as described in **Section 7.18** of this Bylaw.

3.9 DECISION PROCESS AND RE-APPLICATION

- (1) The Development Officer shall:
- (a) receive and review all applications;
 - (b) consider and decide on applications for a Development Permit where:
 - (i) the uses constitute permitted uses in a District, and
 - (ii) all of the regulations of that District are satisfied, and
 - (iii) all decision making authority has been assigned to the Development Officer by this Bylaw;
 - (c) refer applications for a Development Permit to the Municipal Planning Commission for consideration and decision where:
 - (i) the uses constitute discretionary uses in a District, or
 - (ii) the proposed development does not comply with all of the regulations of the District in which it is located, or
 - (iii) decision making authority has been assigned to the Commission by this Bylaw;
 - (d) at their discretion, refer to the Municipal Planning Commission any application for a Development Permit which in their opinion should be decided by the Commission; and
 - (e) refer applications for a Development Permit in a Direct Control District to the Council for consideration and decision.
- (2) Where an application for a use which is neither a permitted nor a discretionary use is received, the Development Officer may:
- (a) refuse the application stating reasons for the decision or,
 - (b) at the request of the applicant, refer the application to the Municipal Planning Commission for consideration.
- (3) Within forty (40) calendar days after an application has been deemed complete, the Development Authority may:

- (a) approve the application unconditionally,
 - (b) approve the application subject to those conditions considered appropriate, or
 - (c) refuse the application.
- (4) 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 within the time period specified in **Subsection (3)** above.
- (5) 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 the application was deemed complete, unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) day period.
- (6) When the Development Authority refuses an application for a Development Permit, the decision shall contain reasons for the refusal.
- (7) The Development Authority may impose such conditions on the approval of an application that are considered necessary by the Development Authority to:
 - (a) uphold the intent and objectives of any statutory plan or land use regulation as adopted or amended from time to time; and
 - (b) ensure the orderly and economic development of land within the Town of Athabasca.
- (8) The Development Authority may require that, as a condition of approval, the applicant enter into an agreement to construct or pay for:
 - (a) roadways, pedestrian walkways or parking areas serving the development or connecting it with its surroundings,
 - (b) the installation of public utilities other than telecommunications systems or works,
 - (c) an off-site levy or redevelopment levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (9) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made on a Development Permit application was either:
 - (a) incorrect, that is, not in compliance with the provisions and requirements of this Bylaw, or
 - (b) based on information which was subsequently determined to be incorrect or misunderstood by the Development Authority,

then the Development Authority may rescind the approval of the Development Permit. In such a circumstance, the appeal period provided for under Part Four of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.

- (10) A permit granted by the Council shall come into effect on the date it is issued.
- (11) Except as noted in **Subsection (12)** below, a permit granted by the Development Officer or the Municipal Planning Commission does not come into effect until twenty-one (21) days after the date on which the applicant is notified of the decision. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (12) Where an appeal is made pursuant to **PART 4.0** of this Bylaw, a permit granted by the Development Authority shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified accordingly.
- (13) 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 carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted in writing by the Development Authority.
- (14) When a Development Permit application is refused, the Development Authority may:
 - (a) Refuse to accept another application on the same property and for the same or similar use of the land by the same or any other applicant for six (6) months after the date of previous refusal,
 - (b) Receive an application for the same or similar use of the parcel before six (6) months have elapsed from the date of the decision, when, in the opinion of the Development Authority, the aspects of the application which caused it to be refused have been sufficiently modified so as to constitute a sufficiently different application, or
 - (c) Receive an application for a Permitted Use of the parcel, complying in all respects with this Bylaw, before six (6) months have elapsed from the date of the decision.

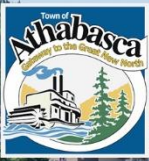
3.10 NOTIFICATION

- (1) When a permit has been granted, the Development Officer shall notify the applicant in writing, and immediately thereafter:
 - (a) if the approved development is a permitted use with no variances post a notice of the decision conspicuously on the affected property.
 - (b) for all other approved developments:
 - (c) post a notice of the decision conspicuously on the affected property;
 - (d) provide written notice to adjacent property owners; and
 - (e) publish a notice of the development in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.

- (2) At the sole discretion of the Development Authority issuing the permit, the Development Officer may also mail a notice of the decision in writing to any owners of adjacent land and/or any other parties.
- (3) Written notices shall be provided by regular mail or, when the applicant has provided consent, through electronic mail (e-mail).
- (4) If a written notice is provided by regular mail, the date of receipt shall be deemed to be 7 days from the date the decision is mailed.
- (5) If a written notice is provided by electronic mail, the date of receipt shall be deemed to be the same day the decision is mailed.

3.11 SUBDIVISIONS

- (1) Where the development of land involves a subdivision of land, no Development Permit shall be issued until the application has been approved by the Subdivision Authority, per Section 652(1) of the Act, and the subdivision has been registered at the Land Titles Office.
- (2) Any application to subdivide land in the municipality shall conform with the Act, regulations made pursuant to the Act, and this Bylaw.
- (3) The Subdivision Authority may approve an application for subdivision or a bare land condominium plan even though the proposed subdivision or bare land condominium plan does not comply with the regulations of this Bylaw if, in the opinion of the Subdivision Authority:
 - (a) the proposed subdivision or bareland condominium plan 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 subdivision or bareland condominium plan conforms with the use prescribed for that land or building in this Bylaw.



PART 4.0: APPEALS

4.1 APPEAL PROCEDURE

- (1) An appeal may be made to the Intermunicipal 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 the receipt of the completed application, or
 - (b) approves a Development Permit for a discretionary use;
 - (c) issues a Development Permit subject to conditions, or
 - (d) issues an order under **Section 5.2** of this Bylaw.
- (2) Notwithstanding **Subsection (1)** above, if a Development Permit is issued within either Direct Control District by the Council, there shall be no appeal to the Board.
- (3) 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.
- (4) 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.
- (5) An appeal shall be made by serving a written notice of appeal to the Board within twenty one (21) days after:
 - (a) the date the order, decision or permit issued by the Development Authority was either first posted or published in a newspaper circulating in the area in accordance with the requirements of **Section 3.10** or received by the applicant whichever of these shall occur first; or
 - (b) the forty (40) day period or any extension referred to in **Section 3.9** has expired.

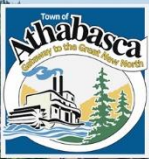
4.2 APPEAL HEARING

- (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) owners of land in the municipality, by posting and/or publishing a notice of the appeal hearing in same the manner for which notice of the decision of the Development Authority was given in accordance with **Section 3.10**,
 - (d) any other persons who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit, and
 - (e) such other persons as the Subdivision and Development Appeal 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 **PART 5**, as the case may be.

4.3 APPEAL 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 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 5.0: ENFORCEMENT

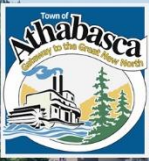
5.1 CONTRAVENTION

- (1) All development or use of land or buildings within the Town shall comply with this Bylaw.
- (2) Where the 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, 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, as the case may be.
- (3) Where a person fails or refuses to comply with an order directed to them under **Subsection (1)** or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority, or any other person identified as a designated officer by the Council for the purposes of this Section may, in accordance with Section 542 of the Act, enter upon the land or building and take such actions as are necessary to carry out the order.
- (4) A contravention of a regulation of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.
- (5) Where the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section carries out an order, 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) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 .

- (7) 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.
- (8) 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 \$100.00 for a first offence and \$150.00 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 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 STOP ORDER

- (1) Pursuant to the MGA, where an offense under this Bylaw occurs, the Development Authority may - by written notice - order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or any or all of them, to:
 - (a) Stop the development or use of the land or buildings, in whole or in part, as directed by the notice; or
 - (b) Demolish, remove, or replace the development; or
 - (c) Carry out any other actions required by the notice so that the development or use complies with a Development Permit decision, subdivision approval, or this Bylaw.
- (2) A person who receives a Stop Order may appeal the order to the ISDAB in accordance with the MGA.
- (3) If a Stop Order is not complied with or appealed to the ISDAB by the stated deadline, the Town may elect to take further action.



PART 6.0: ADMINISTRATION

6.1 APPLICATION TO AMEND BYLAW

- (1) Subject to the provisions of the Act a person may apply to have this Bylaw amended, by applying in writing to the Town, in care of the Development Authority, furnishing reasons in support of the application and paying the fee established by Council.
- (2) The Development Authority may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Municipal Planning Commission and the report and recommendation of the Development Officer.
- (3) Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Municipal Planning Commission and to the Development Officer for their reports and recommendations.

6.2 FORM OF APPLICATION

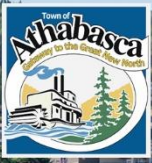
- (1) All applications for amendment to this Bylaw shall be made on the form as determined by the Development Authority, and shall be accompanied by:
 - (a) an application fee as established by Council for each application, but if the proposed amendment is adopted by Council, Council may determine that part of the application fee be returned to the applicant;
 - (b) a recent title dated not more than 30 days prior to the date of the application, including easements, registered caveats, and restrictive covenants, and other documents satisfactory to the Development Authority showing the applicant's interest in the said land;
 - (c) A statement of the reasons for the request to amend this Bylaw, and how the proposed amendments conforms to the Town's statutory plans;
 - (d) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
 - (e) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application; and
 - (f) any other information deemed necessary by the Development Authority or by Council.
- (2) In addition to the requirements set forth in **Subsection (1)** a person making an application to amend this Bylaw shall:

- (a) undertake in writing on a form provided by the Town of Athabasca to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town of Athabasca may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
 - (b) provide the Development Authority with all additionally requested information in a reasonable time frame. Additional information may include: an Area Structure Plan or Outline Plan, geophysical or hydrological report, traffic impact assessment, etc.; and
 - (c) sign a certificate authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.
- (3) Where the amendment is to change the District applicable to a site, the Development Authority may require that the applicant undertake and provide an environmental screening of the site, or a geotechnical, transportation, or engineering study as part of the amendment application.
- (4) Referral of Applications
 - (a) In order to prepare the proposed Bylaw amendment for Council, the Development Officer may refer the application to such agencies as they considers necessary for comment.
 - (b) During consideration and deliberation of the proposed Bylaw amendment, Council may refer the application to such agencies as it considers necessary for comment.
- (5) Council may request such information as it considers necessary in order to reach a decision on the proposed amendment.
- (6) An application for an amendment to this Bylaw may be referred to the Development Authority for a recommendation. The recommendations of both the Development Officer and the Municipal Planning Commission may be presented to Council prior to Council's decision on the proposed amendment.
- (7) Notwithstanding anything in this **Section**, a proposed amendment which has been rejected by Council within the previous six (6) months may not be reconsidered unless Council otherwise directs.
- (8) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws.
- (9) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a Development Permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

6.3 PUBLIC HEARING

All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the Act regarding the notification and holding of a public hearing.

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PART 7.0: GENERAL PROVISIONS

7.1 SUBSTANDARD LOTS

- (1) A lot that has been legally created and registered on or before the effective date of this Land Use Bylaw or any amendment thereto, and that does not comply with the applicable site area, site depth, and site width standards pursuant to **PART 9** of this Bylaw, shall be deemed a substandard lot.
- (2) The boundaries of a substandard lot may not be further altered unless it is to comply with the applicable site standards of this Bylaw.

7.2 FENCES, WALLS AND HEDGES

- (1) A fence or hedge may be constructed along any boundary line of a site.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, a Development Permit is required prior to the erection or construction of a fence.
- (3) Unless otherwise provided in this Bylaw, no fence, wall or hedge in a Residential District shall be:
 - (a) higher than 2.0 m (6.5 ft.) in a rear or side yard, to be measured as the average elevation from the ground;
 - (b) higher than 1.0 m (3.2 ft.) in a front yard;
 - (c) higher than 1.0 m (3.2 ft.) in a side yard which is adjacent to a highway or a road, only when the fence, wall or hedge is within 1.5 m (4.9 ft.) of the travelling portion of the road; and
 - (d) higher than 1.0 m (3.2 ft.) when the fence, wall or hedge is within 6.0 m (19.6 ft.) of the intersection of highways and/or roads.

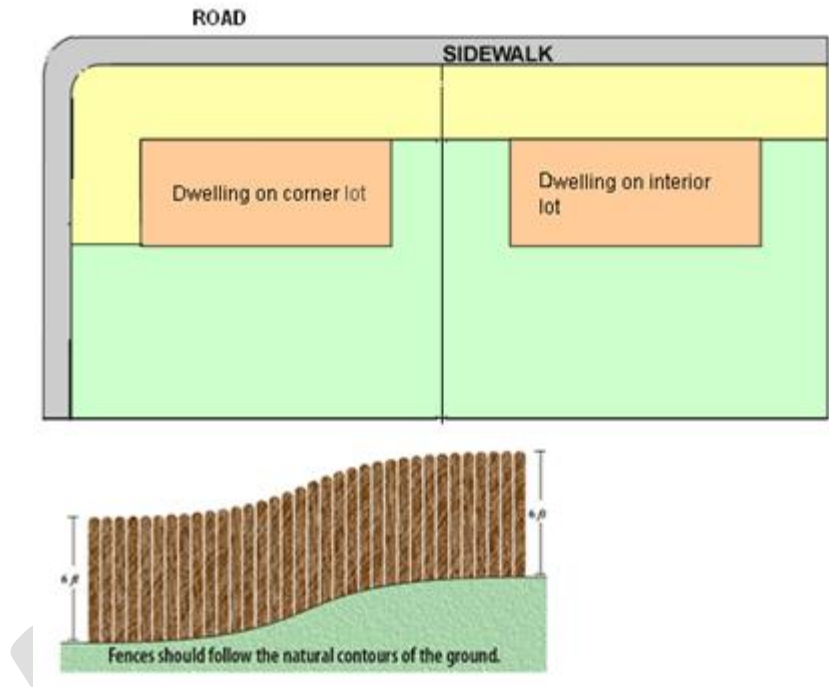


Figure 1 Fence Height and Setbacks on Residential Lots

- (4) Notwithstanding **Subsection (3)** above, the height of a fence in a side and/or rear yard may be higher than 2.0 m (6.5 ft.) at the discretion of the Development Authority. An approved Development Permit will be required prior to commencement of construction;
- (5) Notwithstanding **Subsection (3)** above, the height of a fence in an Industrial District, Commercial District or in the Urban Reserve District shall be as determined by the Development Authority.
- (6) No fences comprised of barbed wire shall be allowed, except in the Industrial District and in the Urban Reserve District, at the discretion of the Development Authority.
- (7) When the Development Authority allows barbed wire, it shall not be used below a height of 2.0 m (6.5 ft.), unless the Development Authority has explicitly allowed barbed wire at a lower height because, in their opinion, dwellings would not be in proximity to the proposed fence.
- (8) No electrification of fences shall be allowed, except in the Urban Reserve District, and only when the applicant has demonstrated, to the satisfaction of the Development Authority, that the fence is necessary for an agricultural operation and that dwellings will not be in close proximity to the proposed fence.

- (9) In the case of multi-unit dwelling typologies, off-street parking amenities abutting a Residential District shall be landscaped and screened by a wall, hedge or wooden fence between 1.5 m (4.9 ft.) and 2.0 m (6.5 ft.) in height, to the satisfaction of the Development Authority.
- (10) Commercial and industrial uses adjacent to a Residential District must be screened by a wall, hedge or wooden fence at least 2.0 m (6.5 ft.) in height, to the satisfaction of the Development Authority.
- (11) The Development Authority may require that a fence or other screening method be provided to a minimum height of 1.5 m (4.9 ft.) surrounding outdoor storage areas, garbage collection area, and/or loading or vehicle service areas, where they would be visible from a road or from an adjacent dwelling:
- (12) Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.

7.3 PROJECTION INTO MINIMUM REQUIRED YARDS

- (1) No accessory building or use shall be located in the front yard of a residential use without the approval of the Development Authority.
- (2) Except as provided in this Section, and except for fences, walls or hedges, no portion of a building shall be located or project into a required minimum yard.
- (3) The following features may project into a required minimum front yard:
 - (a) steps, eaves, gutters, sills, parking space and chimneys, or other similar projections, with the maximum projection to be at the discretion of the Development Authority;
 - (b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.2 ft.);
 - (c) exterior balconies on apartments provided that:
 - (i) they are cantilevered and not enclosed, and designed as an integral part of the building; and
 - (ii) they do not project more than 2.0 m (6.5 ft.) into the required minimum front yard; and
 - (d) any other features which, in the opinion of the Development Authority, are similar to the foregoing.
- (4) The following features may project into a required minimum side yard; except where a side yard of 3.0 m (9.8 ft.) is required for vehicular passage:

- (a) steps, chimneys and decks, provided they do not project more than fifty percent (50%) of the width of the required minimum side yard;
- (b) patios, which can project up to the side line;
- (c) verandas, porches, eaves, gutters, sills, bay or oval windows, chimneys, or other similar projections, provided they do not project more than 0.6 m (2.0 ft.);
- (d) canopies over entrances to buildings, provided such projections are cantilevered and do not project more than 1.0 m (3.2 ft.);
- (e) exterior balconies on apartments provided that:
 - (i) they are cantilevered and not enclosed, and designed as an integral part of the building; and
 - (ii) they do not project more than 1.0 m (3.2 ft.) into a required side yard and in no case are closer than 2.0 m (6.5 ft.) to a side line; and
- (f) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

7.4 CORNER SITES AND DOUBLE FRONTING SITES

- (1) On a double fronting site, the front yard shall be determined based on the orientation of adjacent lots as follows:
 - (a) If the front yards of adjacent lots face only one road, the portion of the site abutting that road shall be considered the front yard.
 - (b) If adjacent lots have front yards facing both roads, the site shall be deemed to have two front yards and no rear yard.
- (2) Notwithstanding **Subsection (1)**, the Development Authority may require any corner site or double fronting site to provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
- (3) Notwithstanding the provisions in **PART 9** of this Bylaw, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall be equal or greater than 3.8 m (12.6 ft.).
- (4) Notwithstanding the provisions in this **Section**, where a second minimum front yard is not required on a corner site, objects up to 0.5 m (1.6 ft.) in height may project to the side line adjacent to the road.

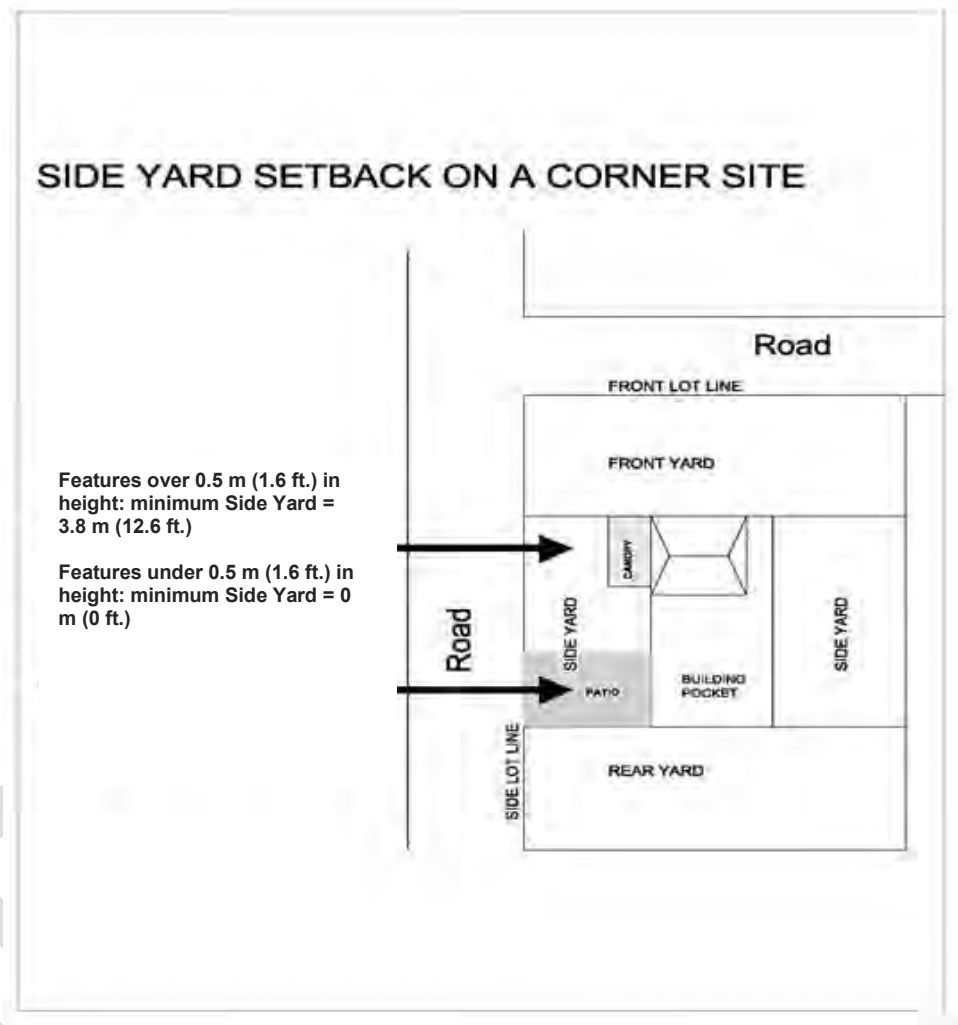


Figure 1 Side Yard Setback on a Corner Lot

7.5 SIGHT LINE PROTECTION

- (1) On corner sites, no fence, wall, hedge, plant, sign, structure or object exceeding 1.0 m (3.2 ft.) in height shall be placed or maintained within:
 - (a) 6.0 m (19.6 ft.) of the intersection of two roads, or
 - (b) 3.0 m (9.8 ft.) of the intersection of a road and a lane.
- (2) The distances referenced in **Subsection (1)** shall be measured along the edge of the pavement from the point at which the curbs intersect, so as to form a visibility triangle as illustrated in **Figure 2**.

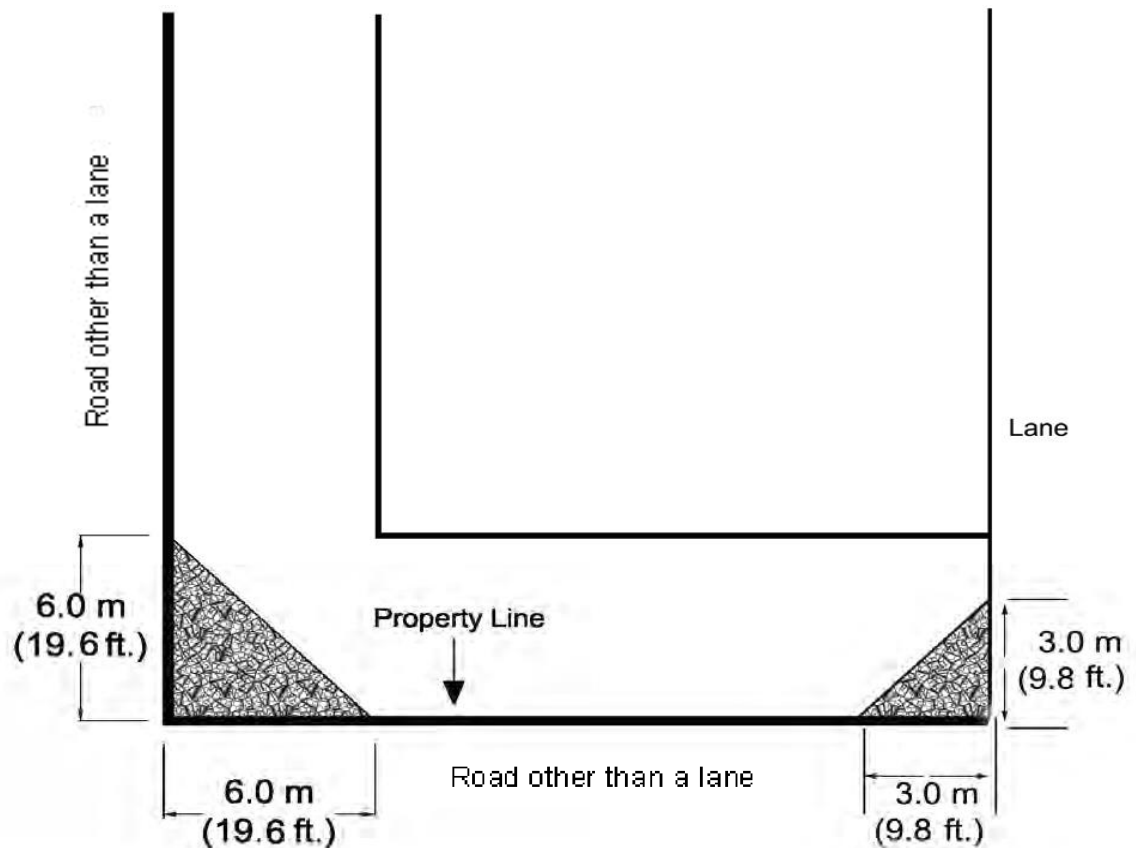


Figure 2 Corner Site Setback Adjacent to a Road

7.6 RELOCATION OF BUILDINGS

- (1) The relocation of an already constructed building or a partially constructed building on a new site requires a Development Permit.
- (2) In making its decision on a Development Permit application to relocate an already constructed or partially constructed building, the Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be located, and may refuse a Development Permit if the building, in their sole opinion, is or will be incompatible with the neighbourhood.

7.7 BUILDING EXTERIORS

- (1) The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.
- (2) The design, character, and appearance of all buildings shall:

- (a) be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located,
 - (b) be suited to the purpose of the District in which it is located, and
 - (c) comply with the provision of any statutory plan applicable to the design, character or appearance of the building.
- (3) Unless forming part of a single project which has been designed and approved under one Development Permit application, no single detached dwellings of identical or similar roof or front elevations shall be located within two (2) lots from each other, including lots on the same block and across the street.

7.8 AMENITY AREAS

- (1) All residential developments including more than two (2) dwelling units shall provide a minimum private amenity area of 7.5 m² per dwelling
- (2) Private amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
 - (a) be located outdoors, immediately adjacent to, and with direct access from, the dwelling it is intended to serve;
 - (b) be located in a yard other than a front yard;
 - (c) be landscaped and surfaced for outdoor activities;
 - (d) be of a width and length of at least 4 m (13.2 ft.); and
 - (e) be developed as open space unencumbered by any accessory buildings or future additions.
- (3) Notwithstanding **Subsection (2)(d)** above, balconies may be considered private amenity areas, provided they are unenclosed and have a minimum depth of 2.0 m (6.5 ft.).
- (4) All residential developments including eight (8) dwelling units or more, shall provide a minimum communal amenity area of 2.5 m² (26.9 sq. ft.) per dwelling unit.
- (5) Communal amenity areas shall be:
 - (a) indoor or outdoor spaces, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools, fitness rooms, party rooms, games rooms, and playgrounds;
 - (b) be aggregated into areas of not less than 50.0 m² (528.2 sq. ft.); and
 - (c) designed for the recreational use of all residents of the development, or for the use and enjoyment of the public in the case of a non-residential development.
- (6) In all residential developments including more than two (2) dwellings, at least ten percent (10%) of the open space area required on the site shall be provided for recreational purposes.

- (7) In residential developments including eight (8) dwellings or more, recreational equipment shall be provided on the portion of the open space area allocated for recreational purposes pursuant to **Subsection (6)** above, to the satisfaction of the Development Authority.
 - (a) This requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

7.9 SITE PREPARATION

- (1) In all Districts, excavation, stripping, tree clearing and grading activities require a Development Permit.
- (2) In addition to the requirements set forth in **Section 3.5**, a Development Permit application for excavation, stripping and grading activities shall provide:
 - (a) A description of the excavation, stripping or grading operation proposed,
 - (b) A plan showing the location of the area of the operation relative to site boundaries and depth of excavation or the quantity of topsoil to be removed,
 - (c) A detailed timing and phasing program covering the length of the proposed operation,
 - (d) A plan showing the final site conditions following completion of the operation and any land reclamation proposals where applicable, and
 - (e) A description of the measures to be taken for the prevention or lessening of dust and other nuisances during and after the operation.
- (3) The Development Authority may require engineered grading or stormwater management plans as a condition of approval of a Development Permit.
- (4) All parcels shall be graded to ensure that storm water is directed to a road. without crossing adjacent land, except as permitted by the Development Authority.
- (5) All roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eaves troughs downspouts, or other suitable means, to the satisfaction of the Development Authority.
- (6) Any landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage onto an adjoining site unless otherwise approved by the Development Authority.
- (7) Grade differences between adjacent properties shall not exceed 1.0 m (3.2 ft.), unless otherwise approved by the Municipal Planning Commission.
- (8) A temporary fence shall be erected around all excavations that, in the opinion of the Development Authority, may be hazardous to the public.

- (9) Stripping or tree removal is prohibited within 30 metres of the top of bank or toe of slope of any ravine, coulee, escarpment, or watercourse, unless supported by a geotechnical assessment prepared by a qualified professional demonstrating that:
 - (a) The removal will not compromise slope stability or result in increased erosion, and
 - (b) Appropriate mitigation measures will be implemented to address any identified risks.
- (10) As a condition of a Development Permit for stripping or tree removal, the Development Authority may require:
 - (a) Replacement of removed trees at a specified ratio, using native or site-appropriate species;
 - (b) Implementation of erosion control measures, revegetation plans, or bank stabilization techniques;
 - (c) Registration of a restrictive covenant or other legal agreement to protect remaining vegetation or to manage future clearing activities.
- (11) The Development Authority may require that stripping or tree removal be conducted in phases, aligned with site development timeframes, to minimize environmental impacts and preserve the existing vegetative cover for as long as practicable.

7.10 LANDSCAPING

- (1) Landscaping in all developments shall be provided to the satisfaction of the Development Authority and in accordance with this Section, applicable district regulations pursuant to **PART 9** of this Bylaw, the Town's Community Standards Bylaw, and any other applicable municipal and provincial legislation.
- (2) 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.
- (3) A landscaping deposit of between \$1,000.00 and \$5,000.00 may be required with the submission of a Development Permit applications. The amount of the deposit will be determined by the Development Authority according to the scale of the project. The deposit will be fully refundable after one year from the date in which construction was completed, provided the landscaping conforms to the approved landscaping plan.
- (4) Landscaping plans shall include the following:
 - (a) A grading and drainage plan that complies with the following standards:
 - (i) The cross slope across boulevards shall be a minimum of two percent (2%).
 - (ii) The drainage plan shall demonstrate that all areas to be landscaped will be graded to drain to the road, into catch basins, or into adjacent drainage easements.

- (iii) A lot shall not be designed, built, or landscaped to drain from public property onto private property, or from a private property onto an adjacent private property without appropriate easements.
- (iv) The Development Authority shall not, under any circumstance, approve a drainage plan that drains over a sidewalk and curb;

(b) all physical features, both existing and proposed, including:

- (i) shrubs and trees identified by their common name and their size;
- (ii) grassed areas and flower beds;
- (iii) berms showing contours;
- (iv) walls, fences, outdoor furniture, water features, and decorative paving;
- (v) surface utilities; and
- (vi) playground equipment and public seating areas, where applicable.

- (5) The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.
- (6) Trees shall be planted on all buffers.
- (7) When the implementation of landscaping plans is a condition of the approval of a Development Permit, such must be carried out to the satisfaction of the Development Authority within two (2) months (weather permitting) of the occupancy or the commencement of operation of the proposed use.
- (8) The primary occupant of the site 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.
- (9) Unless otherwise specified, plant material required in a landscape plan must meet the following landscaping standards:
 - (a) be hardy to the climate of the Town and the specific soil conditions of 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 caliper width of 5.0 cm (1.9 in.) measured 10.0 cm (3.9 in.) above the root ball;
 - (d) coniferous trees must be a minimum height of 1.5 m (4.9 ft.) at the time of planting, measured from 10.0 cm (3.9 inches) above the root ball; and

- (e) shrub material, if deciduous, must have a minimum height of 60.0 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40.0 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 in single row parking, or one (1) tree per ten (10) parking spaces in double row parking, and shall be planted in landscaped islands. These numbers may be varied at the discretion of the Development Authority.
- (11) Landscaped islands must be:
 - (a) designed to protect all plant material from damage;
 - (b) raised at least 15.0 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, but are not limited to:
 - (a) COLORADO SPRUCE – *Picea pungens*
 - (b) SCOTS PINE – *Pinus sylvestris*
 - (c) LODGEPOLE PINE – *Pinus contorta* var. *latifolia*
 - (d) SIBERIAN LARCH – *Larix sibirica*
 - (e) WHITE SPRUCE – *Picea glauca*
 - (f) NORWAY SPRUCE – *Picea abies*
 - (g) SWISS STONE PINE – *Pinus cembra*
 - (h) GREEN ASH – *Fraxinus pennsylvanica*
 - (i) MANCHURIAN ASH – *Fraxinus mandshurica* 'Mancana'
 - (j) BLACK ASH – *Fraxinus nigra*
 - (k) AMERICAN ELM – *Ulmus americana*
 - (l) EUROPEAN MOUNTAIN ASH – *Sorbus aucuparia* BUR OAK – *Quercus macrocarpa*
 - (m) AMERICAN BASSWOOD (LINDEN) – *Tilia americana*
 - (n) LITTLE LEAF LINDEN – *Tilia cordata*
 - (o) THUNDERCHILD CRABAPPLE – *Malus* x 'Thunderchild'
 - (p) IVORY SILK JAPANESE LILAC – *Syringa reticulata* 'Ivory Silk'
 - (q) MORDEN HAWTHORN – *Crataegus* x *mordenensis* 'Toba'
 - (r) RUSSIAN OLIVE – *Elaeagnus angustifolia*
 - (s) LAUREL-LEAF WILLOW – *Salix pentandra*
 - (t) SILVER MAPLE – *Acer saccharinum*
 - (u) AMUR MAPLE – *Acer ginnala*
 - (v) OHIO BUCKEYE – *Aesculus glabra*
 - (w) SCHUBERT CHOKECHERRY – *Prunus virginiana* 'Schubert'
 - (x) Other tree species, at the discretion of the Development Authority.

- (13) Landscaping shall not have a negative impact on above or below ground utilities.

The following landscaping requirements shall apply for all uses, except residential:

- (a) A minimum of 10% of the site area shall be landscaped. Garbage containers and outdoor storage areas shall be screened and accessible for convenient pickup.
- (b) Upon occupancy of any development, a minimum topsoil coverage of 15 cm (5.9 in.) shall be provided. The affected area shall be landscaped to the satisfaction of the Development Authority.
- (c) Off-street parking lots in any Commercial District shall be landscaped by the planting of trees in a manner and number as required by the Development Authority.
- (d) As a condition of approval, the Development Authority may require that the land not occupied by buildings or parking areas be landscaped to implement the requirements of the Municipal Development Plan.
- (e) 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.

7.11 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, an applicant shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken. The Development Authority may require the applicant to enter into a development agreement with the Town as a condition of approval of the Development Permit.
- (2) No Development Permit shall be issued for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
- (3) All future development areas must be serviced to the satisfaction of the Development Authority and be consistent with the Town's Municipal Development Plan and Master Servicing Study.

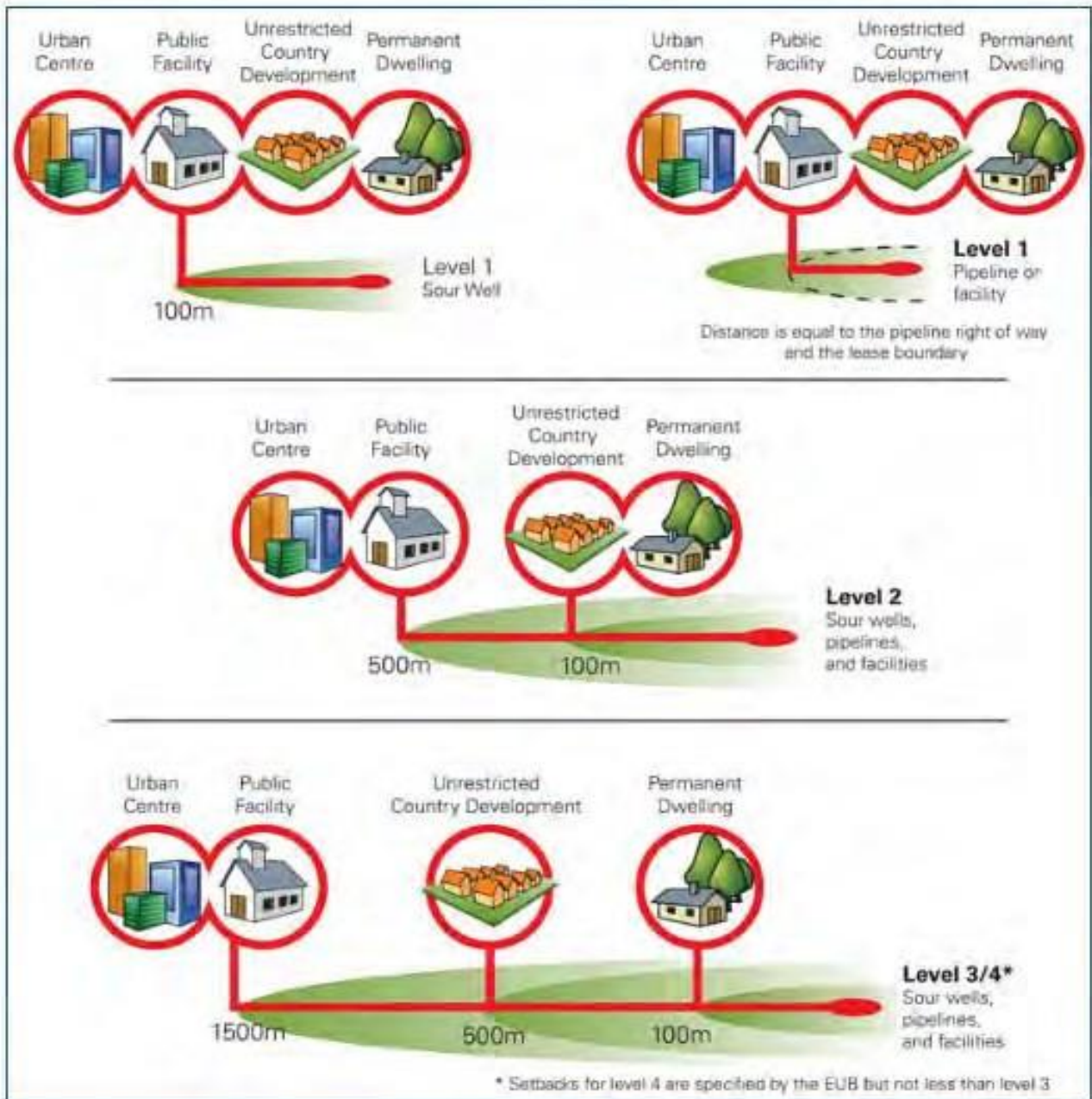
7.12 PIPELINE AND WELL SETBACKS

- (1) Despite any other regulation in this bylaw, the minimum setback of development from a right-of-way of a petroleum or natural gas product pipeline must comply with **Table 1**:

Table 1: Minimum Setbacks from a Petroleum or Natural Gas Product Pipeline Right-of-Way

Subsection	Type of Building	Measurement
With a maximum licenced operating pressure of 3,447.5 kPa or greater		
(a)	Principal residential, commercial or industrial building	15.0 m
(b)	At the discretion of the Development Authority, the pipeline setback for residential development may be reduced to 7.5 m, only if a permanent fence exists along the property line abutting the pipeline right-of-way.	
(c)	Accessory residential, commercial or industrial building	1.0 m
(d)	Principal institutional or recreational building, or parks	200.0 m
With a maximum licensed operating pressure less than 3,447.5 kPa		
(e)	All principal buildings	5.0 m

- (2) No development shall be permitted within 100 m (330 ft.) of a Level 1 Sour Gas Facility (consisting of a well) as determined by the Energy Resource Conservation Board (ERCB).
- (3) No development shall be permitted within 500.0 m (1,640.0 ft.) of a Level 2 Sour Gas Facility as determined by the ERCB.
- (4) No dwelling or unrestricted country development shall be permitted within 100.0 m (330.0 ft.) of a Level 3 or Level 4 Sour Gas Facility (consisting of a well) as determined by the ERCB.
- (5) No development, other than a dwelling or an unrestricted country development shall be permitted within 1,500.0 m (4,920.0 ft.) of a Level 3 or Level 4 Sour Gas Facility as determined by the ERCB.

Figure 3 ERCB Sour Gas Setback Requirements¹

¹ 2009. March. EnerFAQs Explaining ERCB Setbacks. Retrieved from:
http://www.ercb.ca/portal/server.pt/gateway/PTARGS_0_0_302_0_0_43/http%3B/ercbContent/publishedcontent/publish/ercb_home/public_zone/ercb_process/enerfaqs/enerfaqs5.aspx On: 14 May 2010

7.13 UTILITY EASEMENTS

- (1) No development other than landscaping or a fence shall be constructed or placed on a utility easement unless, in the sole opinion of the Development Authority, the development does not restrict access to the utility easement for the purpose of installation and maintenance of the utility. A utility easement agreement may be required between the landowner and utility company to confirm conditions of development.

7.14 ENVIRONMENTAL CONSIDERATIONS

- (1) Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to applicable provincial requirements and/or guidelines prior to a Development Permit being issued. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the Development Permit.

7.15 HAZARDOUS MATERIALS

- (1) No anhydrous ammonia (AA) or liquefied petroleum gas tank or (LPG) storage tank with a water capacity exceeding 9,080 L (2,000 gal.) shall be allowed within the municipality.
- (2) All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics shall comply with applicable Provincial and Federal legislation and regulations on hazardous materials.
- (3) No development in any District shall emit air or water contaminants exceeding the standards prescribed by Provincial and Federal legislation and regulations.
- (4) No development shall create or discharge toxic materials in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- (5) All commercial or industrial developments involving the use, keeping, or storage of the following hazardous materials in bulk shall submit a written description of the materials and operations to be undertaken on the site as part of a Development Permit application:
 - (a) poisonous and infections agents;
 - (b) pesticides;
 - (c) corrosives and explosives;
 - (d) flammable and combustible liquids;
 - (e) manures; and
 - (f) radiation.

7.16 NO DEVELOPMENT SHALL DISCHARGE TOXIC OR NOXIOUS MATERIALS:

- (a) across the boundaries of a site;
- (b) through infiltration into the soil;
- (c) into the municipal sewage disposal system, except as otherwise directed by the municipality; or
- (d) into a water body, any surface water channel, or any below surface water course.

7.17 KEEPING OF ANIMALS

- (1) In a lot with an area of less than 2.0 ha (4.94 acres) located within a Residential District, the keeping of fur-bearing animals, fowl, or livestock, other than domestic animals as defined in the Animal Control Bylaw, shall be prohibited.
- (2) In a lot with an area equal or greater than 2.0 ha (4.94 acres) located within a Residential District, the keeping of a fur bearing animal, fowl or livestock may be allowed, except within a front yard, subject to a Development Permit approval in accordance with the following table:
 - (a) 2.0 to 2.8 ha (4.94 to 6.92 acres) – a maximum of two (2) animal units;
 - (b) 2.8 to 3.6 ha (6.92 to 8.90 acres) – a maximum of three (3) animal units;
 - (c) greater than 3.6 ha (8.90 acres) – a maximum of four (4) animal units.
- (3) For the purpose of this Section, “one animal unit” shall mean:
 - (a) 1 horse (over one year old); or
 - (b) 2 colts up to one year old; or
 - (c) 1 cow (over one year old); or
 - (d) 2 calves up to one year old; or
 - (e) 10 ducks, turkeys, geese or chickens; or
 - (f) 2 sheep or goats; or
 - (g) 20 rabbits.
- (4) Offspring dependent upon their mothers for nursing are exempt from this Section; however, upon weaning, the number of animals shall not exceed the figures provided.
- (5) The issuance of the Development Permit for the keeping of animals shall be entirely at the discretion of the Development Authority.

7.18 PARKING AND LOADING PROVISIONS

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

- (1) An off-street parking area or accessory off-street parking area:
- (a) shall not be located within 1.0 m (3.2 ft.) of a lot line common to the lot and to a road or highway;
 - (b) shall be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of maneuvering aisles;
 - (c) shall have necessary curb cuts located to the satisfaction of the Development Authority;
 - (d) in multi-unit residential developments, shall not be located in the front yard, unless otherwise approved by the Municipal Planning Commission.
- (2) Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces identified in **Table 2:**

Table 2: Minimum Number of Parking Stalls for Off Street Parking Areas

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES (ATHABASCA)
RESIDENTIAL USES	
Dwelling, Apartment Dwelling, Row Housing	1.5 per dwelling unit
Dwelling, Single-Detached Dwelling, Duplex (side-by-side and up-down) Dwelling, Multi-unit Dwelling, Manufactured Short Term Rental	2 per dwelling unit
Visitor parking (for any development containing five or more dwelling units)	1 per five (5) units
Boarding House Bed and Breakfast	1 per sleeping unit
Secondary Suite (garage, internal and garden)	1 per suite (in addition to the requirements of the principal dwelling)
Manufactured Home Park	2 per dwelling unit, plus 1 visitor parking space per 3 dwelling units
COMMERCIAL USES	
Retail, General Shopping Centre Office Government Service	1 per each 28 sq. m (301.4 sq. ft.) of gross leasable floor space <u>and</u> one per two employees on maximum shift
Retail, Neighbourhood Personal Service Animal Service	1 per each 46 sq. m (495.2 sq. ft.) of gross leasable floor space, <u>and</u> one per two employees on maximum shift
Eating and Drinking Establishments	

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES (ATHABASCA)
<i>Eating and Drinking Establishments (except those as noted below)</i>	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
<i>Restaurants</i>	1 per 5 seating spaces plus one per 3 employees on maximum shift
<i>Nightclubs</i>	1 per each 13 sq. m (140 sq. ft.) of gross leasable area plus 1 per 3 employees on maximum shift
<i>Cocktail bars and taverns</i>	1 per 5 seating spaces for the first 25 seating spaces, and 1 per 8 seating spaces thereafter, plus 1 per 3 employees on maximum shift
Lodging	1 per sleeping unit and 1 per 3 employees on maximum shift
Workcamp	1 per rentable unit plus 1 per 3 employees on maximum shift
Home Occupation, Major	1 in addition to the requirements for the residential use
All Other Commercial Uses	
For the first 1,000 sq. m (10,764 sq. ft. of gross leasable area	1 per each 30 sq. m (325 sq. ft.) of gross leasable area
For the next 3,000 sq. m (32,291 sq. ft. of gross leasable area	1 per each 20 sq. m (215 sq. ft.) of gross leasable area
For the any additional gross leasable area beyond 4,000 sq. m (43,055 sq. ft.)	1 per each 17 sq. m (183 sq. ft.) of gross leasable area
PLACES OF PUBLIC ASSEMBLY	
Arts and Culture Place of Worship Recreation, Outdoor Recreation, Neighbourhood	1 per 17.5 seating spaces or 1 per 7 sq. m (75.3 sq. ft.) used by patrons, whichever is greater.
Recreation, Indoor	
Recreation, Indoor (except those as noted below)	1 per 3.5 seats or 3.1 per 10 sq. m (107.6 sq. ft) of net floor area used by patrons, whichever is greater.
<i>Bowling alleys</i>	4 per lane plus the requirements for accessory uses
<i>Curling rinks</i>	8 per sheet
<i>Health and fitness clubs</i>	1 per each 10 sq. m (107.6 sq. ft) of floor area
<i>Hockey rinks and swimming pools</i>	1 per 3.5 seats or 1 per 5 sq. m (53.8 sq. ft) of playing/water surface
<i>Racket sports facilities</i>	2 per court
INSTITUTIONAL USES	
Education Facility (as noted below)	
<i>Elementary and junior high schools</i>	1 per school employee during regular school hours plus 5 additional stalls
<i>High Schools</i>	4 per 10 students

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES (ATHABASCA)
<i>Commercial Schools</i>	1 per 10 seats plus auditorium requirements were applicable
Health Service	1 per each 93 sq. m (1001.1 sq. ft.) of gross floor area, or 1 per 4 beds, or 1per each staff member on maximum shift, whichever is greater
Care Facility, Institutional (except nursing homes)	1 per every 2 guest rooms, 1 visitor stall for every 5 guest rooms, and 1 per each staff member on maximum shift
<i>Nursing homes</i>	1 per each 93 sq. m (1001.1 sq. ft.) of gross floor area, or 1 per 4 beds and one for every 2 employees on maximum shift, whichever is greater
INDUSTRIAL USES	
All industrial uses	1 per 3 employees on maximum shift, or as required by the Municipal Planning Commission

- (3) In the case of a use not specifically mentioned, the required number of on- site parking spaces shall be the same as for a similar use as determined by the Development Authority.
- (4) Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.
- (5) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
- (6) If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfill the requirements of this Bylaw.
- (7) Accessible parking spaces shall be provided in accordance with the Alberta Building Code.
- (8) Every off-street parking space, and any accesses thereto, shall be hard surfaced in the same or superior manner as the adjacent road, highway, or lane, to the satisfaction of the Development Authority.
- (9) If there is more than one adjacent road, highway, or lane with different surfaces, the parking spaces shall be surfaced in the same manner as the most permanent surface, to the satisfaction of the Development Authority.
- (10) Every commercial parking area shall be graded and drained to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk, unless permitted otherwise by the Municipal Planning Commission.

- (11) Required parking spaces shall be provided on the same lot as the development requiring the parking.
- (12) At the sole discretion of the Municipal Planning Commission, the required parking spaces, or any portion thereof, may be provided at an alternative location.
- (13) At the sole discretion of the Development Authority, a developer may have the option to pay cash *in lieu* of providing parking spaces. The dollar amount will be determined by the Council in accordance with the Town's plans and policies.
- (14) In the Primary Commercial (C-1) District, the following provisions shall apply:
- (a) in the case of expansion to the floor area of an existing building, additional parking spaces shall be required based on the size and use of the expansion only;
 - (b) in the case of major renovations and architectural modifications to an existing building, no parking spaces in addition to those existing prior to undertaking the renovations or modifications shall be required;
 - (c) In the case of a change in the use of an existing building, no parking spaces in addition to those existing prior to the change in use shall be required provided that no alteration to the floor area of the building occurs; and
 - (d) drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- (15) All parking spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions and shall conform to the requirements shown in **Table 3** (see also **Figure 4**).

Table 3: Requirements for Parking Spaces

Parking Angle in Degrees	Width of Stall	Depth of Stall Perpendicular to Manoeuvring Aisle	Width of Stall Parallel to Manoeuvring Aisle	Overall Depth	Width of Manoeuvring Aisle (one-way)
a	b	c	d	E	f
0	2.7 m (8.9 ft.)	2.7 m (8.9 ft.)	7.0 m (22.9 ft.)	9.1 m (29.9 ft.)	3.6 m (11.8 ft.)
30	2.7 m (8.9 ft.)	5.2 m (17.1 ft.)	5.5 m (45.9 ft.)	14.0 m (45.9 ft.)	3.6 m (11.8 ft.)
45	2.7 m (8.9 ft.)	5.8 m (19.0 ft.)	4.0 m (13.1 ft.)	15.2 m (49.9 ft.)	3.6 m (11.8 ft.)
60	2.7 m (8.9 ft.)	6.1 m (20.0 ft.)	3.1 m (10.2 ft.)	18.2 m (59.7 ft.)	6.0 m (19.6 ft.)
90	2.7 m (8.9 ft.)	6.1 m (20.0 ft.)	2.7 m (8.9 ft.)	19.5 m (64.0 ft.)	7.3 m (24.0 ft.)

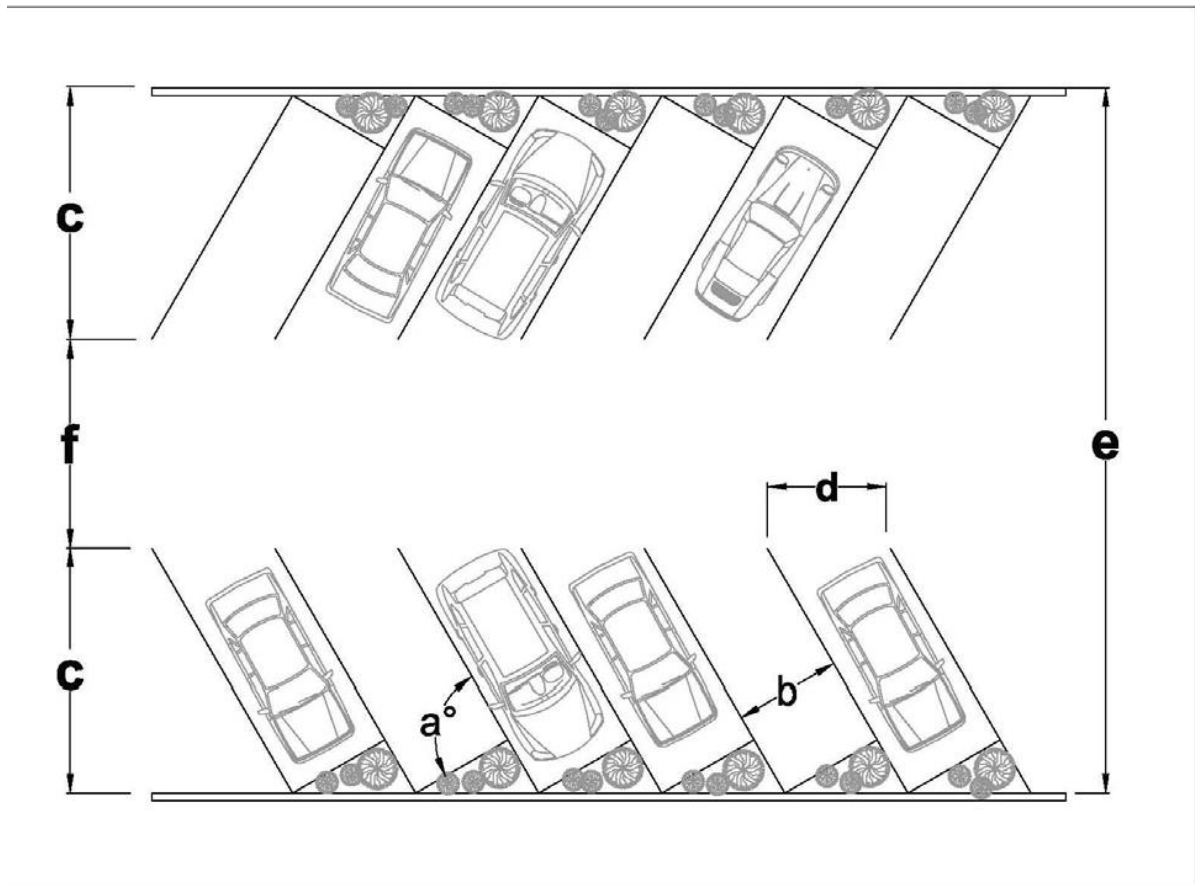


Figure 4 Definitions of Column Headings for Parking Space Dimensions

(16) Off-Street Loading Areas

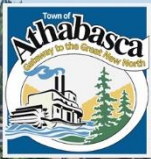
- (a) Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
- (b) When required by the Development Authority, loading spaces shall:
 - (i) have dimensions of not less than:
 - Width – 3.0 m (9.8 ft.)
 - Length – 7.5 m (24.6 ft.)
 - Height above grade – 4.2 m (13.8 ft.)
 - (ii) provide vehicular access to, and egress from, a road, highway, 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, highways, or lanes;

- (iii) be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
 - (iv) 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;
 - (v) be paved or hard surfaced;
 - (vi) have adequate lighting to the satisfaction of the Development Authority; and
 - (vii) be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft.) and not more than 2.0 m (6.5 ft.) in height.
- (c) The number of loading spaces required to be provided in a development shall be as follows:

Table 4: Required Number of Loading Spaces

USE OF BUILDING OR SITE		MINIMUM NUMBER OF LOADING SPACES
COMMERCIAL STORES, RETAIL, INDUSTRIAL, WAREHOUSE OR SIMILAR USES		
Retail use, industrial warehouse, or similar development		
Less than or equal to 460 sq. m (4951.6 sq. ft.) of gross floor area,		1 space
For developments greater than 460 sq. m (4951.6 sq. ft.) and less than 2300 sq. m (24,757.8 sq. ft.) of gross floor area		2 spaces
Each additional 2300 sq. m (24,757.8 sq. ft.) or fraction thereof.		1 additional space
Neighbourhood Commercial Stores		1 space
Office buildings, places of public assembly, public convalescent homes, institutions, clubs or lodges, public utilities, schools or for any other similar uses		
Less than or equal to 2800 sq. m (30,139.9 sq. ft.) of gross floor area		1 space
Each additional 2800 sq. m (30,139.9 sq. ft.) or fraction thereof		1 additional space
RESIDENTIAL		
Multi-unit dwellings		
All		1 per 20 dwelling units or a fraction thereof

- (d) Any other building or use shall provide loading spaces as required by the Development Authority. Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.



PART 8.0: SPECIAL USE REGULATIONS

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

8.1 ACCESSORY BUILDINGS AND STRUCTURES

- (1) All accessory buildings and structures shall comply with all relevant provisions of this Bylaw.
- (2) Accessory Buildings and Structures in Residential Districts with an area greater than 9.3 sq. m (100 sq. ft) require a Development Permit.
- (3) Notwithstanding **Subsection (2)** above, tented accessory structures used for the sheltering of vehicles and other household goods shall only require a Development Permit if they have an area greater than 23 sq. m (250 sq. ft).
- (4) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a Secondary Suite, where allowed in this Bylaw.
- (5) Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building or the commencement of the principal use on a site, and not before the principal building is constructed or the principal use commences.
- (6) Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply.
- (7) No person shall construct or permit the construction of an accessory building or structure, or group of accessory buildings or structures, such that, individually or collectively, the gross floor area of the accessory buildings or structures would:
 - (8) along with the principal building, exceed the maximum site coverage allowed on the site;
 - (9) exceed the floor area of the principal building on the site, or
 - (10) exceed twelve percent (12%) of the site area.
- (11) Accessory buildings and structures shall not be located in a front yard.
- (12) Accessory buildings and structures shall not be located on an easement or a utility right-of-way.

- (13) At the discretion of the Development Authority, a temporary accessory building or structure, or a fence, may be permitted on a utility right-of-way if a Development Permit is approved and an encroachment agreement is signed to the satisfaction of the Town.

Accessory Buildings and Structures in Residential Districts

- (14) Unless otherwise provided, in Residential Districts:
- (a) an accessory building or structure shall not exceed one storey or 4.6 m (15.09 ft.) in height; and
 - (b) where an open carport is attached to a dwelling, the minimum required side yard may, at the discretion of the Development Authority, be reduced to 1.2 m (3.9 ft.);
- (15) Accessory buildings and structures in Residential Districts shall be located:
- (a) a minimum of 2.0 m (6.5 ft.) from the dwelling;
 - (b) no closer to the front lot line than the front of the principal building, except in double fronting or corner sites, in which case one of the minimum required front yards may be reduced to 4.5 m (14.8 ft.) and the minimum required side yard may be reduced to 7.5 m (24.6 ft.) at the discretion of the Development Authority;
 - (c) no closer than 1.0 m (3.2 ft.) to the rear lot line, except for garages with vehicular access from a lane, in which case the garage shall be no closer than 5.0 m (16.4 ft.) to the rear lot line;
 - (d) no closer than 1.0 m (3.2 ft.) to the side lot line, except for an accessory building containing two garages, where a fire wall has been constructed along the parcel line between the two garages, in which case, the building may be within 1.0 m (3.2 ft.) of the side lot line; and
 - (e) such that no roof overhang is located within 0.3 m (1.0 ft.) of a side or rear lot line.
- (16) All decks and verandas in Residential Districts shall be located such that they do not project into the applicable minimum required yards.

Accessory Buildings in Districts Other Than Residential Districts

- (17) In Non-Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.
- (18) At the discretion of the Development Authority, a temporary Development Permit may be issued for the erection and use of a factory-manufactured accessory building, provided that the following additional conditions are met:
- (a) the temporary Development Permit shall not be issued for a period of more than six (6) months; and

- (b) Upon receiving a written request from the applicant, the Development Authority may extend the Development Permit for a further six (6) months.

Private Swimming Pools and Hot Tubs

- (19) Notwithstanding any other provision of this Bylaw to the contrary, the installation or construction of a private swimming pool or hot tub requires a Development Permit.
- (20) Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- (21) Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests.
- (22) No private swimming pool or hot tub may be constructed except within an enclosed building, unless it is entirely fenced. A wall of a building may be considered suitable replacement for all or part of the required fence, provided that the wall is a minimum of 1.8 m (5.9 ft.) in height along the segment where it is to replace the fence.
- (23) Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (5.9 ft.) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to prevent climbing, crawling, or any form of trespassing. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.
- (24) No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

8.2 ANIMAL BREEDING AND BOARDING

- (1) An animal breeding and boarding facility which is to be located within 305.0 m (1,000.6 ft) from a residence that is not related to the proposed development shall be considered a Discretionary Use.
- (2) No animal breeding and boarding facility for dogs shall be permitted in a Residential District, or on a parcel less than 2.02 ha (5.0 ac.) in area.
- (3) The Development Authority may require pens, rooms, exercise runs, and holding stalls to be soundproof.
- (4) A Development Permit application may be referred to the local Health Authority or animal control agency.

- (5) No facility or exterior exercise runs that are used to accommodate the animals may be located within 6.1 m (20.0 ft) of any lot line adjacent to a Residential District.
- (6) The Development Authority may require all exterior exercise runs to be enclosed with a fence.
- (7) The Development Authority may require all dog facilities, including buildings and exterior exercise areas, to be sited.
- (8) The Development Authority may regulate the hours that dogs are allowed outdoors.
- (9) The Development Authority may regulate the maximum number of animals that can be kept in a facility at once, based on species and size of the animal, the size of the parcel, and/or proximity to residential uses. Pups under six (6) months shall not be included in the number.
- (10) Facilities housing animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- (11) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments

8.3 ANIMAL SERVICES AND ANIMAL HOSPITALS

- (1) A Development Permit application for an Animal Service or an Animal Hospital shall include detailed plans for the mitigation of nuisances, especially noise and odours.
- (2) Pens, rooms, and runs shall be adequately soundproofed.
- (3) Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- (4) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments

8.4 BED AND BREAKFASTS

- (1) A Bed and Breakfast shall only be developed as an accessory use to a dwelling unit.
- (2) A Bed and Breakfast shall not change the principal character or external appearance of the dwelling involved and shall have a maximum of four (4) bedrooms where temporary sleeping accommodation is provided.
- (3) Cooking facilities shall not be located within the sleeping units.

- (4) A Bed and Breakfast shall comply with all of the requirements for a Home Occupation, Major described in this Bylaw.
- (5) A Bed and Breakfast may not exceed eight (8) guests or four (4) customer vehicles parked on site at any one given time.

8.5 CAMPGROUND

- (1) Within the boundaries of the Town of Athabasca, camping activities shall not be allowed in any public or private property other than a Campground for which a Development Permit has been issued.
- (2) As a condition of approval of a Campground, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Alberta Safety Codes Act that may be applicable.
- (3) In a Campground providing stalls for recreational vehicles, each stall shall have a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 sq. m (2691.0 sq. ft.).
- (4) In any Campground, the construction and maintenance of all internal roads shall be the responsibility of the developer for both. Also, internal roads shall have a minimum usable top of 6.0 m (19.6 ft.), except for one-way roads, which shall have a minimum usable top of a 3.6 m (12.0 ft.).
- (5) The developer of a Campground shall provide on-site potable water supply which meets all applicable provincial water requirements.
- (6) The developer of a Campground shall provide sewage disposal facilities in accordance with the Town of Athabasca's servicing master plans as well as all applicable provincial regulations.
- (7) As a condition of approval of a Development Permit, the Development Authority may require the developer of a Campground to construct, upgrade, or pay to construct or upgrade the necessary public roads to grant access to the proposed development.
- (8) At the discretion of the Development Authority, the developer shall designate an area up to ten percent (10%) of the total Campground area as a playground. This area is to be clearly marked and free from all traffic and other hazards.
- (9) All stalls in a Campground shall maintain a minimum set back of 30.0 m (98.4 ft.) from the shoreline of any body of water.

- (10) In a Campground, the maximum number of recreational vehicles permitted per stall shall be one (1).
- (11) A site plan and landscaping plan detailing the protection of existing treed areas and site topography is required prior to the issuance of a Development Permit for a Campground.
- (12) Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
- (13) All Campgrounds shall comply with the following minimum setbacks:
 - (a) Front, side, corner and rear yard setbacks shall be 7.6 m (25.0 ft.) or 10% of the lot width, whichever is lesser.
- (14) All other site requirements shall be as required by the Development Authority.

8.6 CANNABIS PRODUCTION AND DISTRIBUTION

- (1) Regulations within this section apply to the production and distribution of cannabis for medical and non- medical purposes.
- (2) No Cannabis Production and Distribution Facility may be allowed unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- (3) Cannabis production and distribution developments shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations.
- (4) All Cannabis Production and Distribution Facilities shall:
 - (a) Meet all requirements of the applicable Land Use District.
 - (b) Obtain any required licenses and permits from applicable provincial and/or federal authorities and provide a copy to the Development Authority as part of the Development Permit approval process.
 - (c) Not operate in conjunction with another use on the same site.
- (5) Cannabis Production and Distribution Facilities shall include suitable landscaping and parking requirements, as determined by the Development Authority having regard for the regulations of this Bylaw and the servicing standards of the Town.
- (6) Cannabis Production and Distribution Facilities shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to: dust, pollution, noise, odour, or any other related land use nuisance effects.
- (7) No outdoor storage of goods, materials, or supplies shall be permitted.

- (8) Garbage containers and waste material shall be contained within an enclosed and locked building.
- (9) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (10) All activities related to the Cannabis Production and Distribution Facility shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.
- (11) Hours of operation shall be restricted as a condition of the Development Permit issued by the Development Authority.
- (12) A Cannabis Production and Distribution Facility's exterior lighting and noise levels shall satisfy the following requirements:
 - (a) The illumination of parking areas, walkways, signs, and other structures associated with the development shall be arranged to meet the requirements under provincial and federal regulations.
 - (b) Noise from facilities shall not exceed that allowed under this Bylaw or any other bylaw and/or policy of the Town in addition to the requirements under provincial and federal regulations.
- (13) Cannabis Production and Distribution Facilities where cannabis is cultivated, harvested, or propagated indoors shall not be permitted within 100.0 m (328.1 ft.) of a school, provincial health care facility or any other public place frequented mainly by persons under 18 years of age.
- (14) Cannabis Production and Distribution Facilities where cannabis is cultivated, harvested, or propagated outdoors shall not be permitted within 1.0 km (1.6 miles) of a school ground, or any other public place usually frequented by persons under 18 years of age.
- (15) The minimum lot size shall be at the discretion of the Development Authority.
- (16) The minimum setback from any watercourse shall be 30.0 m (98.4 ft.).
- (17) The maximum lot coverage shall be at the discretion of the Development Authority.
- (18) The maximum height shall be 10.0 m (32.8 ft.) for the principal building.
- (19) A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks.

- (20) On site buffering measures shall be required for all Cannabis Production and Distribution Facilities. Buffers may include a combination of space separation, vegetation, and fencing to mitigate the impacts on adjacent lots.

8.7 CARE FACILITIES

- (1) All Care Facilities (Institutional and Residential) shall conform to regulations under the Safety Codes Act and any other relevant Provincial legislation and regulations.
- (2) In addition to all other regulations of this Bylaw, a group home shall comply with the following regulations:
 - (a) 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.
 - (b) 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 proposed location, having regard for potential traffic generation, proximity to a open spaces and recreation, limiting any interference with nearby properties and uses, and consistency with other development in the area.
 - (c) The group home shall not generate pedestrian or vehicular traffic or parking beyond what is characteristic of the District in which it is located.
- (3) In addition to all other regulations of this Bylaw, child care facilities and day homes shall comply with the following regulations:
 - (a) The maximum number of children for which care may be provided shall be at the discretion of the Development Authority, who shall have regard for the nature of the facility, the density of the District in which it is located, potential impacts on local traffic, and the location of the use in relation to other uses in the area.
 - (b) A child care facility shall not be the main use of a building within any Residential District.
 - (c) A child care facility in any Non-Residential District shall be in a standalone facility, either within the main building or in an accessory building, with a separate access to ground level and an adjacent playground area.
- (4) Notwithstanding the above, any type of Care Facility which is provincially regulated shall conform to all applicable provincial standards and regulations.

8.8 CAR-ORIENTED DEVELOPEMENTS

- (1) The regulations in this Section apply to all commercial and industrial uses that cater to vehicular traffic, including Service Stations and Gas Bars, carwashes, and any other developments with an accessory drive-through.
 - (a) Other uses not listed in **Subsection (1)** above may be considered car-oriented developments, at the discretion of the Development Authority.
- (2) Any car-oriented development may be located only where it can be shown, to the satisfaction of the Development Authority, that the development would not:
 - (a) impede safe traffic movement entering and exiting the site;
 - (b) interfere with the functioning of surrounding roads or the enjoyment of any neighbouring residential uses; and
 - (c) create unsafe traffic circulation on the site.
 - (d) A drive-in business may be located in a Shopping Centre or other multiple use development at the discretion of the Development Authority.
- (3) Except as provided in **Table 5**, the minimum site area for a car-oriented development shall be 600.0 sq. m (6458.0 sq. ft.), the minimum frontage shall be 30.0 m (98.4 ft.), and the maximum floor area of buildings shall be 90.0 sq. m (969.0 sq. ft.).

Table 5: Site Area and Site Coverage Requirements for Drive-in Businesses

Type of Car-Oriented Development	Site Area (Minimum)	Site Coverage (Maximum)
Gas Bars (not associated with other developments)	60.0 sq. m (646.0 sq. ft.) for each fuel pump not including the area covered by buildings	15%
Service Stations (including those with an accessory Carwash)	1200.0 sq. m (12,917.0 sq. ft.)	20% including pump islands
Carwashes	600.0 sq. m (6458.0 sq. ft.)	20%
Developments with an accessory Drive-Through	600.0 sq. m (6458 sq. ft.)	20%

- (4) Where a car-oriented development forms part of a Shopping Centre or multiple use development, the minimum site area, maximum site coverage, and maximum building floor area shall be at the discretion of the Development Authority.
- (5) In all car-oriented developments, curb cuts shall comply with the following regulations:

- (a) The nearest edge of a curb cut to the property line on the adjacent road shall be not less than 8.0 m (26.2 ft.).
 - (b) The maximum width of the curb cut shall be 10.0 m (32.8 ft.).
 - (c) The minimum distance between curb cuts on the same site line shall be 6.0 m (19.6 ft.).
The Development Authority may increase this minimum distance if, in their opinion, public safety or convenience would be improved.
- (6) The minimum required setbacks in a car-oriented development shall be as follows:
- (a) Drive-Throughs shall be located at a minimum distance of 9.5 m (31.1 ft.) from the nearest lot line;
 - (b) Pump islands shall be located at a minimum distance of 6.0 m (19.6 ft.) from any lot line or parking area;
 - (c) Canopies over pump islands or drive-through aisles shall be located at a minimum distance of 3.0 m (9.8 ft.) from any lot line; and
 - (d) Developments with an accessory Drive-Through which are adjacent to a residential use or Residential District shall be located at the following minimum distance from such use or District:
 - (i) 10.0 m (32.8 ft.), or
 - (ii) in the case of a Carwash, 25.0 m (82.0 ft.), or
 - (iii) such greater distance that the Development Authority deems necessary in order to buffer the residential use or District from noise, traffic or other impacts of the Drive-Through.
- (7) In car-oriented developments queuing spaces and traffic circulation shall be provided in accordance with **Table 6**.

Table 6: Queuing Space Requirements for Drive-in Businesses

Type of Business	Inbound queuing Space Requirements	Outbound Queuing Space Requirements
Drive-through Development with a Drive-up Service	3 per service window	1 per service window
Drive-through Vehicle Service Establishment	4 per service bay	1 per service bay
Full Service Carwash	4 or any such number as required by the Development Authority taking into consideration the number of wash bays	2 or any such number as required by the Development Authority taking into consideration the number of wash bays

- (a) Queuing spaces must allow for vehicle turning and manoeuvring.

- (b) Pump islands must be located to allow a through traffic lane with a minimum width of 6.0 m (19.6 ft.).
 - (c) Except for an Eating and Drinking Establishment with an accessory Drive-Trough, a queuing space does not include any space occupied by a motor vehicle during the provision of service.
- (8) All car-oriented developments shall comply with the following site and building requirements:
- (a) All parts of the site to which vehicles may have access shall be hard-surfaced 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.
 - (d) A minimum of ten percent (10%) of the site area shall be landscaped, to the satisfaction of the Development Authority.
 - (e) In addition to other fencing, landscaping, and environmental protection requirements in this Bylaw, a berm and/or fence shall be erected and maintained along any lot lines abutting or across a lane or walkway from a Residential District.
 - (f) If a Carwash is located on a site abutting a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority.

Service Stations and Gas Bars

- (9) Service Stations and Gas Bars shall also comply with the following regulations:
- (a) Service Stations and Gas Bars shall be located in such a manner that:
 - (i) no part of a building, a pump, or any other accessory use shall be located within 6.0 m (19.6 ft.) of a side or a rear lot line;
 - (ii) the minimum required front yard for the principal building shall be 12.0 m (39.3 ft.), and no gasoline pump shall be located closer than 6.0 m (19.6 ft.) to the front lot line; and
 - (iii) storage tanks shall be placed in accordance with regulations passed pursuant to the Fire Protection Act.
 - (b) Service Stations and Gas Bars shall comply with the following site area and coverage regulations:
 - (i) The minimum site area shall be 930.0 sq. m (10,010.7 sq. ft) and the maximum building coverage shall be 20% of the site area. When the development includes an accessory Carwash, the minimum site area shall be 1,110.0 sq. m (11,948.3 sq. ft).

- (ii) When a Service Station or Gas Bar is part of a Shopping Centre, the ratio of building space to parking space shall be as required by the Development Authority.
- (c) Any lighting proposed to illuminate off-street parking areas in a Service Station or Gas Bar shall be located and arranged so that sunlight is directed upon the site only, and not on any adjacent properties.
- (d) The owner, tenant, operator, or person in charge of a Service Station or Gas Bar shall, at all times:
 - (i) Ensure that accessory buildings, such as garages, and any other buildings and/or structures on the premises are appropriately used in accordance with the Development Permit issued by the Town, and no unapproved, obnoxious, or offensive uses or activities take place therein;
 - (ii) Be responsible for the proper, safe, and orderly operation of the business and the motor vehicles using the business at any given time;
 - (iii) Ensure, without restricting the generality of the foregoing:
 - (A) that the parking of motor vehicles does not obstruct the sidewalks and boulevards abutting or adjacent to the site, and
 - (B) that motor vehicles are able to enter and leave the site only at the entrances and exits provided for such purposes and not elsewhere; and
 - (iv) Where required by the Development Authority, maintain a fence not less than 1.5 m (4.9 ft.) in height on the boundaries of the site.

Carwashes

- (10) Carwashes shall also comply with the following regulations:
 - (a) A Carwash may be allowed as a discretionary use as part of a Shopping Centre if the Development Authority is satisfied that it will not adversely affect an adjoining land use or traffic circulation within and adjacent to the Shopping Centre.
 - (b) Where Carwashes are the principal use, the minimum lot area shall be 560.0 sq. m (6028.0 sq. ft.).
 - (c) In the case of Service Stations or Gas Bars with an accessory Carwash, the minimum lot area shall be 1,110.0 sq. m (11,948.0 sq. ft.).

8.9 DWELLINGS

Single Detached Dwellings

- (1) In considering any application for the conversion of a Single Detached Dwelling into another use, the Development Authority shall ensure that the proposed Development complies with the following requirements:
 - (a) The use shall be listed as a Permitted or a Discretionary Use in the District in which the Single Detached Dwelling is located.
 - (b) Wherever possible, off-street parking shall be located at the rear of the principal building with vehicular access from the lane only, except in the case of a corner site where parking may be places and screened from adjacent roads to the satisfaction of the Development Authority.
 - (c) Where the conversion involves exterior renovation, such renovations shall maintain a height, exterior finish, design and coverage consistent with the surrounding neighbourhood and to the satisfaction of the Development Authority.
 - (d) Existing plant matter should be retained to the greatest extent possible and to the satisfaction of the Development Authority.
 - (e) All signs shall be in keeping with **Section 8.24** of this Bylaw.

Multi-unit, Row Housing and Apartment Dwellings

- (2) A Development Permit application for a Multiplex Dwelling, Row Housing Dwelling, or an Apartment Dwelling shall include:
 - (a) design plans and working drawings, including elevations, which have been done or endorsed by a registered architect; and
 - (b) site plans showing the proposed:
 - (i) location and position of structures on the site, including any "For Rent" or identification signs,
 - (ii) location and number of parking spaces, exits, entries, and drives from roads, lanes, or highways, and
 - (iii) a landscape plan of the entire site that shall also show intended surfacing for drives and parking areas.
- (3) If the Development Permit is approved, the plans referenced in **Subsection (2)** above shall be deemed conditions of approval. The Development Authority may require that security be provided to ensure that the conditions are satisfied.

- (4) The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans. All this information shall be provided to the satisfaction of the Development Authority.

Manufactured Home

- (5) Manufactured Homes shall have Canadian Standards Association Z-240 Certification.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) The following regulations apply to Manufactured Homes located in a subdivision:
 - (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, base, or ground; and
 - (c) the lot is to be fully landscaped within two (2) years from the date of issuance of the Development Permit.

8.10 HOME OCCUPATIONS

- (1) All Home Occupations shall comply with the following requirements:
 - (a) Home Occupations shall not be allowed on a site unless a dwelling unit is located on the site on which the Home Occupation is to be located.

- (b) All Development Permits issued for Home Occupations shall be revocable at any time by the Development Authority, if, in their opinion, the Home Occupation is or has become detrimental to the amenities of the neighbourhood in which it is located, or if there is any change to the intensity of the Home Occupation as originally approved.
- (c) The Development Authority may, in their sole discretion, place time limits on the period for which a Development Permit for a Home Occupation is valid.
- (d) No Home Occupation shall change the principal character or external appearance of the dwelling involved or of any accessory buildings.
- (e) Home Occupations shall be incidental and subordinate to the principal use of the dwelling.
- (f) No more than 20% or 30 sq. m (323 sq. ft.), whichever is lesser, of the dwelling unit shall be occupied by the Home Occupation.
- (g) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the Home Occupation allowed on the site.
- (h) The Home Occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- (i) 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.
- (j) When a Development Permit is issued for a Home Occupation, such permit shall be terminated should the applicant vacate the dwelling for which the permit has been issued;
- (k) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated beyond what is characteristic of the District in which the Home Occupation is located;
- (l) 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.

Minor Home Occupations

- (2) A minor Home Occupation shall also comply with the following regulations:
 - (a) Minor Home Occupations do not require a Development Permit, provided they comply with all applicable requirements of this Bylaw. If a Minor Home Occupation does not comply with all applicable requirements, it shall be considered a Major Home Occupation and shall require a Development Permit.
 - (b) A Minor Home Occupation shall not involve the display of goods or any sales.
 - (c) No person shall be employed on-site other than a resident of the dwelling unit.
 - (d) The number of clients or customers coming to the site shall not exceed five (5) per week.

- (e) Storage related to the business activity and the business activity itself shall only be allowed inside the dwelling.
- (f) The use of commercial vehicles in conjunction with a Minor Home Occupation shall not be allowed.
- (g) Signs relating to a Minor Home Occupation shall not be allowed.

Major Home Occupations

- (3) A major Home Occupation shall also comply with the following regulations:
- (a) Major Home Occupations require a Development Permit.
 - (b) There may be a limited volume of on-premises sales, including only goods or commodities that are relevant to the nature of the business.
 - (c) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - (d) The number of clients or customers coming to the site shall not exceed four (4) at any time, and twenty (20) per week
 - (e) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or an accessory building.
 - (f) Only one (1) commercial vehicle of a capacity not exceeding 1.0 tonne (2400 lbs) may be used in conjunction with a Major Home Occupation.
 - (g) Truck trailers or vehicle accessories or equipment shall not be allowed.
 - (h) A 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.
 - (i) The dwelling in which a major Home Occupation is located may have one Fascia Sign placed on the dwelling, providing that the sign does not exceed 0.4 sq. m (4 sq. ft.) in area.

Table 7 below summarizes the difference between Minor and Major Home Occupations

Table 7: Minor and Major Home Occupations

Regulation	Minor Home Occupation	Major Home Occupation
Permit Requirement	No Development Permit required if compliant	Development Permit required
Sales of Goods	No sales or display of goods allowed	Limited on-premises sales allowed, only for goods relevant to the business
Employees	Only residents of the dwelling may work on-site	One non-resident employee or business partner allowed on-site
Client Visits	Max. 5 per week	Max. 4 at any one time, and 20 per week

Regulation	Minor Home Occupation	Major Home Occupation
Location of Business Activity and Storage	Must occur and be stored inside the dwelling only	May occur in the dwelling or an accessory building
Commercial Vehicles	Not allowed	One commercial vehicle allowed (max. 1.0 tonne / 2400 lbs capacity)
Truck Trailers / Equipment	Not allowed	Not allowed
Suitability in Residential Areas	Must remain low-impact and incidental	May not be permitted if better suited to a commercial/industrial district
Signage	Not allowed	One fascia sign on the dwelling (max. 0.4 m ² / 4 ft ²)

8.11 INDUSTRIAL DEVELOPMENT

- (1) The Development Authority may circulate a Development Permit application for an industrial use with any applicable local, regional and/or provincial authorities, agencies, organizations, or interested parties. When circulating an application, the Development Authority shall request comments to be made in writing.
- (2) An application for an industrial use shall 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.)
 - (i) and/or any such other information as may be reasonably required by the Development Authority.
- (3) All site 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.
- (4) Industrial developments shall be designed and conducted in such a manner that, in the opinion of the Development Authority:
 - (a) adverse environmental impacts are not created beyond the immediate site, or are adequately mitigated to ensure compatibility with surrounding uses; and

- (b) toxic or noxious by-products are not produced or are adequately mitigated;
- (5) Indoor displays, offices, technical or administrative support areas, or retail sales shall be accessory and subordinate to the industrial use. The floor area devoted to such accessory activities shall not exceed thirty-three percent (33%) of the total floor area of the building or buildings constituting such industrial use.
 - (a) This restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial use naturally takes place outdoors.

Industrial Hemp Production

- (6) Industrial Hemp Production Facilities shall also comply with the following regulations:
 - (a) No Industrial Hemp Production Facility shall be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
 - (b) An Industrial Hemp Production Facility shall:
 - (i) not operate in conjunction with another use on the same lot or development site.
 - (ii) maintain a minimum 1 km distance from schools and public places frequented by minors,
 - (iii) incorporate suitable landscaping and parking, to the satisfaction of the Development Authority,
 - (iv) adhere to federal Industrial Hemp Regulations regarding security and premises,
 - (v) preserve neighbourhood character and appearance,
 - (vi) minimize environmental and community impacts (including dust, pollution, noise, odour, and other nuisances), and
 - (vii) ensure there is no outdoor storage of goods, materials, or supplies.
 - (c) Solid waste material must be disposed of in accordance with applicable provincial and federal regulations.
 - (d) All activities related to the Industrial Hemp Production Facility shall occur within a fully enclosed and standalone building, including but not limited to loading, receiving, and shipping of industrial hemp and any other goods, materials, and supplies.
 - (e) An Industrial Hemp Production Facility's exterior lighting and noise levels shall meet any requirements of this Land Use Bylaw, any other applicable bylaw and/or policy approved by the Town, and any provincial and federal requirements.
 - (f) The minimum lot size shall be at the discretion of the Development Authority, having regard for federal regulations.
 - (g) The minimum setback from any watercourse shall be 30.0 m (98.4 ft.).
 - (h) The maximum lot coverage shall be at the discretion of the Development Authority.
 - (i) The maximum height shall be 10.0 m (32.8 ft.) for the principal building.

- (j) The minimum front setback shall be 45.0 m (147.0 ft.) from any property line next to a road right of way, notwithstanding the regulations of this Bylaw.
- (k) A building or structure used for security purposes for an Industrial Hemp Production Facility may be located in the front yard and must comply with the required minimum setbacks:
 - (i) Minimum side setback: 6.0 m (20.0 ft.) from lot line.
 - (ii) Minimum rear setback: 7.6 m (25.0 ft.) from lot line.
- (l) The minimum planting setback shall be as required by the established right-of-way, excluding provincial highways, measured from the centreline of the right-of-way.
- (m) Buffers shall be required for all Industrial Hemp Production Facilities. Buffers can combine separation, vegetation, and fencing to mitigate the impacts on farming and adjacent uses.
- (n) Parking and loading requirements shall be in accordance with this Bylaw and any applicable provincial and federal requirements and regulations.

Extractive Industrial

- (7) Extractive Industrial developments shall also comply with the following regulations:
 - (a) A Development Permit shall not be issued for a sand, gravel, clay, coal, limestone, gypsum, granite, salt or a mineral extraction operation until any necessary reclamation plan and permit/license is approved by the Provincial Government.
 - (b) Where not required to do so by Provincial agencies, the proponent of a natural resource extraction industry shall be required to submit a reclamation plan to the Development Authority for its approval prior to the issuance of a Development Permit.
 - (c) Where not required to do so by the Province, the proponent of a natural resource extraction industry may, at the discretion of the Development Authority, be required to post with the Town security in the form of an irrevocable letter of credit to ensure that reclamation will be completed.
 - (d) A disturbed area shall be reclaimed to:
 - (i) at least its former state; or
 - (ii) any other use, which the Development Authority feels, will be beneficial to the Town.
 - (e) The following conditions of approval may be included when processing an application for a natural resource extraction industry:
 - (i) limitation of hours of operation;
 - (ii) requirement to enter into a Road Use Agreement with the Town for the provision of dust control and maintenance/upgrading of roads used in direct relation to the operation;

- (iii) posting of adequate signage, including company name and emergency telephone numbers, to warn of possible site or operational hazards and dangers;
 - (iv) methods of minimizing noise in relation to the activities of the operation; and
 - (v) payment of an aggregate levy to the Town as outlined by bylaw.
- (f) Extraction operations, such as sand, gravel and other mineral resource workings shall be permitted to proceed only after the issuance of proper licenses that indicate compliance with the appropriate provincial legislation and regulations.
 - (g) Council shall urge the province to comply with the policies of this section and the overall intent of the Plan when developing natural resource extraction activities that are exempt from control under the Municipal Government Act.
 - (h) Resource processing should be handled as a form of industrial development, and be subject to the appropriate industrial policies of this Bylaw.

8.12 **MANUFACTURED HOME PARKS**

- (1) Manufactured Home stalls shall be located at least 3.0 m (9.8 ft.) from a property boundary line. This 3.0 m (9.8 ft.) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority;
- (2) All roadways shall be curb and gutter, hard surfaced, and constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.0 m (29.5 ft.);
- (3) A safe, convenient, all season pedestrian walkway of at least 1.0 m (3.2 ft.) in width shall be provided for access between individual Manufactured Homes, the park roadways, and all community facilities provided for park residents;
- (4) Visitor parking spaces shall be provided at a ratio of at least one (1) space for every five (5) 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.;
- (5) The design of Manufactured Home Parks shall be to the satisfaction of the Development Authority;
- (6) All utilities shall be provided underground to stalls;
- (7) A minimum of 5% of the gross lot area shall be devoted to recreational use;

- (8) 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;
- (9) 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;
- (10) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges;
- (11) Street lighting shall be to the same standard as that in a conventional residential neighbourhood;
- (12) Manufactured Homes shall be separated from each other by at least 4.8 m (15.7 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;

8.13 PARKS

- (1) A sufficient number of benches, picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers shall be at the discretion of the Development Authority.
- (2) The facility shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- (3) Where the heavy use areas, such as sports fields, directly adjoin a residential development, adequate screening or fencing shall be provided, to the satisfaction of the Development Authority.
- (4) Parking areas should be physically separated from the rest of the development.

8.14 PLACES OF WORSHIP

- (1) Minimum front, side and rear yards shall be those required within the District in which the place of worship is located.
- (2) A Place of Worship may be located in any District even if it has not been listed as a permitted or discretionary use if it is an accessory use to a permitted or discretionary use in that District.

- (3) Notwithstanding any other provision of this Bylaw to the contrary, up to fifty percent (50%) of the required parking spaces may be located off-site, provided that the applicant can demonstrate, to the satisfaction of the Development Authority, that sufficient off-site parking spaces are available for the use of patrons.
- (4) All Places of Worship shall abut a road which is designated an arterial road or a major collector road in the municipality's Municipal Development Plan, or an arterial road, a major collector road or a minor collector road in an Area Structure Plan.

8.15 RECREATIONAL VEHICLES

- (1) In a Residential District, there shall be no more than one (1) Recreational Vehicle in a parcel at any given time, whether or not the Recreational Vehicle is in use.
- (2) Recreational Vehicles shall not be used for permanent habitation, or temporary accommodation lasting more than thirty (30) consecutive days.
- (3) In a Residential District, a Recreational Vehicle:
 - (a) shall not be kept in any part of a front yard, or a side yard adjacent to a road, between November 1 and March 31;
 - (b) Shall not be parked on the street at any time;
 - (c) shall be kept on a driveway, cement pad, or garage at all times;
 - (d) shall not be placed on any landscaped portion of the parcel, whether or not the Recreational Vehicle is in use.
- (4) The following regulations apply to Recreational Vehicles in recreational trailer parks:
 - (a) A Recreational Vehicle may have up to two (2) Accessory Buildings or Structures, or other paraphernalia associated with it. This excludes fences, benches, fire pits, and picnic tables.
 - (b) Accessory Buildings and Structures associated with Recreational Vehicles may have a maximum size of 18.58 m² (200.0 sq. ft.).
 - (c) Accessory Buildings and Structures associated with a Recreational Vehicle shall not be used for accommodation.

8.16 RETAIL, CANNABIS

- (1) No Cannabis Retail development may be allowed unless all applicable approvals from the provincial and federal governments are in place. A copy of such approvals shall be provided to the Development Authority as part of the Development Permit application.
- (2) Cannabis Retail developments shall comply with all Land Use Bylaw requirements as well as all applicable federal and provincial regulations including:

- (a) the production of cannabis in accordance with the Industrial Hemp Regulations, as amended; and
 - (b) any subsequent legislation or regulations that may be enacted.
- (3) Cannabis Retail developments must include suitable landscaping and parking, as required by the Development Authority. Parking shall comply with regulations of this Bylaw and meet all servicing standards of the municipality.
- (4) The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (5) Hours of operation shall be restricted as a condition of the Development Permit issued by Development Authority.
- (6) Cannabis Retail developments shall be prohibited within 100.0 m (328.1 ft.) of a provincial health care facility (or a boundary of the parcel of land on which the facility is located), or a building containing a school (or a boundary of a parcel of land on which the building is located).
- (7) Regulations in this Section are not exclusive and shall not prevent the Town from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

8.17 RETAIL, NEIGHBOURHOOD

- (1) Neighbourhood Retail may be allowed in all Residential Districts, provided the development:
 - (a) does not include a Gas Bar, Drive Through or any other vehicular servicing component as part of its operation; and/or
 - (b) is situated on a corner lot with safe access to a collector road.
- (2) The façade of any building associated with a Neighbourhood Retail use must be integrated with the surrounding residential area.
- (3) The height of buildings may not exceed twice the height and massing of the adjacent buildings.



Figure 5 Example of a Mixed Use Neighbourhood Convenience Building

8.18 SEA CANS/SHIPPING CONTAINERS

- (1) This section does not apply to shipping containers that have been substantially modified and converted into a dwelling suitable for permanent habitation, in compliance with the Alberta Building Code.
- (2) The placement of a Sea Can/Shipping Container on any parcel in the Town requires a Development Permit.
 - (a) The Development Authority may issue a temporary Development Permit for a maximum of one (1) Sea Can/Shipping Container on residential lots up to 1 ac (0.4 ha) in size.
- (3) On residential lots greater than 1 ac (0.4 ha), additional Sea Cans/Shipping Containers may be allowed, at the discretion of the Development Authority.
- (4) The maximum number of Sea Cans/Shipping Containers that may be placed on a commercial lot is at the discretion of the Development Authority.
- (5) Sea Cans/Shipping Containers shall not be stacked. The maximum height of a Sea Can/Shipping Container is 3.0 m (9.8 ft.).
- (6) Sea Cans/Shipping Containers shall not be used for temporary or permanent accommodation.

8.19 SECONDARY SUITES

- (1) Secondary Suites shall only be developed as an accessory use to a principal dwelling.
- (2) Secondary Suites shall be built either after or concurrently with the principal dwelling

- (a) At the Discretion of the Development Authority, a Secondary Suite may be built before the principal dwelling, in which case the Development Authority shall require, as a condition of approval, that construction of the principal dwelling be completed no later than twelve (12) months after the construction of the Secondary Suite.
- (3) Secondary Suites may only be allowed on lots occupied by a Single Detached Dwelling or a Semi-Detached Dwelling, and with a minimum size of 360.0 m² (3875.0 sq. ft.).
- (4) A maximum of one (1) Secondary Suite may be allowed per dwelling unit.
- (5) A Secondary Suite shall have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the building.
- (6) A Secondary Suite shall have a minimum gross floor area of 30.0 m² (322.9 sq. ft) and shall not exceed the gross floor area or height of the principal dwelling. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- (7) As part of a Development Permit application, the Development Authority may require a parking plan that indicates the location and size of the onsite parking spaces.
- (8) A minimum of one (1) parking space shall be required for a Secondary Suite, in addition to the parking spaces required for the principal dwelling. Tandem parking may be permitted at the discretion of the Development Authority.

Garage Suites

The following regulations apply to Garage Suites only:

- (9) At grade Garage Suites have a maximum height of 4.3 m (14.1 ft.).
- (10) Above grade Garage Suites have a maximum height of 5.5 m (18.0 ft.) for suites with a flat roof, and 6.5 m (21.3 ft.) for suites with a sloped roof, provided that the Garage Suite does not exceed the height of the principal dwelling.

8.20 SHOPPING CENTRES

- (1) The maximum building height shall be 10.7 m (35.1 ft.).
- (2) All Shopping Centres shall satisfy the Development Authority as to:
 - (a) the orientation, exterior design, and architectural appearance of buildings;
 - (b) the location of development in relation to adjacent land uses;
 - (c) vehicular traffic flow patterns within and access to and from the site;

- (d) safe pedestrian access and egress within the site and from any pedestrian way; and
 - (e) the location of exterior signs.
- (3) A Shopping Centre shall only contain those uses listed as permitted or discretionary uses within the District in which the Shopping Centre is located.
 - (4) The Development Authority may require any other matters, regulations, or conditions relating to the development, having regard to the nature of the proposed Shopping Centre development and adjacent land uses.

8.21 SHORT TERM RENTALS

- (1) A Short Term Rental requires a Development Permit.
- (2) The Development Authority may issue a temporary Development Permit for a minimum of one (1) year and a maximum of two (2) years.
- (3) A Development Permit for a Short Term Rental may be renewed unlimitedly, at the discretion of the Development Authority. Development Permit renewal applications will be evaluated based on continued compliance, neighbourhood feedback, and the latest available housing and tourism data.
- (4) A Short Term Rental may operate in any type of dwelling unit or Secondary Suite, subject to the approval of a Development Permit.
- (5) Short Term Rentals shall only be allowed in a dwelling, or a Secondary Suite accessory to a dwelling where the applicant resides for more than six (6) months of the calendar year.
- (6) Proof of residence shall be required as part of the Development Permit application.
- (7) Only one (1) Short Term Rental may be permitted per lot, except where it operates within an Apartment Dwelling, in which case each unit may have one (1) associated Short Term Rental.
- (8) Council may, at any time, impose caps on the number of Short Term rentals operating in the Town or within specific areas of the Town to safeguard the supply of affordable rental housing.

8.22 SHOW HOMES

- (1) A Development Permit application for a Show Home shall include:
 - (a) the location of the proposed sales office, if applicable;
 - (b) the location and area intended as the site for the show home; and
 - (c) proposed parking, exterior lighting and signs.

- (2) Development Permits shall be issued for a maximum of one (1) year only, and may be renewed at the discretion of the Development Authority.
- (3) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

8.23 SIDEWALK CAFES

- (1) A Sidewalk Café permit is valid from the date of issuance for one (1) year.
- (2) Sidewalk Cafés shall not operate earlier than 7:00 AM nor later than 12:00 AM, unless otherwise stipulated in the Development Permit.
- (3) All Sidewalk Cafés must have an opening for ingress and egress at all times.
- (4) All Sidewalk Cafés must adhere to the size, design, and any other specifications provided in the Development Permit.
- (5) All Sidewalk Cafés shall be designed to protect the safety and enjoyment of pedestrians.
- (6) All areas within and surrounding the Sidewalk Café must be maintained in a clean, neat and sanitary condition. The operator shall not wash any object related to the Sidewalk Café on a public sidewalk or right-of-way.
- (7) Sidewalk Cafés shall not play amplified music, whether live or recorded. No speakers, microphones, televisions or other audio or video devices shall be permitted at a Sidewalk Café.
- (8) A violation of any provision in this Section may result in an immediate permit revocation by the Town and/or shall be subject to a fine of not less than that set forth in **PART 5.0** of this Bylaw, provided that each day that such violation continues shall be deemed a separate and distinct offence.
- (9) A Sidewalk Café shall not operate without a current Town of Athabasca business license.
- (10) A Sidewalk Café shall only be permitted on a sidewalk with a minimum width of 3.0 m (9.8 ft.), except where there is a traffic lane adjacent to the sidewalk, in which case the sidewalk shall have a minimum width of 4.5 m (14.8 ft.)
- (11) A Sidewalk Café must be located directly in front of the business with which it is associated.
- (12) A Sidewalk Café is required to always maintain a clear pedestrian path of 1.5 m (4.9 ft.), at minimum. On sidewalks with an adjacent traffic lane, this path shall be at least 3.0 m (9.8 ft.). At the discretion of the Development Authority, a wider path may be required.

- (13) Sidewalk Cafés shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, signs, parking meters, mailboxes, or benches located on the sidewalk or public right-of-way.
- (14) Sidewalk Cafés shall support adequate mobility and accessibility, both along the public right of way and into the principal building, at the discretion of the Development Authority.
- (15) Tables, chairs, umbrellas, awnings, barriers and any other object associated with a Sidewalk Café (“Sidewalk Café Elements”) shall be of a quality, design, materials and workmanship that match or enhance the visual and aesthetic quality of the surrounding urban environment, at the discretion of the Development Authority.
- (16) Permanent structures in Sidewalk Cafés are not permitted. Furniture, umbrellas or other objects shall not be attached permanently to the sidewalk or public right-of-way.
- (17) If any damage is caused as a result of the operation of a Sidewalk Café, the operator shall be responsible for the restoration of the sidewalk or public right-of-way.
- (18) Umbrellas and any type of overhead structure shall be designed to be secure during windy conditions and shall be weather resistant.
- (19) Awnings shall have no support posts, be located within the public right-of-way, and no portion of an awning shall be less than 2.43 m (8 ft.) above the sidewalk. A building permit must be obtained prior to the installation of an awning and is subject to all applicable land use bylaw regulations.
- (20) Lighting shall complement the existing building and Sidewalk Café design and shall not cause a glare to passing pedestrians or vehicles. Exposed electrical wires shall not be permitted within the Sidewalk Café area.
- (21) Outdoor heaters may be utilized upon the approval of the Development Authority as a part of the Sidewalk Café permitting process.
- (22) No vending machines, carts, or objects for the sale of goods shall be permitted in a Sidewalk Café
- (23) No alcoholic beverages may be stored or mixed in the Sidewalk Café area.

- (24) As part of a Development Permit application, or as a condition of approval, the Development Authority shall require a certificate of insurance evidencing commercial general liability insurance with limits of not less than \$1,000,000 per occurrence for bodily injury, personal injury and property damage liability. The Town of Athabasca shall be named as an additional insured on a primary; non-contributory basis for any liability arising directly or indirectly from the operation of a Sidewalk Café; and the applicant shall indemnify, defend and hold the Town harmless from any loss that results directly or indirectly from the permit issuance or the operation of the Sidewalk Café.
- (25) An applicant shall maintain the insurance coverage required under this section during the permit period. The Development Authority may require proof of insurance at any time.

8.24 SIGNS

Signs not Requiring a Development Permit

- (1) The following signs do not require a Development Permit:
- (a) Flags representing a nation, province, municipality, or official institution.
 - (b) Temporary flag signs or banners meeting the requirements in **Subsection (22)**, provided their use complies with duration and placement limits.
 - (c) Window signs in Commercial districts that do not exceed the area and illumination limits in **Subsection (29)**.
 - (d) Replacement of an existing, previously approved sign with a new sign of the same size, type, and location, provided no structural changes are required.
 - (e) One sign per site advertising the sale, lease, or rental of the property, not exceeding 1.0 m² in Residential districts or 3.0 m² in Commercial or Industrial districts.
 - (f) One sign identifying a construction or development project, to be removed upon project completion.
 - (g) On-site signs for traffic direction, parking, or safety that are not primarily for advertising purposes.

Administrative Provisions

- (2) Except as provided in **Section 3.2** of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, without a Development Permit.
- (3) The Development Authority may issue a Development Permit for an accessory sign as part of the Development Permit for the principal use or building, provided the Development Permit application indicates that there is to be a sign and that all information requirements are met to the satisfaction of the Development Authority.

- (4) In addition to the requirements of **Section 3.5** of this Bylaw, a Development Permit application for a sign shall include the following information:
 - (a) a letter of consent from the property owner;
 - (b) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign;
 - (c) any animation, moving copy, or other moving features of the sign, if applicable;
 - (d) method of illumination, if applicable;
 - (e) mounting details, including mounting mechanism, heights and clearances to grade;
 - (f) the location and size of all other existing and proposed signs on the building façade or site; and
 - (g) the projection of the sign from a building, if any.
- (5) No sign, other than an off-site sign in the Districts indicated in **Subsection (6)** below, or a sign which is otherwise exempted from the requirement of obtaining a Development, shall be allowed unless it is accessory to an existing use.
- (6) Off-site signs shall be considered discretionary uses in the Primary Commercial (CPD) District, in the Commercial (CMD) District, in the Industrial (IND) District, and in the Urban Reserve (URD) District.

General Sign Regulations

- (7) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
 - (a) its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device or other official sign, or otherwise poses a potential hazard to traffic;
 - (b) it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles; or
 - (c) it would be situated within a sight line protection area defined in **Section 7.5** of this Bylaw.
- (8) A sign shall be integrated with the building on which it is to be located and shall be compatible with the general architecture of the street.
- (9) Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
- (10) Signs shall be set back a minimum of 0.5 m (1.6 ft.) from any lot line and no part of a sign may encroach onto the adjacent lot, road, or lane.

- (11) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18 m² (193.6 sq. ft.).
- (12) A maximum of five (5) signs may be allowed on a site, including temporary signs and portable signs.
- (13) Signs will not be allowed on fences in Residential Districts or in Commercial Districts.
- (14) Signs shall be maintained in good and safe structural condition and shall be periodically repainted.
- (15) Signs in or adjacent to Residential Districts shall comply with the following regulations:
 - (a) Except as provided in **Subsections (b) and (c)** below, no sign shall be permitted in Residential Districts except for commercial and institutional uses.
 - (b) One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a subdivision, gated community, Manufactured Home Park, or neighbourhood, provided:
 - (i) the sign area does not exceed 5.0 sq. m (53.8 sq. ft.),
 - (ii) the height of the sign does not exceed 2.0 m (6.5.ft.),
 - (iii) the sign is not internally illuminated, though it may be lit from the front.
 - (c) Illuminated signs shall not be allowed and, when an illuminated sign is approved on a parcel adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
- (16) In any district where an institutional use is allowed, one (1) sign of not more than 5.0 sq. m (53.8 sq. ft.) in area may be allowed.
- (17) Shopping Centres may have one (1) identification sign not exceeding 10.7 m (35.1 ft.) in height, excluding flashing lights and animated signs. No portion of the sign shall project over a road or lane.
- (18) Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair, they may issue a notice in writing to:
 - (a) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time; or
 - (b) take such measures as he may specify in the notice to alter and/or refurbish and/or repair the sign.

- (19) Failure to remove the sign or to comply with the measures specified in the notice described in **Subsection (b)** above may result in the issuance of a violation ticket as described in **PART 5** of this Bylaw.

Structural Types of Signs

(20) A-Frame Signs

- (a) Notwithstanding any other provision of this Bylaw to the contrary, A-Frame Signs shall be allowed only in Commercial Districts.
- (b) The maximum area of each A-frame sign face shall be 0.7 sq. m (7.5 sq. ft.).
- (c) The maximum height of an A-frame sign shall be 1.0 m (3.2 ft.).
- (d) No more than one (1) A-frame sign shall be allowed per business frontage.
- (e) Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (f) The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the A-frame sign.
- (g) A-frame signs are not to be used in conjunction with projecting signs at grade level.

(21) Canopy Signs

- (a) Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:
 - (i) the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
 - (ii) the bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade,
 - (iii) no part of the canopy shall project over a road or lane,
 - (iv) unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.),
 - (v) signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade,
 - (vi) each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 sq. m (5.4 sq. ft.) in area, and
 - (vii) all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guide wires or similar support elements are visible from a road or lane.

(22) Flag Signs

- (a) Flag signs are permitted as temporary signs in Commercial and Industrial Districts, and may be used for advertisement purposes for up to 30 consecutive days, up to three (3) times per calendar year.
- (b) Flag signs must be located on the same site as the business or event being advertised.
- (c) A maximum of two (2) flag signs per site may be allowed.
- (d) Flag signs must be set back at least 1.5 m from any property line and 3.0 m from any driveway, curb crossing, or intersection.
- (e) The maximum height shall be 4.5 metres from grade.
- (f) Flag signs must be spaced a minimum of 3.0 metres apart from each other and 5.0 metres from any freestanding sign.
- (g) Flag signs shall not obstruct sightlines or interfere with traffic visibility, including at intersections or driveways.
- (h) Flag signs shall be installed securely to prevent movement into walkways or roads during wind events.
- (i) All flag signs must be removed within 48 hours of the event ending.

(23) Freestanding Signs

- (a) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
- (b) One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15.0 m (49.2 ft.) at road level.
- (c) Notwithstanding **Subsection (b)** above, a maximum of one (1) freestanding sign may be allowed per site except:
 - (i) where a site has more than a 90.0 m (295.2 ft.) frontage, one (1) additional freestanding sign may be erected for each additional 90.0 m (295.2 ft.) or portion thereof of frontage abutting the developed portion of the said site, or
 - (ii) where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90.0 m (295.2 ft.) apart.
- (d) The total sign area of all freestanding signs on a site shall not exceed 0.3 sq. m (3.2 sq. ft.) in area for each lineal metre of frontage, to a maximum of 12.0 sq. m (129.2 sq. ft.).
- (e) The maximum height of a freestanding sign shall be 7.0 m (22.9 ft.).
- (f) Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
- (g) Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any site line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.

(24) Portable Signs

- (a) Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
- (b) No more than one (1) portable sign shall be located on a site.
- (c) Notwithstanding Subsection (b), one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer to another than 15.0 m (49.2 ft.).
- (d) All portable signs shall be double-faced.
- (e) No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
- (f) Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
- (g) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in the Urban Reserve (UR) District or in any Residential District.
- (h) Portable signs shall normally not be allowed on otherwise vacant sites unless advertising the sale of the property on which the portable sign is located. Notwithstanding the provision above, the Development Authority may at their sole discretion issue a permit for a portable sign on a vacant site if it is demonstrated by the applicant, to the satisfaction of the Development Authority, that the placement of the sign will not detract from the use or enjoyment of adjacent properties.

(25) Projecting Signs

- (a) No projecting sign shall project over another site, a road, or a lane.
- (b) A projecting sign shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade.
- (c) No more than one (1) projecting sign of 0.5 sq. m (5.4 sq. ft.) in size shall be allowed for each frontage of a commercial or industrial use.
- (d) All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.

(26) Roof Signs

- (a) Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- (b) No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (c) All roof signs shall be set back a minimum of 1.0 m (3.2 ft.) from the edge of the building on which the roof sign is located.

(27) **Wall Signs**

- (a) The portion of a wall which can be used for or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
 - (i) the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.8 ft.) above grade,
 - (ii) in the case of a one storey building, the upper limit of the portion shall be either:
 - (A) the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs,
 - (B) a maximum of 0.8 m (2.6 ft.) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or
 - (C) the line of the eaves,
 - (iii) in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (2.6 ft.) above the floor elevation of the second storey.
- (b) Notwithstanding **Subsection (a)** above, a wall sign may be located either:
 - (i) below the area defined in **Subsection (a)(i)** above, provided:
 - (A) the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
 - (B) the sign states no more than the name of the building or the principal tenant of the building, and
 - (C) the sign area does not exceed 20% of the building face below the area defined in **Subsection (a)(i)** above,
 - (ii) between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
 - (A) the sign states no more than the name of the building or the principal tenant of the building, and
 - (B) the sign area does not exceed 2.5 sq. m (26.9 sq. ft.), or
 - (iii) above the third storey window sill, provided:

- (A) the sign states no more than the name of the building or principal tenant of the building, and
- (B) there is no more than one (1) sign per building face above the third storey.
- (c) A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
- (d) Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.

(28) **Inflatable Signs**

- (a) A small inflatable style sign can be placed on an approved temporary sign location, and does not require a Development Permit, provided it is, no larger than 5.5 sq. m (59.2 sq. ft) as applicable.
- (b) Larger inflatable signs require that a discretionary Development Permit be applied for, and approval obtained before installation.



Figure 6 Inflatable Sign

- (c) One inflatable sign may be located on a site and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
- (d) The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the site.
- (e) An inflatable sign can only be located on a site twice in a calendar year and not for longer than 30 consecutive days.
- (f) Inflatable signs cannot be located on the roof of a structure.

(29) Window Signs

- (a) Window signs may only be allowed in Commercial Districts.
- (b) Window signs shall not cover more than 30% of any individual window pane.
- (c) Total window signage on any building façade shall not exceed 15% of the total window area.
- (d) Backlit, LED, or neon window signs are not permitted in Residential or Mixed Use districts when visible from a residential property.
- (e) In all other districts, illuminated window signs must be turned off between 11:00 p.m. and 6:00 a.m. unless the business is open to the public during that time.
- (f) Flashing, strobe, or animated lighting effects are prohibited.
- (g) Window signs must be securely affixed and maintained in good condition.
- (h) No sign shall create a visual obstruction or hazard to pedestrians or traffic.

8.25 SOLAR COLLECTORS**(1) The following regulations apply to Solar Collectors, Roof/Wall only:**

- (a) The Solar Collector shall be located on the roof or wall of a Building.
- (b) Within the Residential Districts:
 - (i) a Solar Collector located on a roof with a pitch of less than 4:12 must not extend beyond the outermost edge of the roof, but may:
 - (A) project a maximum of 0.5 m from the surface of the roof when the Solar Collector is located 5.0 m or less from a side property line, measured directly from any point along the side property line; and
 - (B) where the Solar Collector is located more than 5.0 m from a side property line, may project a maximum of 1.3 m from the surface of the roof.
 - (ii) A Solar Collector located on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof, and must not extend beyond the outermost edge of the roof.
- (c) Within Non-Residential Districts:
 - (i) A Solar Collector located on a roof with a pitch of less than 4:12 may project a maximum of 2.0 m from the surface of the roof, and must be located at least 1.0 m inward from the outermost edge of the roof.
 - (ii) A Solar Collector located on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof, and must not extend beyond the outermost edge of the roof.

- (d) A Solar Collector located on a pitched roof shall not project vertically beyond the height of any existing roofline or any roof peak.
 - (e) In all instances, the maximum distance by which a Solar Collector may project from the surface of the roof is determined by measuring the perpendicular distance between the surface of the roof and the exterior surface of the Solar Collector.
 - (f) A Solar Collector that is located on a wall may project a maximum of 0.6 m from the surface of that wall.
 - (g) A Solar Collector does not require a Development Permit, provided the above noted requirements are adhered to.
 - (h) Notwithstanding **Subsection (g)**, a Solar Collector still requires a Building Permit
- (2) The following regulations apply to Solar Collectors, Freestanding only:
- (a) A Solar Collector shall be an accessory use to the principal use on a parcel located in a non-Residential District.
 - (b) A Solar Collector shall:
 - (i) not project vertically beyond the height of any existing roofline or any roof peak of the principal building;
 - (ii) comply with the setback requirements for Accessory Buildings of the subject District;
 - (iii) only be located in a side or rear yard;
 - (iv) not encroach into the front yard when located in a side yard;
 - (v) be located and arranged so that:
 - (A) glare is not directed at an adjacent site and indirect glare does not adversely affect an adjacent site; and
 - (B) traffic safety is not adversely affected; and
 - (vi) not be located adjacent to a Residential District.
 - (c) A Development Permit application for a Solar Collector shall respond to the above noted requirements.

8.26 WIND CONVERSION SYSTEMS

Large

- (1) Prior to making a decision on an application for a Development Permit for a large wind energy conversion system, the Development Authority shall consider input from:
 - (a) any adjacent municipality should the proposed development be located within 2 km (1.2 miles) of the municipality; and
 - (b) landowners within 2 km (1.2 miles) of the proposed development.
- (2) Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of **PART 5** of this Bylaw.
- (3) Property line setbacks:
 - (a) The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
 - (b) A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the District in which it is located.
 - (c) Where, in the opinion of the Development Authority, the setbacks referred to in **Subsection (b)** above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
- (4) The minimum vertical blade clearance from grade shall be 7.4 m (24.3 ft.) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.
- (5) To ensure public safety, the Development Authority may require that:
 - (a) a secure fence not less than 1.8 m (5.9 ft.) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
 - (b) no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
 - (c) a locked device be installed on the tower to preclude access to the top of the tower; and

- (d) such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.
- (6) The use of tubular towers, with locked door access, may, at the sole discretion of the Development Authority, make unnecessary the above requirements.
- (7) All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.
- (8) Appearance:
 - (a) Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the sole requirements of the Development Authority.
 - (b) No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the sole discretion of the Development Authority.
- (9) The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
 - (a) information provided in the application;
 - (b) the proximity of the proposed development to other land uses;
 - (c) the cumulative effect of all wind energy conversion systems approved or proposed in the area;
 - (d) underlying utilities; and
 - (e) information received from the circulation of the application and from the public.
- (10) Large 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.

Small

- (11) 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 25.0 m (82.0 ft.).
- (12) 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 in this **Section**, 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.
- (13) 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 three 3.0 m (9.8 ft.) to the property boundaries of the installation site.
- (14) The outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.5 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.
- (15) Property line setbacks in Residential and Commercial Districts:
 - (a) 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 may extend closer than 3.0 m (9.8 ft.) to the property boundaries of the installation site.
 - (b) 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.
 - (c) Mounting using guide wires shall not be permitted in:
 - (i) Traditional Neighbourhood (TND) District
 - (ii) Residential Estate (RED) District
 - (iii) Residential Medium High (RMH) District
 - (iv) Residential Manufactured Home (RMD) District
 - (v) Primary Commercial (CPD) District
 - (vi) Commercial (CMD) District
 - (vii) Public Utility (PUD) District
 - (viii) Institutional (ISD) District
 - (ix) Direct Control (DCD) District
 - (x) Heritage Direct Control (DC - HRD) District
 - (d) The applicant will be required to provide the Development Authority with information regarding the proposed means of mounting the turbine prior to development approval.

- (16) The mean value of the sound pressure level from small Wind Energy Systems shall not exceed more than 6.0 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 35.4 kph (22 mph) as measured under normal circumstances which would exclude short-term events such as utility outages and/or severe wind storms.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) One Small Wind Energy System is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

Micro Wind Conversion Systems

- (23) 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 roof mounted or ground mounted within a side or rear yard.
- (24) Micro Wind Conversion Systems shall be required to conform to set back requirements for accessory buildings.
- (25) Maximum height shall be the maximum height provisions that apply within the district in which the Micro Wind Conversion System is located.
- (26) One Micro Wind Energy Conversion System is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

8.27 WIRELESS COMMUNICATIONS FACILITIES

- (1) The Town will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages. A letter of support will be provided to licensing and approving authorities for applications meeting these criteria. A letter of non-support will be provided to licensing and approving authorities for applications not meeting these criteria.
- (2) Developers of a wireless communications facility that plan for the facility and can accommodate other wireless operators on the site will be given priority status.
- (3) The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities. Existing operators are encouraged to participate in the process by charging reasonable rates for this privilege.
- (4) Applications for development of structures outside of the Alberta Building Code such as lattice towers shall include a document from authoritative sources demonstrating structural adequacy of the specified structure for the location and loading defined in the application. Such authorities include: the Canadian Standards Association and qualified structural engineers. Stamps and Seals of approval shall accompany the documentation.

- (5) Guyed-tower structures are to be located on properties that allow for a distance from the base to boundary setbacks that is no less than equal to the final structure height. In all cases that base and anchor structures must be designed for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development. Precise location (Latitude and Longitude) of the base and anchors must be revealed.

Self-support towers are to be located respecting Alberta and federal building and safety codes. In all cases the base structures must be designed for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development.

- (6) Multiple tower structures will require individual Development Permit applications.
- (7) Applications for the development of wireless facilities must include in the development application letters from the following authorities:
- (a) Transport Canada governing painting and lighting of the applicant's tower for aeronautical safety;
 - (b) NavCanada governing aircraft communication and instrumentation immunity from the applicant's tower transmissions;
 - (c) Industry Canada governing the frequency of operations and public safety from non-ionized radiation in accordance with Safety Code 6. Licensed Exempt operators must provide a stamped letter from a licensed professional radio frequency (RF) engineer guaranteeing these conditions will be met.
- (8) Appropriate fencing around the base, anchors and site limiting public access to the tower and exposure to high radio frequency (RF) energy fields must be provided with consideration of community aesthetics.
- (9) The application for development must include consideration to minimizing environmental damage through the following measures:
- (a) Consultation with Federal and Provincial environmental agencies to ensure the site selected and the resultant construction does not impact upon sensitive ecologies nor interfere with migrating birds or animals. Confirming letters from these agencies must accompany the application for development.
 - (b) The application for development shall include a signed letter from the applicant detailing corrective action(s) to remediate any environmental damages.
- (10) As a condition of obtaining a Development Permit the applicant agrees to the following:
- (a) The site will be reclaimed within six (6) months of cessation of operation.

- (b) The site reclamation will comply with Alberta Environmental Laws to be provided by Alberta Environment or their agent.
- (11) Applicants for development of a wireless facility within 0.5 miles of a residential area must demonstrate attention to community aesthetics in their choice of structure.
- (12) A public consultative process shall commence within the intent to establish a wireless facility advertisement in the local newspapers and a letter to the neighbouring property owners 120 days prior to the anticipated date of construction. The applicant will be required to submit a copy of their public consultation program for approval by the Town's Development Authority.

Small Radio Communications Facilities

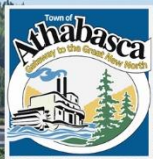
- (13) A Small Radio Communication Facility, where allowed as a discretionary use under this Bylaw, shall require an application for a Development Permit and may be approved provided that the structure and apparatus:
 - (a) has Industry Canada approval;
 - (b) is camouflaged and, as far as possible, has the appearance and aesthetic of other buildings permitted in the District;
 - (c) meets the setback requirements of the District or meets setback requirements that are satisfactory to the Development Authority;
 - (d) is limited to a maximum height of 18.0 m (59.0 ft.) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
 - (e) is a free-standing, ground-mounted unit;
 - (f) is located in a rear yard only;
 - (g) is not illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
 - (h) is landscaped to screen the base of the antenna and reduce the negative visual impact on adjacent properties. The Development Officer may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Officer, such measures would reduce potential negative visual impact of the structure on adjacent properties.
- (14) Notwithstanding **Subsection (13)(e)** above, a roof-mounted unit shall be allowed where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft.) from the typical ground surface to its highest point.

- (15) All Telecommunication Facilities shall have landscaping that reflects the typical landscaping in the District.
- (16) The development of all Telecommunication Facilities shall follow the regulations of Industry Canada including public consultation as required.

8.28 WORKCAMPS

- (1) All workcamps shall be considered temporary developments.
- (2) All workcamps require a Development Permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- (3) A Development Permit for a temporary project accommodation may be issued for up to one (1) year, at which time an application may be made for a continuance of the use for one (1) additional year, after which new Development Permit approval is required.
- (4) The Development Authority may establish whatever conditions for the approval of a workcamp that it, at its sole discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- (5) An application for a Development Permit for workcamp must provide the following information:
 - (a) the location, type and purpose of the camp;
 - (b) adjacent land uses;
 - (c) the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems;
 - (d) the number of persons proposed to live in the camp;
 - (e) the start date for the development, date of occupancy by residents, and removal date for the camp; and
 - (f) reclamation measures to be completed once the camp is no longer needed.
- (6) All work camps must:
 - (a) be linked to a specific project(s) for which a valid and current Development Permit has been issued. If the project is located in another municipality a copy of the current approved Development Permit must be provided to the Town by the developer. Work camps will only be permitted to accommodate workers for the project(s) to which they are linked;
 - (b) ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;

- (c) (c) be designed so that all points of access and egress are located to the satisfaction of the Development Authority and Alberta Transportation;
 - (d) be able to accommodate a minimum of twenty (20) persons and a maximum of three hundred (300) persons;
 - (e) (e) be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
 - (f) provide on-site security staff;
 - (g) all parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority. Normally, on site parking for private vehicles will adhere to the same standard as parking for a hotel/motel;
 - (h) post security with the Town of Athabasca sufficient to remove and/or reclaim the site if the work camp remains on site after the project is either completed or if the work has stopped to the extent that the Municipality no longer feels that the work camp is necessary to the project, or to reclaim the site if needed after the work camp has been removed from the site; and
 - (i) be separated from adjacent land uses.
- (7) Maximum parcel coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- (8) Adjacent buildings in workcamps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
- (9) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.



PART 9.0: DISTRICT PROVISIONS

9.1 ESTABLISHMENT OF DISTRICTS

- (1) For the purpose of this Bylaw, the Town of Athabasca is divided into the following Districts:

Land Use Name	Code
Traditional Neighbourhood District	TND
Residential Estate District	RED
Residential Medium High District	RMH
Residential Manufactured Home District	RMD
Primary Commercial District	CPD
Commercial District	CMD
Industrial District	IND
Public Utility District	PUD
Urban Reserve District	URD
Institutional District	ISD
Heritage District	DC – HRD
Natural District	NAD

- (2) For the purposes of this Bylaw, the TND, ERD, HRD and MHD Districts shall be considered to be Residential Districts, the CPD and CMD Districts shall be considered to be Commercial Districts, IND shall be considered to be the Industrial District, and PUD, URD and ISD shall be considered to be the Other Districts.
- (3) The boundaries of the Districts listed in **Subsection (1)** are as delineated on the **Land Use District Map**.
- (4) Where uncertainty exists as to the boundaries of Districts as shown on the **Land Use District Map**, the following rules shall apply:
 - (a) Where District boundaries are shown to approximate the following, they shall be deemed to be:
 - (i) the lot boundaries, or
 - (ii) the municipal boundaries, or
 - (iii) the centre lines of railway rights-of-way, or
 - (iv) the centre lines of the right-of-way of a road or lane.
 - (b) In circumstances not covered by Subsection (a), the location of the boundary shall be determined:
 - (i) where dimensions are set out on the **Land Use District Map**, by the dimensions so set, or
 - (ii) 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 Districts have been established in accordance with a proposed subdivision of land, the boundaries of the District shall be understood to conform to the boundaries of the certificate of title or as shown on the Plan of Survey or Descriptive Plan when it is registered in a Land Titles Office. Prior to the registration, the District boundaries shall be determined on the basis of the dimensions stated in the proposed plan of subdivision or on the scale of the **Land Use District Map** where dimensions are not provided.
- (6) 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.

- (7) After the Council has fixed a District boundary pursuant to the provisions of **Subsection (4)**, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (8) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.
- (9) **Subsections (3) to (8)** above also apply to any overlay regulatory areas and their boundaries shown on the Land Use District Map.
- (10) All lands subject to this Bylaw are contained within one of the following Land Use Districts listed in **Subsection (1)**:

9.2 TRADITIONAL NEIGHBOURHOOD DISTRICT (TND)

(1) Purpose

The purpose of this District is to accommodate residential neighbourhoods with predominantly single-detached dwellings on a variety of lot sizes.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Boarding House	Bed and Breakfast
Dwelling, Semi-Detached	Dwelling, Row Housing
Dwelling, Single-Detached	Short Term Rental
Secondary Suite	Eating and Drinking Establishment
Home Occupation, Minor	Home Occupation, Major
Retail, Neighbourhood	Personal Service
Day Home	Repair Shop
Solar Collector, Minor	Show Home
Wind Energy Conversion Systems, Micro	Sidewalk Café
	Care Facility, Residential
	Place of Worship
	Mixed Use

(3) Lot Regulations

- | | |
|-------------------------------|---|
| (a) Minimum Site Depth | (i) All dwellings: 30.5 m (100 ft.)
(ii) |
| (b) Minimum Site Width | (i) All dwellings: 10.5 m (34 ft.) |
| (c) Minimum Site Area | (i) Corner lot: 420 m ² (3,983 ft ²) |

(4) Development Standards

- | | |
|-------------------------------------|--|
| (a) Maximum Site Coverage | (i) Total: 47%
(ii) Dwelling: 35%
(iii) Accessory and/or attached garage: 12 % |
| (b) Minimum Front Yard | (i) All uses: 5 m |
| (c) Minimum Side Yard | (i) Internal lots: 1.5 m (5 ft)
(ii) Corner lots: 4.5 m (15 ft)
(iii) |
| (d) Minimum Rear Yard | (i) Internal lots: 7.5 m
(ii) Corner lots: 4.5 m |
| (e) Maximum Building Height: | (i) All uses: 9 m (30 ft) |

9.3 RESIDENTIAL ESTATE DISTRICT (RED)

(1) Purpose

The purpose of this District is to accommodate residential development for large lots with and without municipal servicing.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Boarding House	Bed and Breakfast
Dwelling, Single-Detached	Short Term Rental
Secondary Suite	Home Occupation, Major
Home Occupation, Minor	Repair Shop
Retail, Neighbourhood	Show Home
Day Home	Care Facility, Residential
Solar Collector, Minor	Place of Worship
Wind Energy Conversion Systems, Micro	Mixed Use

(3) Lot Regulations

- | | |
|-------------------------------|--|
| (a) Minimum Site Area | (i) Lots connected to municipal services: 2,000 m ²
(ii) Lots not connected to municipal services: 4,000 m ²
(iii) Lots 3, 5, 6, 7, 8, and 9, Block 2, Plan 7284AE: 600 m ² |
| (b) Maximum Site Area | Lots connected to municipal services: 6,000 m ² |
| (c) Minimum Site Width | 30 m (98 ft) |

(4) Development Standards

- | | |
|--|---|
| (a) Maximum Site Coverage | (i) Total: 40%
(ii) Dwelling: 28%
(iii) Accessory and/or attached garage: 12 % |
| (b) Minimum Front and Rear Yard | All uses: 10m (33 ft) |
| (c) Minimum Side Yard | (i) Internal lots: 3m (10 ft)
(ii) Corner lots: 4.5 m (15 ft)
(iii) Lots 3, 5, 6, 7, 8, and 9, Block 2, Plan 7284AE: same as the TND District |
| (d) Maximum Building Height: | All uses: 9 m (30 ft) |

9.4 RESIDENTIAL MEDIUM HIGH DISTRICT (RMH)

(1) Purpose

The purpose of this District is to provide for multi-unit developments with minor commercial uses.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Dwelling, Apartment	Bed and Breakfast
Dwelling, Multi-unit	Short Term Rental
Eating and Drinking Establishment	Home Occupation, Minor
Personal Service	Show Home
Retail, Neighbourhood	Sidewalk Café
Day Home	Place of Worship
Mixed Use	
Solar Collector, Minor	
Wind Energy Conversion Systems, Micro	

(3) Lot Regulations

- | | |
|-------------------------------|---|
| (a) Minimum Site Depth | 33.5 m (110 ft) |
| (b) Minimum Site Width | (i) Row Housing: 7 m (23 ft) per dwelling
(ii) Single-detached dwelling: 13.5 m (44.0 ft.)
(iii) All other dwellings: 10.5 m (34 ft.) |
| (c) Minimum Site Area | (i) Corner Lots: 732 m ²
(ii) All other dwellings: 639 m ² |

(4) Development Standards

- | | |
|-------------------------------------|---|
| (a) Maximum Site Coverage | (i) Total: 45%
(ii) Dwelling: 35%
(iii) Accessory and/or attached garage: 10% |
| (b) Minimum Front Yard | 5 m |
| (c) Minimum Side Yard | (i) Internal lots: 1.5 m (5 ft)
(ii) Corner lots: 4.5 m (15 ft)
(iii) |
| (d) Maximum Building Height: | All uses: 11 m (36 ft) |

9.5 RESIDENTIAL MANUFACTURED HOME DISTRICT (RMD)

(1) Purpose

The purpose of this District is to accommodate Manufactured Dwelling Subdivisions and Manufactured Dwelling Parks in a manner that is compatible with the character, design and quality of surrounding areas.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Dwelling, Manufactured Home	Personal Service
Manufactured Home Park	Repair Shop
Retail, Neighbourhood	Show Home
Day Home	Care Facility, Residential
Home Occupation, Minor	Care Facility, Institutional
Solar Collector, Minor	Place of Worship
Wind Energy Conversion Systems, Micro	

(4) Lot Regulations

- | | |
|-------------------------------|---|
| (a) Minimum Site Depth | (i) Lots within a Manufactured Dwelling Subdivision: 30.5 m (100 ft) |
| (b) Minimum Site Width | (i) Lots within a Manufactured Dwelling Subdivision: 12.2 m (40 ft) |
| (c) Minimum Site Area | (i) Lots within a Manufactured Dwelling Subdivision: 370 m ² (3,983 ft ²)
(ii) Manufactured Dwelling Park: 2.02 ha (5 ac) |

(5) Development Standards

- | | |
|-------------------------------------|---|
| (a) Maximum Site Coverage | (i) Total: 35%
(ii) Manufactured Home Unit: 23%
(iii) Accessory and/or attached garage: 12% |
| (b) Minimum Front Yard | All uses: 3 m (10 ft) |
| (c) Minimum Side Yard | (i) Internal lots: 1.5 m (5 ft)
(ii) Corner lots: 4.5 m (15 ft) |
| (d) Minimum Rear Yard | All uses: 3 m (10 ft) |
| (e) Maximum Building Height: | All uses: 4.5 m (15 ft) |
| (f) Maximum Density: | 18 dwelling units per ha |

(6) Design Standards for Manufactured Home Parks

- (i) All internal roadways shall be paved and maintained.
The minimum right-of-way width shall be 11 m (36 ft).
- (ii) A safe, convenient, and all-season pedestrian walkway of at least 1 m (3 ft) in width shall be provided for access to Manufactured Homes, roadways, and all community facilities provided for the park.
- (iii) The minimum portion of site covered in landscaping shall be 30%

9.6 PRIMARY COMMERCIAL DISTRICT (CPD)

(1) Purpose

The purpose of this District is to provide all residents of the community and trading area with access to a wide variety of retail and service establishments, predominantly in storefront developments in downtown.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Amusement Establishments, Indoor	Bed and Breakfast
Animal Service	Dwelling, Multi-unit
Eating and Drinking Establishment	Short Term Rental
Entertainment	Adult Use
Lodging	Carwash
Office	Drive Through
Personal Service	Liquor Store
Retail, General	Parking Lot
Arts and Culture	Pub
Child Care Facility	Retail, Cannabis
Day Home	Show Home
Education Facility	Sidewalk Café
Funeral Home	Contractor Service, Limited
Government Service	Industrial, Light
Place of Worship	Storage, Indoor
Protective and Emergency Services	Care Facility, Institutional
Mixed Use	Wind Energy Conversion Systems, Small
Solar Collector, Minor	
Wind Energy Conversion Systems, Micro	

- (3) Lot Regulations
- (a) **Minimum Site Depth** 30 m (98 ft)
 - (b) **Minimum Site Width** 5 m (16 ft)
 - (c) **Minimum Site Area** 150 m² (1615 ft²)
- (4) Development Standards
- (a) **Maximum Site Coverage** Total: 80%
 - (b) **Minimum Front Yard** None
 - (c) **Minimum Side Yard** If bounded by any district other than CDT: 1.5 m (5 ft)
 - (d) **Minimum Rear Yard** 7.5 m (25 ft)
 - (e) **Maximum Building Height:** 11 m (36 ft)

9.7 COMMERCIAL DISTRICT (CMD)

(1) Purpose

The purpose of this District is to allow for a wider range of travel-oriented retail and service establishments to serve residents of the community and the trading area, including those uses which generally require larger land sites and provide a variety of goods and services.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Adult Use	Animal Breeding and Boarding, Small
Amusement Establishments, Indoor	Auctioneering Establishment
Amusement Establishments, Outdoor	Automotive and Equipment Sales and Rentals, Major
Animal Service	Drive Through
Automotive and Equipment Sales and Rentals, Minor	Exhibition and Convention Facility
Carwash	Parking Lot
Eating and Drinking Establishment	Retail, Cannabis
Entertainment	Sidewalk Café
Gas Bar	Industrial, Medium
Greenhouse and Plant Nursery	Sea Can/Shipping Container
Liquor Store	Storage, Outdoor
Lodging	Animal Hospital
Office	Child Care Facility
Personal Service	Education Facility
Pub	Funeral Home
Repair Shop	Campground
Retail, General	Recreation, Outdoor
Service Station	Mixed Use
Shopping Centre	Wind Energy Conversion Systems, Small
Automotive and Equipment Repair	
Contractor Service, General	
Contractor Service, Limited	
Fleet Service	
Industrial, Light	

Permitted	Discretionary
Storage, Indoor	
Arts and Culture	
Government Service	
Health Service	
Place of Worship	
Protective and Emergency Services	
Solar Collector, Minor	
Wind Energy Conversion Systems, Micro	

(3) Lot Regulations

- | | |
|-------------------------------|--|
| (a) Minimum Site Width | (i) 5 m (16 ft) |
| (b) Minimum Site Area | (i) 140 m ² (1507 ft ²) |

(4) Development Standards

- | | |
|-------------------------------------|---|
| (a) Maximum Site Coverage | (i) Total: 80% |
| (b) Minimum Front Yard | (i) 6 m (20 ft) |
| (c) Minimum Side Yard | (i) 3 m (10 ft) |
| (d) Minimum Rear Yard | (i) 6 m (20 ft) |
| (e) Maximum Building Height: | (i) 11 m (36 ft) |
| (f) Minimum Amenity Area: | (i) More than 2 dwellings: 7.5 m ² |

9.8 INDUSTRIAL DISTRICT (IND)

(1) Purpose

The purpose of this District is to provide for business and industrial uses which create little or no nuisance or hazard beyond the site upon which they are located, but which, by their nature, are better suited to locations away from concentrations of populations

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Adult Use	Animal Breeding and Boarding, Large
Amusement Establishments, Indoor	Animal Breeding and Boarding, Small
Amusement Establishments, Outdoor	Auctioneering Establishment
Animal Service	Automotive and Equipment Sales and Rentals, Major
Automotive and Equipment Sales and Rentals, Minor	Drive Through
Carwash	Parking Lot
Eating and Drinking Establishment	Retail, Cannabis
Entertainment	Cannabis, Production and Distribution
Exhibition and Convention Facility	Industrial, Light
Gas Bar	Industrial, Medium
Greenhouse and Plant Nursery	Sea Can/Shipping Container
Liquor Store	Storage, Indoor
Lodging	Storage, Outdoor
Office	Industrial Hemp Production
Personal Service	Industrial, Agriculture
Pub	Industrial, Extractive
Repair Shop	Industrial, Heavy
Service Station	Industrial, Petrochemical
Automotive and Equipment Repair	Funeral Home
Bus Depot	Mixed Use
Contractor Service, General	Solar Collector, Major
Contractor Service, Limited	Wind Energy Conversion Systems, Large
Fleet Service	Wind Energy Conversion Systems, Small
Industrial, Light	

Permitted	Discretionary
Industrial, Medium	
Sea Can/Shipping Container	
Storage, Indoor	
Storage, Outdoor	
Animal Hospital	
Government Service	
Protective and Emergency Services	
Solar Collector, Minor	
Wind Energy Conversion Systems, Micro	

(3) Lot Regulations

- | | |
|------------------------------|--|
| (a) Minimum Site Area | (i) 650 m ² (6997 ft ²) |
|------------------------------|--|

(4) Development Standards

- | | |
|-------------------------------------|--|
| (a) Maximum Site Coverage | (i) Total: 60% |
| (b) Minimum Front Yard | (i) 9 m (30 ft) |
| (c) Minimum Side Yard | (i) As required by the Development Authority |
| (d) Minimum Rear Yard | (i) 9 m (30 ft) |
| (e) Maximum Building Height: | (i) 12 m (39 ft) |

9.9 PUBLIC UTILITY DISTRICT (PUD)

(1) Purpose

The general purpose of this District is to permit the use of land for service, mainly of a public nature which have a primary orientation toward the community. Land within this District must be owned by the municipality or other government, or will so be owned within six months of being so classified.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Public Utilities, Major	Wind Energy Conversion Systems, Small
Public Utilities, Minor	
Solar Collector, Minor	
Wind Energy Conversion Systems, Micro	

(3) Development Standards

- (a) All site regulations shall be at the discretion of the Development Authority.
- (b) The Development Authority shall require that the design, siting, landscaping, screening and buffering of any development minimize and compensate, for any objectionable aspects or potential incompatibility with development in abutting Districts.
- (c) In considering whether or not to approve a development application for a discretionary use, the Development Authority shall evaluate the proposal in terms of its scale and the extent to which it is consistent with, and not prejudicial to, the overall purpose of this District.
- (d) Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to accommodate the proposed use

9.10 URBAN RESERVE DISTRICT (URD)

(1) Purpose

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 road network, and established utility systems, will in time become suitable for general urban uses.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Solar Collector, Minor	Exhibition and Convention Facility
Wind Energy Conversion Systems, Micro	Greenhouse and Plant Nursery
	Campground
	Recreation, Outdoor
	Solar Collector, Major
	Wind Energy Conversion Systems, Large
	Wind Energy Conversion Systems, Small

(3) Subdivision Regulations

- (a) Only one of the following two (2) subdivision options shall be allowed in the UR District:
 - (i) the subdivision of a quarter section of land into two equal-sized lots of a minimum of 32.3 ha (80.0 ac.) more or less, or
 - (ii) the subdivision of a lot of between 1.0 ha (2.5 ac.) and 4.05 ha (10.0 ac.) in size from a quarter section of land to accommodate a single detached dwelling and accessory use. Only one such lot shall be allowed on a quarter section.
- (b) Notwithstanding Subsection (a) above, the following additional subdivisions may be allowed in this District:
 - (i) the subdivision of a lot when the lot is physically severed from the balance of the title area by a permanent man-made or natural feature, or
 - (ii) the subdivision of a lot to accommodate a public use, a public park, or a minor or major utility service.
- (c) 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 land uses, roadway patterns, the proposed land use classifications, public reserve dedications, and utilities policies.

(4) Development Standards

- (a) Maximum Height – 11.0 m (36.1 ft.), except in the case of buildings which are part of or accessory to extensive agriculture other than a dwelling.
- (b) All other site regulations shall be at the discretion of the Development Authority.
- (c) The Development Authority may specify the length of time any use is approved in this District, having regard to the servicing and future development of the subject area.

9.12 INSTITUTIONAL DISTRICT (ISD)

(1) Purpose

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

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Greenhouse and Plant Nursery	Exhibition and Convention Facility
Arts and Culture	Animal Hospital
Care Facility, Institutional	Cemetery
Child Care Facility	Landfill
Education Facility	Recycling Depot
Funeral Home	Campground
Government Service	Mixed Use
Health Service	Wind Energy Conversion Systems, Small
Place of Worship	
Protective and Emergency Services	
Recreation, Indoor	
Recreation, Neighbourhood	
Park	
Recreation, Outdoor	
Solar Collector, Minor	
Wind Energy Conversion Systems, Micro	

All regulations shall be as determined or required by the Development Authority.

9.13 DIRECT CONTROL DISTRICT (DCD)

(1) Purpose:

The general purpose of this District is to permit developers to bring comprehensive proposals to the municipality for individual consideration and development of standards.

(2) Process:

No permitted or discretionary uses, nor any regulations are provided for this District in this Bylaw. All development permit applications within this District are to be presented to Council for their consideration and decision, in a role provided for pursuant to the Act, on the merits of the individual application. All developments within this District will comply with the requirements of any Area Structure Plans, Area Redevelopment Plans, or any other policies of the municipality.

Where an Area Structure Plan and/or an Area Redevelopment Plan have been adopted by Council, a Design Review Committee may be established (two (2) members of Council and three (3) members-at-large), and all development permit applications in respect of lands within these areas shall be referred to the Design Review Committee who shall review said application and make recommendation to Council prior to a decision being made.

Notwithstanding the above, Council, at their discretion, may make a decision without input from the Design Review Committee.

9.14 HERITAGE DIRECT CONTROL DISTRICT (DC-HRD)

(1) Purpose

The purpose of this District is to preserve designated heritage buildings and sites.

(2) Process

No permitted or discretionary uses, nor any regulations are provided for this District in this Bylaw. All Development Permit applications within this District are to be presented to Council for their consideration and decision, in a role provided for pursuant to the Act, on the merits of the individual application.

9.16 NATURAL DISTRICT (NAD)

(1) Purpose

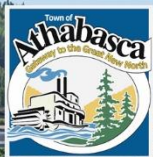
The purpose of this District is to restrict development of uses and of buildings on lands where, in the opinion of the Council, development should be substantially limited.

(2) Permitted and Discretionary Land Uses

Permitted	Discretionary
Solar Collector, Minor	
Wind Energy Conversion Systems, Micro	

(3) Regulations

- (a) All regulations shall be as determined or required by the Development Authority
- (b) Notwithstanding any other provision of this Bylaw to the contrary, no buildings other than fences shall be allowed within this District unless such buildings are entirely temporary in nature.



PART 10.0: DEFINITIONS

For purpose of this Bylaw the following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as noted in this section. All other words and expressions used in this Bylaw shall have the meanings assigned to them in the Act.

10.1 LAND USES

ADULT USE	Means a premise or parts thereof where products and/or services are provided which display nudity or have an erotic or sexually explicit intent. Typical uses would include but are not limited to adult bookstores, adult motion picture theaters, adult paraphernalia stores, adult video stores, and live nudity establishments.
AGRICULTURE	Means the use of land for the cultivation of crops and the raising of livestock, including activities such as planting, harvesting, animal husbandry, horticulture, and aquaculture. This may also include related uses such as on-site storage of agricultural products, farm buildings, and limited processing necessary to make products market-ready, provided these uses are secondary to the primary agricultural activity. It does not include confined feeding operations.
AMUSEMENT ESTABLISHMENTS, INDOOR	Means a development providing recreational facilities with table games and/or electronic games played by patrons for entertainment. Major amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys.
AMUSEMENT ESTABLISHMENTS, OUTDOOR	Means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses.
ANIMAL BREEDING AND BOARDING, LARGE	Means a development used for the raising, breeding, training, care, or overnight accommodation of large animals such as horses, cattle, sheep, goats, llamas, or other livestock, typically for agricultural, recreational, or commercial purposes. The use may include paddocks, stables, barns, training arenas, and pasture areas, and may offer riding lessons, training services, or boarding for a fee. This use does not include slaughter operations or intensive livestock operations unless otherwise defined.
ANIMAL BREEDING AND BOARDING, SMALL	Means a development used for the raising, breeding, care, or temporary accommodation of small domestic animals such as dogs, cats, rabbits, or birds, typically for personal, commercial, or recreational purposes. This may include kennels, catteries, obedience training, or daycare and overnight boarding services.
ANIMAL HOSPITAL	Means a medical facility where domestic pets and/or livestock are examined, treated, and may be hospitalized for surgery, illness, injury, or observation. Services may include diagnostics, surgery, emergency treatment, and overnight or extended stays under the supervision of licensed veterinary professionals. All animals must be kept within an enclosed building. This use does not include

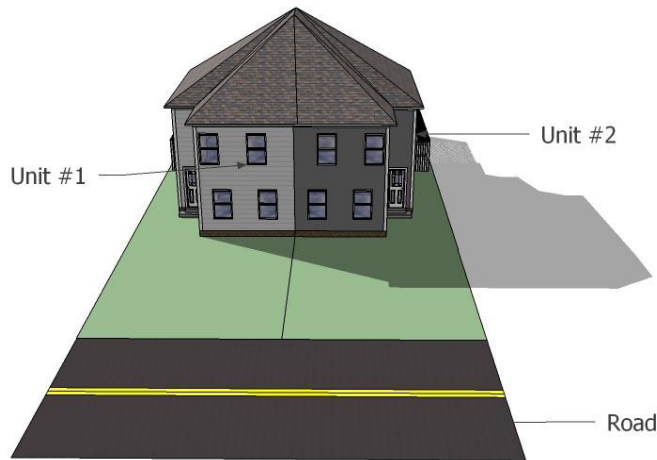
	rooming facilities, outpatient vet clinics, kennels or animal breeding and boarding facilities.
ANIMAL SERVICE	Means a business providing outpatient care, grooming, training, and other services for domestic pets, such as dogs, cats, and other small animals. This may include veterinary clinics, but does not include animal hospitals or breeding and boarding facilities.
ARTS AND CULTURE	Means a development used for activities involving the arts, cultural programming, or other endeavours that encourage refinement or development of the mind. This includes libraries, museums, archives, and art galleries, among others.
AUCTIONEERING ESTABLISHMENT	Means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets.
AUTOMOTIVE AND EQUIPMENT REPAIR	Means a development used for the servicing, mechanical repair, and installation of parts and accessories for motor vehicles and equipment. This includes services such as brake, muffler, tire, transmission, glass, and upholstery work. Typical uses include automotive repair shops, tire shops, transmission shops, glass and upholstery shops, and similar vehicle service facilities. This use may include the sale of related parts and accessories but does not include vehicle sales or rentals.
AUTOMOTIVE AND EQUIPMENT SALES AND RENTALS, MAJOR	Means a development used for the sale or rental of heavy vehicles, large-scale machinery, or mechanical equipment, typically used in construction, mining, manufacturing, pipeline, oilfield, or agricultural operations. This use may include incidental servicing and sale of parts, but does not include establishments dealing in automobiles, light trucks, or recreational vehicles. Typical uses include heavy equipment dealerships, agricultural equipment dealers, and industrial vehicle sales/rental outlets.
AUTOMOTIVE AND EQUIPMENT SALES AND RENTALS, MINOR	Means a development used for the sale or rental of new or used light vehicles, including automobiles, light trucks, motorcycles, snowmobiles, boats, tent trailers, travel trailers, similar recreational vehicles, and/or the rental and servicing of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items. Incidental maintenance and accessory sales are permitted. Vehicles must have a gross vehicle weight rating (GVWR) not exceeding 4,000 kg (8,818.5 lbs.), and recreational vehicles must not exceed a GVWR of 6,000 kg (13,227.7 lbs.) or a length of 13.7 m (45 ft.). Typical uses include car dealerships, motorcycle dealerships, and small vehicle rental agencies.
BED AND BREAKFAST	Means a development within a dwelling unit, where up to four (4) bedrooms are used to provide temporary sleeping accommodation, with or without meals, to members of the public in exchange for remuneration.
BOARDING HOUSE	Means a dwelling where long-term accommodation is provided for multiple tenants in exchange for compensation. Rooms may be furnished, and shared facilities such as bathrooms, kitchens, or common living areas are typically provided. The primary focus of boarding and lodging houses is to provide long-

	term independent living accommodation. This use does not include bed and breakfasts or supportive living facilities.
BUS DEPOT	Means a development used for the parking, storage, dispatch, and maintenance of buses. A bus depot may include administrative offices, passenger waiting areas, loading and unloading areas, and minor vehicle servicing. This use is intended to support the operation of public transit, school transportation, or private bus services and does not include long-term parking or vehicle storage for personal or commercial vehicles unrelated to bus services.
CAMPGROUND	Means an outdoor recreational development providing seasonal and short-term accommodation for tents, recreational vehicles (RVs), and trailers. A campground may include a combination of tenting sites, RV/trailer sites, and low impact sheltered structures with shared or individual amenities such as washrooms, showers, picnic areas, fire pits, and utility hookups. Campgrounds are intended for temporary recreational stays and may offer a range of touristic and recreational services to support campers.
CANNABIS, PRODUCTION AND DISTRIBUTION	Means a development used principally for one or more of the following activities relating to cannabis: (a) The production, cultivation, and growth of cannabis; (b) The processing of raw materials; (c) The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products; (d) The storage or shipping of materials, goods, or products, or; (e) The distribution and sales of materials, goods, and products to cannabis retail sales stores or to individual customers.
CARE FACILITY, INSTITUTIONAL	Means a use that is recognized, authorized, licensed or certified by a public authority intended to provide room and board for more than six residents, exclusive of staff, and family members residing onsite where individuals who are in need of supervision reside on a temporary or long-term basis in a group setting where twenty-four (24) hour personal care or support may be provided. Typical development includes senior homes, large group homes, and large long-term special needs care facilities. This use does not include Child Care Facilities.
CARE FACILITY, RESIDENTIAL	Means a residential care facility which is recognized, authorized, licensed or certified by a public authority such as a social care facility intended to provide room and board for six residents or less, exclusive of staff or family members residing in the home, where residents are in need of supervision reside on a temporary or long-term basis in a group setting and 24-hour personal care or support may be provided. The residential character of the Dwelling shall be primary; with the occupants living together as a single housekeeping unit and using shared cooking facilities. Typical uses include small group homes and boarding houses providing home care. This use does not include Day Homes.
CARWASH	Means a facility designed for the washing, cleaning, and detailing of vehicles. This may include various types of car wash services, such as self-service, automated, touchless, and manual washing bays. Car washes may also offer additional services such as vacuum stations, drying areas, and equipment for

	cleaning vehicle interiors. This use is intended for short-term vehicle servicing and does not include vehicle maintenance or repair services.
CEMETERY	Means a development for the interment and memorialization of the deceased, which may include crematories, cineraria, columbaria, and mausoleums. This includes memorial parks, burial grounds and gardens of remembrance.
CHILD CARE FACILITY	Means an institutional facility used for the temporary care and supervision of a child by an individual other than the child's parent or guardian. A child care facility must be provincially licensed and comply with applicable provincial regulations under the Early Learning and Child Care Act. This use does not include group homes, foster homes and other residential care settings; schools and educational facilities licensed under the Education Act; day camps, vacation camps, and other recreational programs that are operated for less than twelve consecutive weeks in any twelve-month period; and supervision of children at a recreational or commercial facility where the parents or guardians remain on the premises and are immediately available.
CONTRACTOR SERVICE, GENERAL	Means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal use only.
CONTRACTOR SERVICE, LIMITED	Means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles.
DAY HOME	Means a development in a private dwelling used for the temporary care and supervision of a maximum of six (6) children, not including the children who may reside permanently in such dwelling. A day home may be provincially licensed or unlicensed, and must comply with applicable provincial regulations under the Early Learning and Childcare Act.
DRIVE THROUGH	Means an accessory use to a commercial development designed to provide goods or services to customers while they remain in their motor vehicles. This use typically involves a drive-through lane and a service window or automated service point and may be accessory to uses such as restaurants, banks, pharmacies, or coffee shops. A drive-through may include queuing lanes, order boards, pickup windows, and associated signage and must be designed to minimize impacts on traffic circulation, pedestrian safety, and adjacent properties.
DWELLING, APARTMENT	Means a dwelling in a residential building containing three or more dwelling units arranged in a vertical or stacked configuration. Access to individual units is typically provided through shared internal corridors and entrances. Apartment dwellings are generally designed as low-, mid-, or high-rise buildings and may include rental or ownership (condominium) tenure. This use does not include multi-unitplex dwellings or row housing.

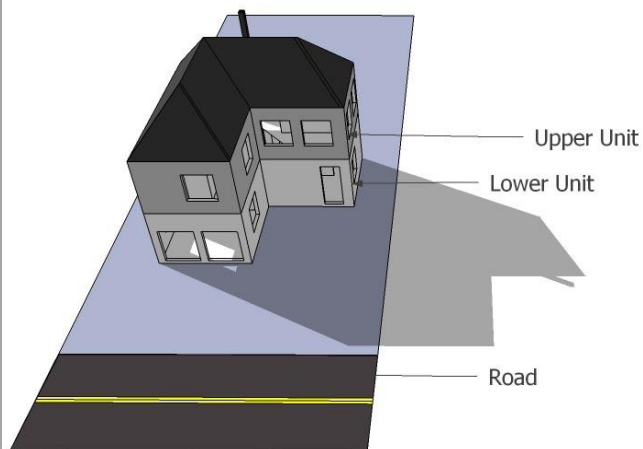
DWELLING, DUPLEX (SIDE-BY-SIDE)

Means a dwelling that shares one side wall with another dwelling, but is located on a separate lot, and where the remaining sides of the dwelling are detached from other dwellings.



DWELLING, DUPLEX (UP-DOWN)

Means a dwelling unit that shares a common wall with another dwelling unit, one above the other, with each dwelling unit having separate entrances. This use does not include dwelling secondary suites.



DWELLING, MANUFACTURED HOME

Means a dwelling or dwellings that conforming to the Canadian Standards Association Z-240 Series certified standards in place at the time of manufacture, 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 a single detached dwelling or a modular home if the

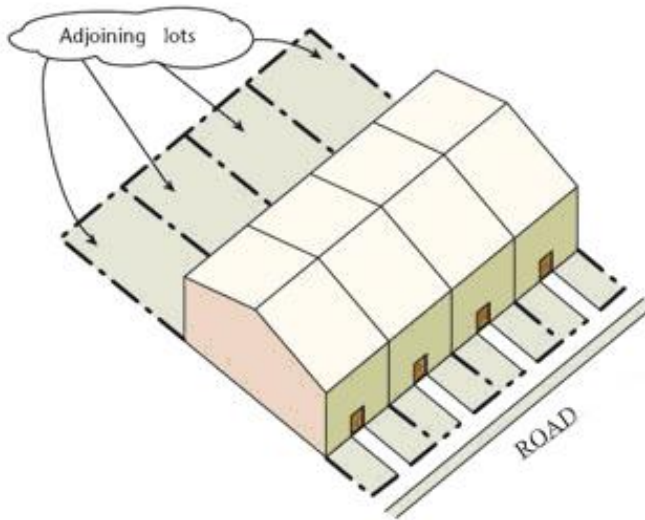
roof pitch were equal to or greater than 1:4, if the depth of eaves were equal to or greater than 30.4 cm (1.0 ft.), or if the depth to width ratio were less than 3:1.

DWELLING, MULTI-UNIT PLEX

Means a residential building containing three to six dwelling units, each with separate and exclusive access from the exterior or a shared internal hallway. Multiplex-unit dwellings are typically designed to reflect a ground-oriented or low-rise form, and may include triplexes, fourplexes, fiveplexes, sixplexes, or similar configurations. This use does not include row housing or apartment dwellings.

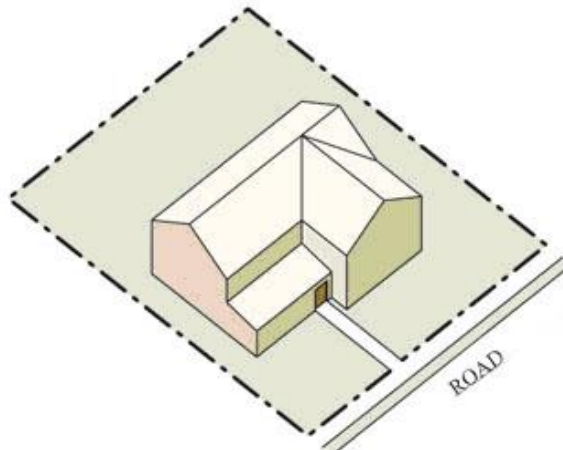
DWELLING, ROW HOUSING

Also called ground-oriented multiple unit dwelling, means a set of three or more attached dwellings built on adjoining lots., where each unit has direct and untethered access to the ground.



DWELLING, SINGLE-DETACHED

Means a detached dwelling that is supported on a permanent foundation or basement but does not include a Manufactured Home.

**EATING AND DRINKING ESTABLISHMENT**

Means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area. Eating and drinking establishments include restaurants, cafes, and lunchrooms, but does not include drive-in restaurants or cannabis lounges. Except in residential districts, an eating and drinking establishment may contain within it an entertainment establishment and/or a drive through, if specifically provided for in an approved Development Permit.

EDUCATION FACILITY

Means a development used for the instruction, training, or education of students in academic, technical, vocational, artistic, cultural, or other specialized subjects. This includes public and private institutions such as elementary and secondary schools, post-secondary institutions (colleges, universities, technical institutes), and commercial schools providing professional, vocational, or recreational training. Education Facilities may include classrooms, lecture halls, laboratories, libraries, administrative offices, student housing, athletic facilities, and related amenities.

EMERGENCY SHELTER

Means a facility that provides temporary, short-term accommodation and essential services to individuals or families who are in crisis or experiencing homelessness. Services may include meals, clothing, hygiene facilities, counselling, referral services, and medical assistance. Emergency shelters are typically operated by government agencies, non-profit organizations, or faith-based groups and may operate on a 24-hour basis or overnight only.

ENTERTAINMENT

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. This use does not include adult uses or cannabis lounges.

EXHIBITION AND CONVENTION FACILITY

Means a development which provides permanent facilities for meetings, seminars and conventions; product and trade fairs; carnivals and other exhibitions. Exhibition and convention facilities include exhibition grounds and convention centres.

FLEET SERVICE	Means a development used for the storage and dispatch of a number of commercial or emergency services vehicles intended for the transport of people, goods, or services, and where such vehicles are not available for sale, rent, or long-term lease. Fleet services may include the storage and servicing of ambulances, taxis, messenger and courier services, and moving trucks, among others, but does not include bus depots, or vehicle and equipment sales and rentals.
FUNERAL HOME	Means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services, and may include a crematorium.
GAS BAR	Means a development where fuel and automotive fluids (e.g., gasoline, diesel, motor oil, windshield washer fluid) and vehicle-related convenience items are sold to the public. No mechanical servicing or repair of vehicles is performed on-site. A Gas Bar may include pay-at-the-pump services, a small convenience kiosk, or automated car washes, but does not include a Service Station.
GOVERNMENT SERVICE	Means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices.
GREENHOUSE AND PLANT NURSERY	Means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products. This use does not include the production, distribution, or retail of cannabis.
HEALTH SERVICE	Means an institutional or large-scale medical facility that provides in-patient and/or out-patient medical care, emergency services, and specialized treatments. These facilities typically include hospitals, urgent care centres, rehabilitation centres, and long-term care facilities. Health services may offer 24-hour care, surgical procedures, and specialized diagnostic or treatment programs. This use does not include walk-in clinics, medical offices, chiropractic or massage therapy clinics, or other personal health and wellness services.
HOME OCCUPATION, MAJOR	Means a business, occupation, trade, profession, or craft carried out within a dwelling unit, secondary to the residential use of the property. A major home occupation may have one non-resident employee, more than five (5) client visits per week, and limited outdoor storage. The business must not alter the character of the dwelling except for a small sign in alignment with the regulations of this Bylaw. Examples include hairdressing, dressmaking, music or dance instruction, and minor household equipment repairs. Cannabis retail sales and production facilities are not permitted.
HOME OCCUPATION, MINOR	Means any business, occupation, trade, profession, or craft carried out within a dwelling unit, secondary to the residential use of the property. A minor home occupation has no non-resident employees, a maximum of five (5) client visits per week, and no outdoor storage. The business must not alter the character of the dwelling except for a small sign in alignment with the regulations of this

	Bylaw. Examples include accounting, consulting, legal services, and minor repair shops. Cannabis retail sales and production facilities are not permitted.
INDUSTRIAL HEMP PRODUCTION	Means a licensed commercial establishment engaged in the cultivation, processing, and production of industrial hemp and its derivatives, in compliance with the Industrial Hemp Regulations (IHR) under the Cannabis Act. These facilities may handle activities such as harvesting seeds, stalks, and fibers, and processing them into commercial products. This use does not include the cannabis production, distribution retail.
INDUSTRIAL, AGRICULTURE	Means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. It includes seed cleaning and/or processing plants and grain elevators, among others. It does not include cannabis production and distribution facilities, industrial hemp production facilities or abattoirs.
INDUSTRIAL, EXTRACTIVE	Means an industrial development engaged in the extraction of natural resources such as clay, sand, gravel and natural gas, and which may include the processing of these through primary treatment into a raw marketable form.
INDUSTRIAL, HEAVY	Means a development used for the processing, fabrication, storage, transportation, distribution or wholesaling goods, which may produce a significant level of noise, smoke, dust, odour, vibration, and other nuisances beyond the site where the development is located. This use does not include the petrochemical industry.
INDUSTRIAL, LIGHT	Means a development used for manufacturing, processing, assembly, repair, storage, distribution, or training in industrial operations that does not create significant environmental impacts beyond the site. Light industrial uses typically involve low-intensity activities that are compatible with other industrial and commercial uses in a concentrated setting. This use may include processing of raw materials, manufacturing, storage, and distribution, among other activities. Light industrial uses do not include food and beverage preparation for direct sale to the public.
INDUSTRIAL, MEDIUM	Means an industrial development that, in the opinion of the Development Authority, may not be compatible with residential and other uses other uses due to: <ul style="list-style-type: none"> (a) potential environmental impacts beyond the site, including toxic or noxious by-products, such as air or water-borne emissions, which may be hazardous to human health, safety or well-being; and/or (b) the storage of toxic, flammable or explosive products in significant quantities; and/or (c) large-scale outdoor storage that is unsightly or visually unappealing. (d) Medium industrial uses may include rendering plants and processing plants for agricultural products, among others.
INDUSTRIAL, PETROCHEMICAL	Means a heavy industrial development used specifically for the processing and manufacturing of petrochemicals, including oil and gas refining.
LANDFILL	Means a designated waste disposal site that uses engineered methods to manage and dispose of solid waste while minimizing environmental hazards

	through controlled containment, compaction, and monitoring. A landfill must be owned and operated by a municipal corporation or a municipally-owned corporation and comply with all applicable environmental regulations and waste management standards.
LIQUOR STORE	Means a licensed establishment or part thereof used for the sale of alcoholic beverages to the public for consumption off premises. This use may include ancillary sales of soft drinks and snack foods.
LODGING	Means a commercial accommodation facility that provides temporary overnight stays for guests in exchange for payment. Lodging includes hotels, motels, and similar establishments that offer private guest rooms, on-site management, and may provide amenities such as dining, conference rooms, fitness facilities, or parking for guests. This use does not include bed and breakfasts, short-term vacation rentals, or boarding houses.
MANUFACTURED HOME PARK	Means a parcel of land under single ownership or management that is designed, developed, and used to accommodate multiple manufactured homes on individual leased or rented stalls. The park typically includes internal private roads, shared utilities, and may provide common facilities such as open spaces, recreational amenities, or community buildings. Manufactured homes within the park remain under separate ownership from the land, but are subject to the park's management and lease agreements.
MANURE STORAGE FACILITY	Means a manure storage facility as defined in the Agricultural Operation Practices Act.
MIXED USE	Means a development that combines residential, retail, office, and/or institutional uses in a single building and may be configured vertically (e.g., buildings with retail or offices in the ground floor residential units in the upper floors) or horizontally (e.g., different uses side-by-side on the same parcel).
OFFICE	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; banks, credit unions, loan offices and similar financial services; and the offices of governments or government agencies.
PARK	Means a publicly-accessible development, preserved partially or wholly in its natural state, primarily used for active or passive recreational uses. Parks may include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, gardens, water features, among other facilities incidental to the primary recreational use. This does not include privately-owned and/or controlled access facilities, which may be categorized as indoor or outdoor recreational facilities.
PARKING LOT	Means a commercial development or portion thereof intended for the parking of vehicles, whether it is located at, below, or above ground level. Components of parking areas include parking stalls, loading areas, aisles, entrances and exits, and traffic islands, where applicable.

PERSONAL SERVICE	Means a commercial or institutional development providing services related to a person's mental and physical health, care, and appearance, as well as the care and/or service of their personal effects. Personal services include counselling and other paramedical services, dental offices, walk-in clinics, diagnostic and therapeutic services, financial services, massage parlours, barbershops, hairdressers, beauty salons, spas, tailors, dressmakers, dry cleaning establishments, and laundromats, among others. This use does not include indoor recreational facilities or animal services.
PLACE OF WORSHIP	Means a development where worship and related religious, philanthropic, and social activities occur, and may include accessory rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries, among others.
PROTECTIVE AND EMERGENCY SERVICES	Means a development used for the administration, coordination, and/or dispatch of services for the protection of persons and property from injury, harm or damage, including the storage and maintenance of any equipment necessary for such activities. Protective and emergency services include ambulance services, police stations, detention centres, fire stations, and ancillary training facilities.
PUB	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 liquor is the primary source of business. This use does not include establishments where cannabis is sold or consumed on-site.
PUBLIC UTILITIES, MAJOR	Means the infrastructure and facilities, as well as their rights-of-way, which are required for the provision of municipal services such as water, sanitary, stormwater, telecommunications (excluding communications towers), water, irrigation, gas, and electric power at a municipal or regional scale. These may include power plants, substations, and water and wastewater treatment plants, but does not include landfills or recycling depots.
PUBLIC UTILITIES, MINOR	Means the infrastructure and facilities, as well as their rights-of-way, which are required for the provision of municipal services such as water, sanitary, stormwater, telecommunications (excluding communications towers), water, irrigation, gas, and electric power for neighbourhood or subdivision. These may include neighbourhood level water reservoirs, lift stations, small electrical substations, transformers, and stormwater management facilities, but does not include communications towers.
RECREATION, INDOOR	Means a development for sports and active recreation within an enclosed building. Indoor recreational facilities include gymnasiums, health and fitness clubs, bowling alleys, ice arenas, curling rinks, and indoor swimming pools, among others,
RECREATION, NEIGHBOURHOOD	Means a development without fixed seating and with an occupancy capacity of up to five hundred (500) peoples, primarily intended for recreational, social, or multi-purpose activities serving the local community. This includes community halls, community centres, and community league buildings operated by a local residents' organization;

RECREATION, OUTDOOR	Means a development primarily intended for recreational activities conducted in an open-air or partially enclosed setting, where the location is chosen to take advantage of natural physical features or large open spaces. These facilities provide opportunities for sports, athletics, leisure, and community activities and may include structures or amenities that support these activities. Typical uses include but are not limited to ski slopes, golf courses, archery ranges, trap and rifle ranges, racetracks, boating facilities, equestrian facilities, outdoor swimming pools, outdoor skating rinks, sports fields, and similar outdoor recreational spaces. Accessory commercial uses may be permitted if incidental to the primary recreational use.
RECYCLING DEPOT	Means a development where bottles, cans, newspapers, cardboard, plastics and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound.
REPAIR SHOP	Means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists.
RETAIL, CANNABIS	Means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of cannabis accessories, as defined in the Cannabis Act. This use does not include cannabis production and distribution facilities.
RETAIL, GENERAL	Means a development through which consumer products or services are available for sale, but does not include the manufacturing of these products. These uses may have an accessory drive through, subject to approval of a separate Development Permit.
RETAIL, NEIGHBOURHOOD	Means a small-scale commercial development compatible with residential areas where goods are bought and sold. This includes convenience stores, small food stores, drug stores, and any other type of retail facility with a leasable area of up to 400 m ² , but does not include cannabis or alcohol retail. These uses may not include an accessory drive through.
SEA CAN/SHIPPING CONTAINER	Means a standardized re-sealable moveable transportation box used for freight handling and storage, typically constructed of aluminum or steel. This does not include shipping containers that have been extensively modified and repurposed for the construction of homes and other types of buildings.
SECONDARY SUITE	<p>Means a self-contained dwelling unit located on the same parcel as a principal dwelling. A secondary suite is designed for independent living and includes separate and exclusive access, as well as its own sleeping, cooking, and bathroom facilities. The suite may be serviced by the same municipal utilities as the principal dwelling and is subordinate in floor area and function. There are three types of secondary suites:</p> <p>Garage Suite - means a secondary suite located above a detached garage, with an entrance separate from the vehicle entrance to the garage. It is only allowed in conjunction with a single detached or semi-detached dwelling.</p>

	<p>Internal Suite - means an secondary suite located within the principal dwelling. It may include the development or conversion of basement, where a portion of the suite is located below finished grade.</p> <p>Garden Suite - means a single-storey secondary suite located in a building separate from the principal dwelling. It is only allowed in conjunction with a single detached or semi-detached dwelling.</p>
SERVICE STATION	Means a development where motor fuels are sold and minor vehicle servicing and repairs are conducted, such as oil changes, tire repairs, or car washes. May include a convenience retail component. Does not include major mechanical repairs, vehicle sales, or rentals.
SHOPPING CENTRE	Means a use where commercial establishments are grouped on a site planned, developed, and managed as a single unit with on-site parking provided. Typical development includes a strip mall, power centre or shopping mall.
SHORT TERM RENTAL	Means a dwelling unit that is rented to guests for short-term accommodation, typically for stays of less than 30 days. Short-term rentals are intended for temporary lodging and may operate on a daily, weekly, or monthly basis. This does not include bed and breakfasts, hotels, or boarding houses and may be subject to specific licensing, safety, and operational requirements to ensure compatibility with surrounding residential uses.
SHOW HOME	Means a dwelling unit temporarily used for the purpose of displaying the design, features, and layout of a dwelling model to market and sell similar units in a new development. A Show Home may include sales offices, staging furniture, and signage, but is not used for residential purposes while functioning as a show home. Use of the dwelling as a show home is subject to time limits or conditions established by the Development Authority.
SIDEWALK CAFÉ	Means a seasonal or year-round outdoor seating area accessory to a commercial use, such as a restaurant or café, located on a public sidewalk or boulevard. A sidewalk café provides space for tables, chairs, and other temporary furnishings for the service and consumption of food and beverages.
SOLAR COLLECTOR, MAJOR	Means a development designed and operated to generate electricity from solar energy for commercial sale or distribution to a utility provider or for use in large-scale operations. This use typically includes ground-mounted solar panels, tracking systems, energy storage systems, and related infrastructure such as inverters, transformers, and access roads. The system is generally located on larger parcels of land and is not primarily intended to serve on-site energy needs. This use may also be referred to as a solar farm or utility-scale solar installation.
SOLAR COLLECTOR, MINOR	Means a solar energy system or device used to collect, convert, and/or store solar energy for electricity generation, heating, or cooling to service the subject site. This includes solar panels, tracking systems, or similar equipment installed for domestic or on-site use, and does not include the commercial production or distribution of solar energy. There are two types of minor solar collectors:

	<p>Freestanding - installed independently of a principal or accessory building, typically in open yard areas. Freestanding solar collectors may be subject to regulations for height, setbacks, and visual impact.</p> <p>Roof or Wall Mounted - mounted directly onto the roof or exterior wall of a building and may project from the building surface but shall remain structurally attached to the building.</p>
STORAGE, INDOOR	Means the use of a building or portion thereof for the storage of goods, materials, equipment, or vehicles, where all storage occurs entirely within an enclosed structure. This use may include personal storage facilities (self-storage), warehousing, and storage of business-related materials but does not include storage that is incidental to a principal commercial or industrial use. Does not include shipping containers.
STORAGE, OUTDOOR	Means a development or part thereof where goods, materials, or equipment are placed outside of a building permanently or frequently;
WIND ENERGY CONVERSION SYSTEMS, LARGE	Means a wind energy facility consisting of one or more turbines with a rated capacity exceeding 100 kW, designed to generate electricity for commercial sale or distribution to the power grid. Large WECS (also referred to as wind farms) are typically located on large rural or industrial parcels, and may include substations, transmission lines, access roads, and maintenance facilities. These systems are subject to extensive review, including environmental, noise, visual, and safety considerations, and may require provincial or federal approvals in addition to municipal Development Permits.
WIND ENERGY CONVERSION SYSTEMS, MICRO	Means a single wind turbine with a rated capacity of 1 kilowatt (kW) or less, intended primarily for on-site use by a residence, farm, or small business. The system may be mounted on a building or a short tower, and is designed to generate supplemental power, not supply electricity to the grid. Micro WECS typically do not require special permits beyond basic electrical and building code compliance.
WIND ENERGY CONVERSION SYSTEMS, SMALL	Means one or more wind turbines with a rated capacity greater than 1 kW but not exceeding 100 kW, intended to generate electricity primarily for on-site use, though surplus energy may be distributed to the grid. Small WECS may be mounted on freestanding towers or buildings, and are often found in residential, agricultural, or light industrial settings. The system must meet regulations for noise, height, setbacks, and visual impacts.
WIRELESS COMMUNICATION FACILITY	Means a development used to transmit, receive, relay, or process wireless voice, data, or image communications, including cellular, internet, radio, television, or satellite signals. This may include freestanding towers, antennas, rooftop installations, equipment shelters, and support structures or enclosures. Wireless Communication Facilities may be monopole, lattice, stealth, or building-mounted, and are subject to federal regulatory approval, as well as municipal siting, aesthetic, and safety requirements where applicable.
WORK CAMP	Means a temporary or semi-permanent development used to accommodate a workforce employed in resource extraction, construction, or infrastructure projects, typically located in remote or undeveloped areas. A Work Camp may

include dormitory-style accommodations, dining facilities, washrooms, recreation areas, parking, and related services provided exclusively for camp residents. Work Camps are generally self-contained and designed to be dismantled and removed after the associated project is complete. Short-term Work Camps are not permitted within the Town.

10.2 GENERAL DEFINITIONS

ABUT OR ABUTTING	Means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it.
ACCESSORY BUILDING	Means a temporary or a permanent building which is separate and subordinate to the principal building, the use of which is incidental to that of the principal building and located on the same parcel of land. Accessory buildings include private garages, portable garages, or sheds.
ACCESSORY USE	Means a use customarily incidental and subordinate to the principal use or building and located in the same parcel of land with such principal use or building.
ACT	Means the Municipal Government Act, 2000, as amended, and any Regulations made pursuant thereto.
ADJACENT LAND	Means land that is contiguous to a particular parcel of land and includes: land that would be contiguous if not for a highway, road, river or stream, and any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 3.7(6)(b) of this Bylaw. Figure 7 provides an example of adjacent land in an urban area.



Figure 7 Adjacent Land Example in an Urban Area

AGRICULTURAL OPERATION	Means an agricultural operation as defined in the Agricultural Operations Practices Act.
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.

AMENITY AREA, COMMUNAL	Means an amenity area which shall be provided subject to the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of all of the residents within the building and/or development. Communal amenity areas may be located indoor or outdoor as required by the Development Authority.
AMENITY AREA, INDOOR	Means an amenity area which shall be provided subject to the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of residents within the building and/or development. Indoor amenity areas may include communal lounges, workout facilities, indoor swimming pools or other similar uses.
AMENITY AREA, PRIVATE OUTDOOR	Means an amenity area which shall be provided subject to regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, 'parking lots, aisles or access driveways.
AREA OF A SIGN	Means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign.
ARTERIAL STREET OR ROAD	Means a roadway used primarily for through traffic.
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.
BUILDING	Means anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road.
BUILDING AREA	Means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls.
BUILDING HEIGHT	Means the average vertical distance, as measured from the grade immediately adjacent to any point of the subject building at the point being measured to the highest point of the building, at the points being measured 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, and antenna, or a similar device. Whether the grade is flat or changes, the definition of building height will remain the average of the points measured from the four corners of the building. On a flat site, this will mean that a particular building height will be the same height throughout the site. However, on a site where the grade varies, any particular part of a building may appear to be of differing heights, dependent upon the point of observation (see Figure 8);

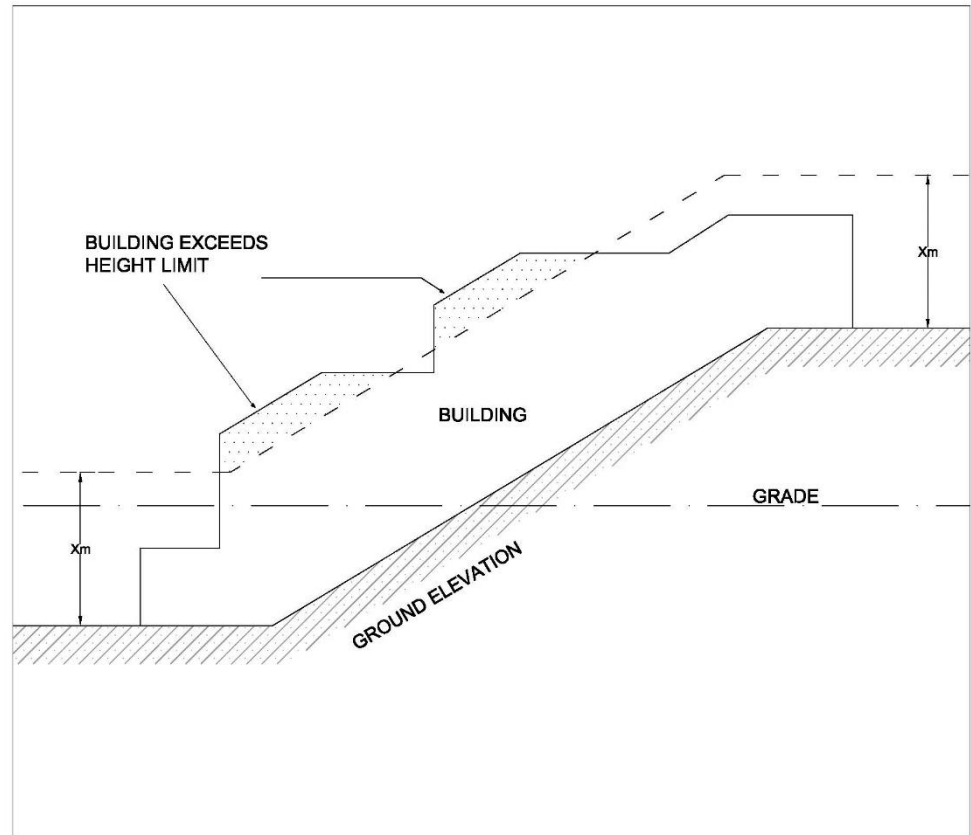


Figure 8 Building Height

BUSINESS FRONTAGE	Means any side of a lot or building which abuts a road, or in the case of individual business or tenants within a building, any business which has separate access to a road;
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.
CANNABIS	Means cannabis as defined in the Cannabis Act, the Controlled Drugs and Substances Act, or other relevant federal legislation. (a) Cannabis includes: i) Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not; ii) Any substance or mixture of substances that contains or has on it any part of such a plant; iii) Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained. (b) Cannabis does not include: i) a non-viable seed of a cannabis plant;

	<ul style="list-style-type: none"> ii) a mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant; iii) fibre derived from a stalk; and iv) the root or any part of the root of a cannabis plant;
CANNABIS, MEDICAL	Means cannabis that is obtained for medical purposes in accordance with applicable federal law.
CANTILEVER	Means the projection of habitable or livable space outside the foundation. Cantilevers include any floor space that a person can enter, such as closets, cantilevered room space and bay windows.
CARPORT	Means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed.
CHATTEL	Means a movable item of personal property.
CLUSTER DEVELOPMENT	Means a development technique that locates buildings in limited areas on a site to allow the remaining land to be used for a variety of open space purposes.
COLLECTOR ROAD/STREET	Means a roadway used primarily for collecting traffic from local streets and channeling it to arterial streets.
COMMUNICATIONS TOWER	Means a structure that is intended for transmitting or receiving television, radio, internet or telephone communications.
CONFINED FEEDING OPERATION	Means a confined feeding operation as defined in the Agricultural Operation Practices Act.
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 a certain specified distance from their intersection (see Figure 3).

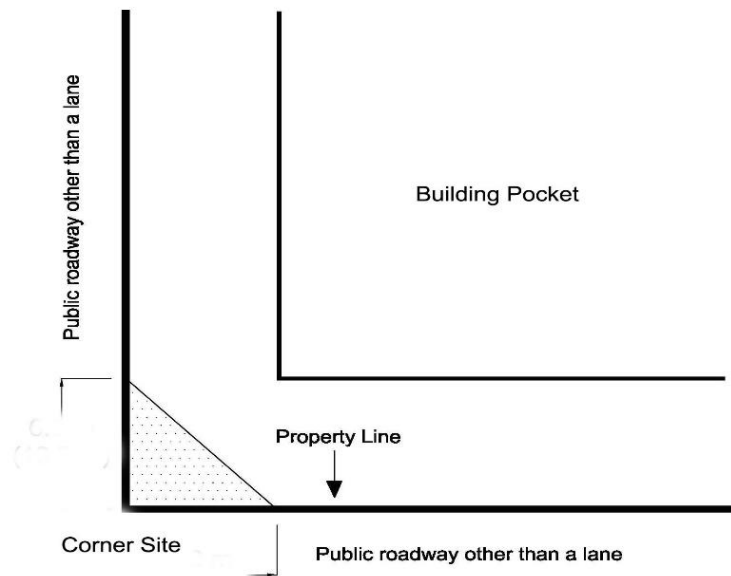


Figure 9 Corner Site

COUNCIL	Means the Council of the Town of Athabasca.
CURB CUT	Means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site.
DECK	Means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Alberta Building Code. A deck shall not have walls higher than 1.2 m (3.9 ft.) or a roof.
DENSITY	Means a measure of the average number of persons or dwelling units per unit of area.
DEVELOPER	Means an owner, agent or any person, firm or company required to obtain or having obtained a Development Permit.
DEVELOPMENT	Means: <ul style="list-style-type: none"> (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 and includes: <ul style="list-style-type: none"> i) 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

	<p>site, including any increase in the number of dwelling units in a building or on a site; or</p> <p>(e) the placing of refuse or waste material on any land; or</p> <p>(f) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or</p> <p>(g) 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</p> <p>(h) the demolition or removal of a building; or</p> <p>(i) the placement of an already constructed or a partially constructed building on a parcel of land; or</p> <p>(j) 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;</p> <p>(k) the clearing of vegetation; or</p> <p>(l) the removal of topsoil.</p>
DEVELOPMENT AUTHORITY	Means the Development Authority established pursuant to the Act through this Bylaw.
DEVELOPMENT OFFICER	Means the Development Officer established and appointed pursuant to the Act through this Bylaw.
DEVELOPMENT PERMIT	Means a document issued pursuant to this Bylaw authorizing a development.
DISCONTINUED	Means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased.
DISCRETIONARY USE	Means the use of land or a building provided for in this Bylaw for which a Development Permit may be issued, with or without conditions, upon an application having been made, at the discretion of the Development Authority.
DOMESTIC PET	Means an animal which is normally kept inside a dwelling. Domestic pets include, dogs, cats, parrots, and similar-sized animals, but do not include livestock.
DOUBLE FRONTING LOT	Means a lot which abuts two roads (except alleys as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot (see Figure 10);

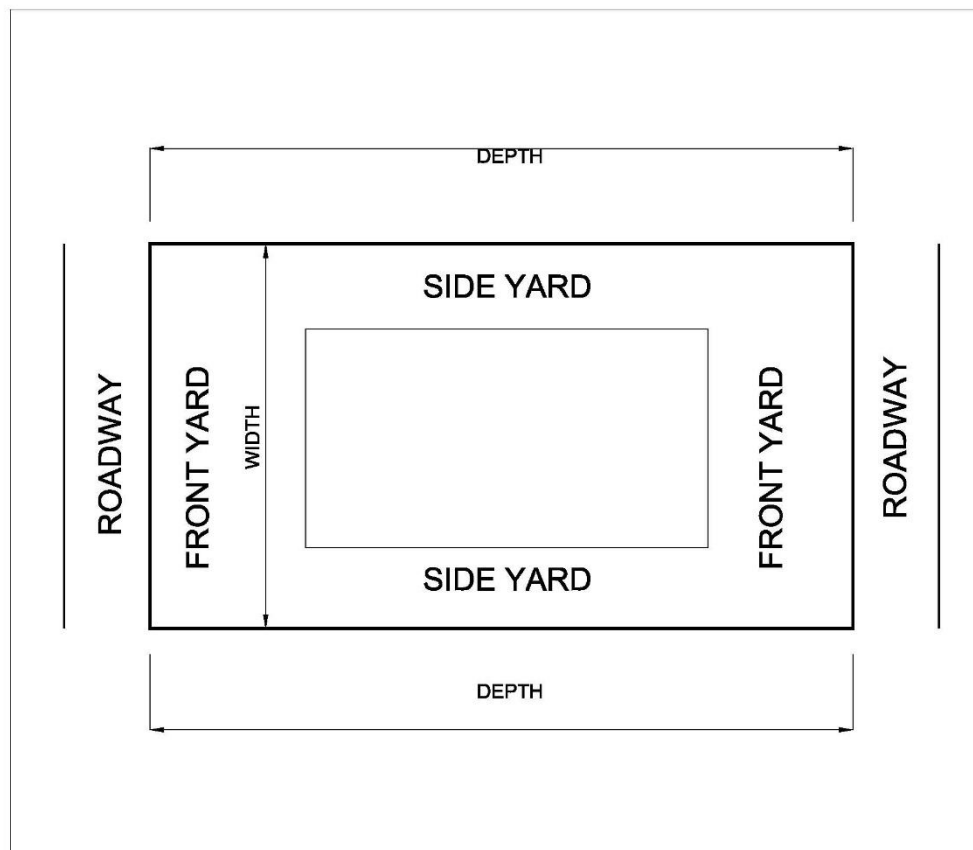


Figure 10 Double Fronting Lot

DWELLING	Means a self-contained residential building designed and intended for permanent habitation, including, at minimum, sleeping quarters, a kitchen or cooking facility, and a bathroom. As long as it complies with local building codes, a dwelling may be built in a number of different ways, including on-site with traditional construction materials, or at a manufacturing facility to be transported as a unit or by parts into the site.
EXCAVATION	Means any breaking of ground, except common household gardening and ground care.
EXTERIOR WALL	Means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.).
FENCE	Means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access.
FLANKING SITE	Means a corner site on which a side line is abutting onto a road.
FLOOR AREA	Means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in an apartment shall be included in the calculation of floor area.

FOUNDATION	Means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground.
FRAGMENTED PARCEL	Means a parcel of land that is separated from the balance of the remainder of the parcel of land by a natural barrier such as a river, a permanent naturally-occurring water body, a railroad, or a road, but not an undeveloped road on a Road Plan, or a barrier to the crossing of cultivation equipment created by substantial topography, such as a ravine, gulley or small, possibly intermittent, watercourse. The determination that such a topographic barrier is a fragmenting feature for the purpose of subdivision shall be at the sole discretion of the Subdivision Authority.
FRONT LINE	Means the boundary line of a site lying adjacent to a road. In the case of a corner site, the shorter of the two boundary lines adjacent to the road shall be considered the front line. In the case of a double fronting site, both boundary lines adjacent to the roads shall be considered front lines.
FRONT YARD	Means a yard extending across the full width of a site from the front line to the leading wall of the principal building situated on the site, measured at right angles to the front line. In the case of a curved front line, the front yard will also form a curve.
FRONTAGE	Means the length of the front line. On double fronting sites, all front lines shall be considered frontage.
GARAGE	Means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles and includes a carport.
GENERAL ADVERTISING	Means advertising which relates to goods or services other than those produced, offered for sale, or obtainable at the site on which the sign is displayed.
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.
GROSS LEASABLE AREA	Means the floor area of a building, plus the floor area contained within the exterior of the basement walls, excluding the floor areas of mechanical and utility rooms, public washrooms, stairwells, and elevators.
GROSS FLOOR AREA	Means the total area of all floors which are fully enclosed of all buildings including accessory buildings located on any parcel of land, excluding the area of basement floors, EXCEPT THAT all dwelling units in apartment buildings shall be included in the calculation of gross floor area. For the purposes of this definition, all roofed areas with no walls and all walled areas with no roof shall NOT be included in the calculation of gross floor areas.
GROSS FLOOR AREA RATIO	Means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total site area of the parcel of land on which the buildings are located.
GROSS LEASABLE FLOOR AREA	Means that portion of the floor area leased to a tenant for their 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;
GROUND FLOOR AREA	means the total area of the first floor of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including covered porches and verandas, but

	excluding open decks, patios, and steps, cornices, eaves and similar projections. Ground floor area shall include air wells, and all other space within a building except inner or outer courts.
HALF STOREY	Means that part of any dwelling, wholly or partly within the framing of the roof, where habitable floor area is not more than seventy percent (70%) of that of the ground floor.
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).
HAZARD LANDS	Means lands which are or may be inappropriate for urban development by reason of having inherent or natural environmental hazards such as susceptibility to flood or erosion, poor drainage, organic soils, steep slopes or any physical condition or limitation and which, if developed, may lead to the deterioration or degradation of the environment or cause property damage or loss of life.
HEDGE	Means a row of closely planted shrubs or low-growing trees forming a fence or boundary.
HIGHWAY	Means an existing or proposed road or road segment that is designated as a highway pursuant to the Public Highways Development Act.
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;
INTERNAL SITE	Means a site which is bordered by only one (1) road.
LANDSCAPING	Means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture.
LANE	Means a right-of-way on which motorized vehicles are normally allowed to operate, which is 7.6 m (25.0 ft.) in width, or an alley as defined in the Traffic Safety Act, as amended.
LEADING WALL	Means the outermost part of a wall, including any bay window or cantilevered section of wall, the outer wall of a fireplace chase, etc.
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;
LOT COVERAGE	Means a calculation of the ground floor area divided by the area of the lot.
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.
MAIN BUILDING	Means the building in which the main or principal use of the parcel of land on which the building is erected is conducted.
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.
MANUFACTURED HOME SUBDIVISION	Means a residential development in which individual lots are subdivided, titled, and sold for the placement of manufactured homes. Each lot is under separate ownership and typically includes connections to municipal or private utilities, with roads and other infrastructure developed to municipal standards. Manufactured Home Subdivisions function similarly to conventional residential subdivisions but are specifically designed to accommodate manufactured housing.
MAY	Means an operative word meaning a choice is available with no particular direction or guidance intended.
MUNICIPAL PLANNING COMMISSION	Means the Municipal Planning Commission established by the Council by the Municipal Planning Commission Bylaw adopted pursuant to the Act.
MUNICIPALITY	Means the Town of Athabasca.
NATURAL AREA	Means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition.
NON-CONFORMING BUILDING	Means a building: <ul style="list-style-type: none"> (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;
NON-CONFORMING USE	Means a lawful specific use: <ul style="list-style-type: none"> (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;
NUISANCE	Means any act or deed, or omission, or thing, which is or could reasonably be expected to be troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Town of Athabasca municipal office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law.
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.
OCCUPANCY	Means the use or intended use of a building or part thereof for the shelter or support of persons or property.
OCCUPANT	Means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such person resided thereon or conducts a business thereon.
OFF-GRID	Means a stand-alone power generating system not connected to or in any way dependent on the utility grid.
OFF-SITE SIGN	Means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site.
OFF-STREET PARKING LOT	Means a parking area which is located on a parcel of land and not accessory to a particular use or development.
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.
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 prepared under the Act;
PARCEL OF LAND	Means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.
PARKING STALL	Means an area set aside for the parking of one (1) vehicle.
PARK MODEL	Means a recreational vehicle that fits within one of the following categories: (a) Park Model Trailer 102 is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are not fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities. This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-

	<p>outs, but when in set-up mode the gross trailer area does not exceed 37.2 sq. m (400 sq. ft.). It conforms to the CSA Z-240 Standard for RVs.</p> <p>(b) Park Model Recreational Unit is built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances.</p> <p>(c) It has a gross floor area, including lofts, not exceeding 50.0 sq. m (approximately 540.0 sq. ft.) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode.</p> <p>All Park Model units require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the CSA Z-241 Standard for RVs.</p>
PARK, NEIGHBOURHOOD	Means a natural area or development providing features for both active and passive recreation to local residents. A neighbourhood park has pedestrian access, and is accessible by bicycle.
PATIO	Means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level.
PERMITTED USE	Means the use of land or a building provided for in this Bylaw for which a Development Permit shall be issued, with or without conditions, upon an application having been made provided that the proposed development complies in all respects with this Bylaw.
PLACE OF WORSHIP	Means a development where worship and related religious, philanthropic, and social activities occur, and may include accessory rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries, among others.
PRINCIPAL BUILDING	Means a building which: <ul style="list-style-type: none"> (a) occupies the major or central portion of a site; (b) is the chief or main building among one or more buildings on the site, or (c) constitutes by reason of its use the primary purpose for which the site is used.
PRINCIPAL USE	Means the primary purpose or purposes for which a building or site is used.
PROJECT	Means when used as a noun means a development comprising one or more multi-family-unit dwellings, a zero lot line development, a manufactured home park, a shopping centre, or any multiple use building.
PARK	Means a development designed or reserved for active or passive recreational use, including all open spaces and landscaping, facilities, sports fields, and buildings that are consistent with the general purposes of recreation and leisure,. Parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, outdoor skating rinks, skate parks, and similar outdoor sports fields.
PUBLIC UTILITY, MINOR	Means the infrastructure and facilities, as well as their rights-of-way, which are required for the provision of municipal services such as water, sanitary, stormwater, telecommunications (excluding communications towers), water, irrigation, gas, and electric power for neighbourhood or subdivision. These may include neighbourhood level water reservoirs, lift stations, small

	electrical substations, transformers, and stormwater management facilities, but does not include communications towers.
REAR LINE	Means the boundary line of a site lying opposite to the front line of the site and/or farthest from a road.
REAR YARD	Means a yard extending across the full width of a site from the rear line to the nearest exterior wall of the principal building situated on the site, measured at right angles to the rear line. In the case of a curved rear line, the rear yard will also form a curve.
RECREATIONAL VEHICLE	means a vehicle or mobile structure designed and intended to provide temporary accommodation for recreational purposes, and which is either self-propelled or designed to be towed or carried. This includes motorhomes, dully licensed trailers, fifth-wheel trailers, truck campers, tent trailers, slide in campers, chassis mounted campers, and boats with sleeping facilities, among other. Recreational Vehicles are not considered permanent dwellings and are typically used seasonally or for short-term accommodation.
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.
RENTABLE UNIT	Means accommodation of one or more persons.
ROAD	Means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act and includes a highway, but does not include a lane.
SECONDARY COMMERCIAL	Means a general commercial use, which is subordinate in nature to the main use of parcel. A secondary commercial use is not limited to uses, which are similar to the main use of the parcel;
SETBACK	Means the minimum horizontal distance between a lot boundary and the nearest point on the exterior wall of a building on the lot (see Figure 5 and Figure 6 for illustrations of setbacks from a roadway);

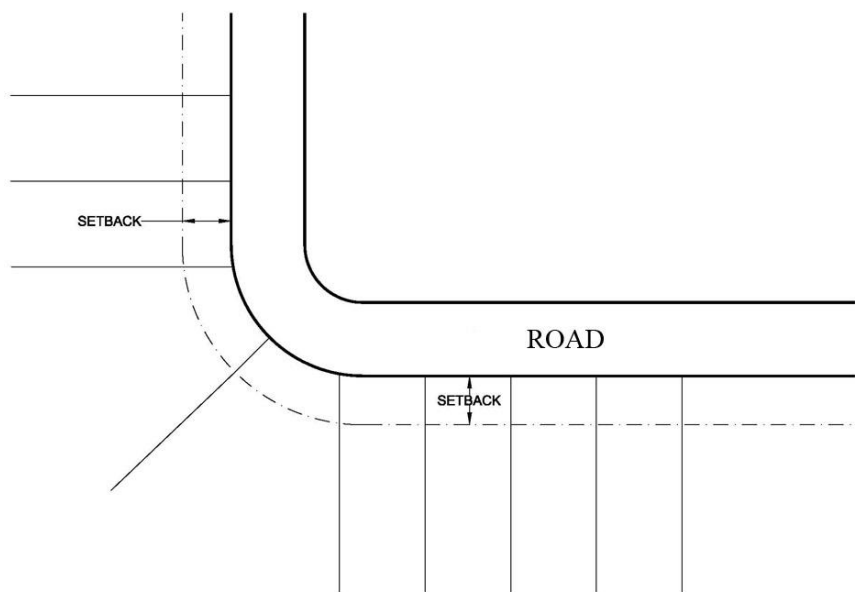
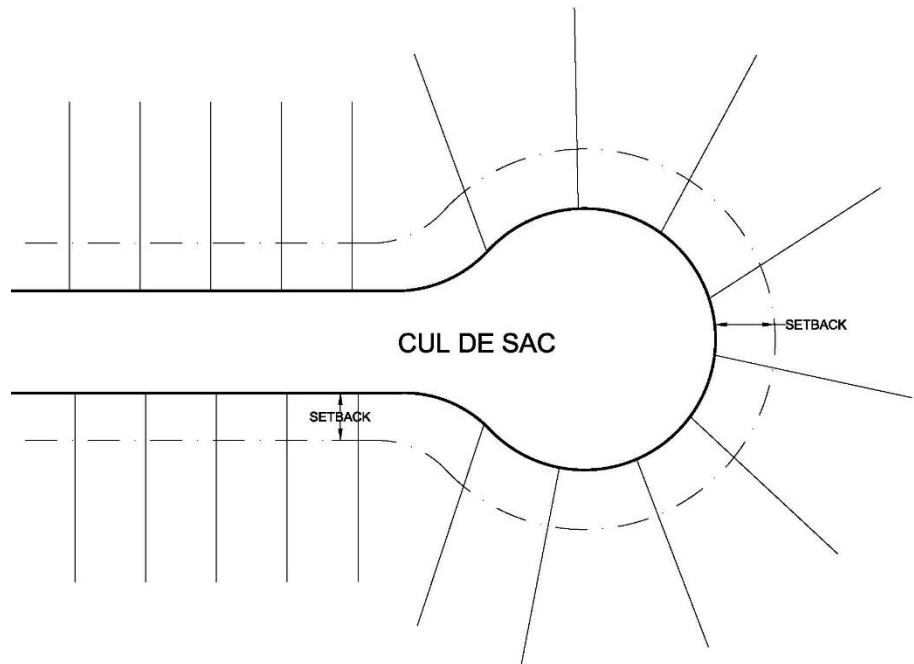


Figure 11 Setback Definition Diagram A**Figure 12 Setback Definition Diagram B**

SHALL	Means an operative word, which means the action is obligatory.
SHOULD	Means that in order to achieve local goals and objectives it is strongly advised that action be taken.
SIDE LINE	Means a yard extending from the side line to the nearest exterior wall of the principal building situated on the site, and lying between the front and rear yards on the site, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve.
SIDE YARD	Means a yard extending from the side line to the nearest exterior wall of the principal building situated on the site, and lying between the front and rear yards on the site, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve.
SIGHT LINE TRIANGLE	Means the triangular area formed by a line drawn between two (2) points on the curbs of intersecting roads 8.0 m (26.2 ft.) from the point where the curbs would meet if extended or 5.0 m (16.4 ft.) from that point in the case of an intersecting lane and road or driveway and road.
SIGN	Means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs may include banners, placards, and painted messages, but not national

	<p>flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle intended for use on a public roadway.</p>
SIGN, CANOPY	<p>Means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy (see Figure 7).</p> <div data-bbox="977 472 1461 884" data-label="Image"> </div> <p>Figure 13 Canopy Sign</p>
SIGN, FREESTANDING	<p>Means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure (see Figure 8);</p> <div data-bbox="719 1050 1477 1701" data-label="Image"> </div> <p>Figure 14 Freestanding Sign</p>
SIGN, INFLATABLE	<p>Means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a</p>

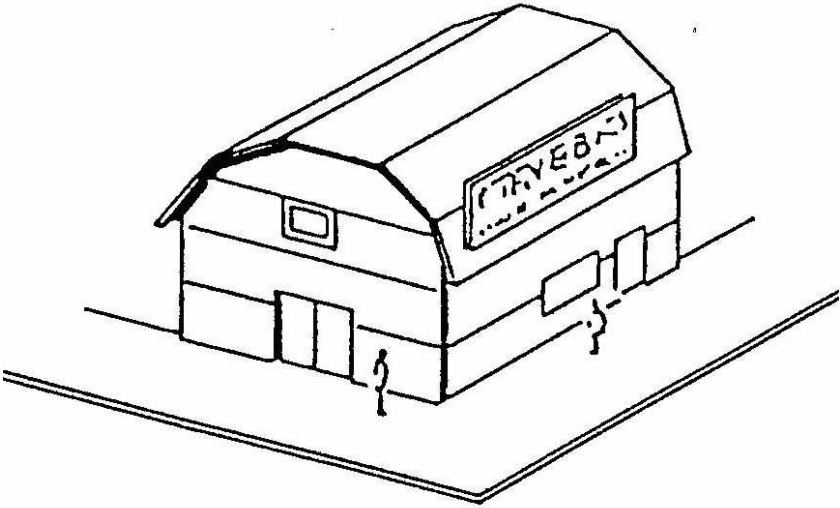
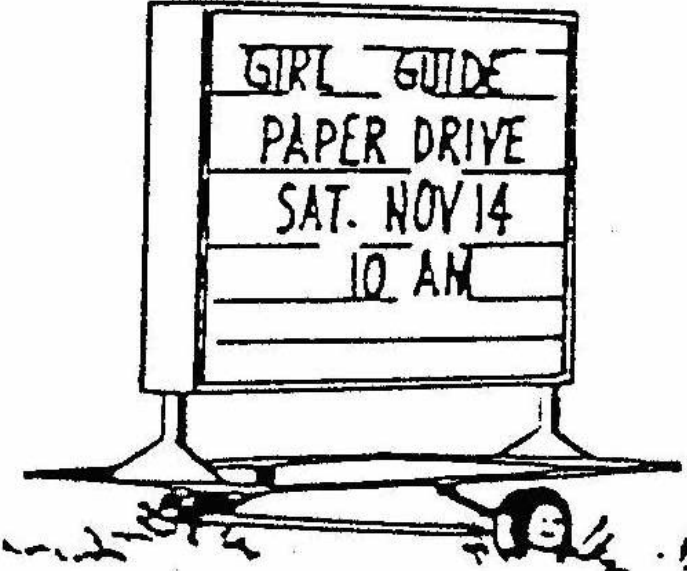
	sufficient volume of air or gas. Commonly used as a temporary sign for special events or promotions.
SIGN, OFF SITE	Means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location.
SIGN, PROJECTING	Means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground.
SIGN, ROOF	Means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall (see Figure 9).
	 <p>Figure 15 Roof Sign</p>
SIGN, TEMPORARY/PORTABLE	Means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually (see Figure 10)
	

Figure 16 Temporary/Portable Sign

SIGN UNDER CANOPY	Means a sign which is attached to the bottom surface or edge of a canopy.
SIGN, FASCIA	Means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.1 m (0.33 ft.) from the surface of the building, and does not project above the roof or parapet (see Figure 17);

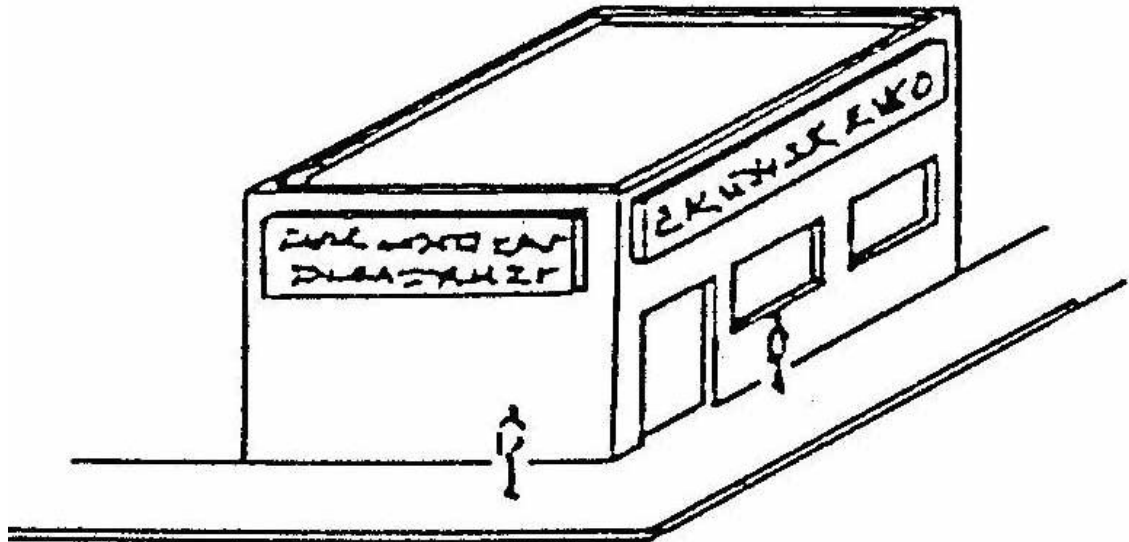
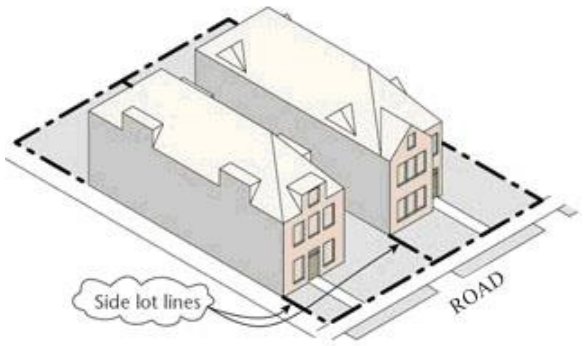
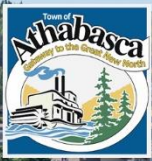


Figure 17 Fascia Sign

SIMILAR USE	Means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment.
SITE	Means a lot, a part of a lot, or a number of abutting lots or parts of lots which are considered for a single use or a mixture of uses, which is owned or managed as a single unit.
SITE AREA	Means the total area of a site.
SITE BOUNDARIES	Means the boundaries of a site which enclose the site at its perimeter.
SITE BUILT	Means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials.
SITE COVERAGE	Means the sum of the ground floor areas of all buildings on a site.
SITE DEPTH	Means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line.
SITE WIDTH	Means the average horizontal distance between the side lines or, where the site width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line.

STALL	Means an area of land upon which a manufactured home unit is to be located within a manufactured home park, and which is reserved for the exclusive use of the residents of that particular manufactured home unit.
STOREY	Means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey.
STRIPPING	Means the removal of vegetation, topsoil, or overburden from a site to prepare land for construction, subdivision, or other development purposes. This includes any activity that disturbs the natural surface of the land prior to grading or excavation.
STRUCTURAL ALTERATIONS	Means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act.
SUBDIVISION AND DEVELOPMENT APPEAL BOARD	Means the Subdivision and Development Appeal Board established pursuant to the Act through the municipality's Subdivision and Development Appeal Board Bylaw.
SUBDIVISION AUTHORITY	Means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw.
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.
SWIMMING POOL	Means any body of water exceeding 600mm (2.0 ft.) in depth.
TEMPORARY BUILDING	Means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development.
TEMPORARY USE	Means a use that has been allowed to be located and/or operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos.
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.
TREE CLEARING OR TREE REMOVAL	Means the cutting, removal, or destruction of one or more trees or substantial areas of natural vegetation, whether by mechanical, chemical, or manual means, excluding routine pruning or maintenance of individual trees for safety or health purposes.
UN-RESTRICTED COUNTRY DEVELOPMENT	Means an collection of permanent dwellings situated outside of an urban centre and having more than eight (8) permanent dwellings per quarter section and a maximum of fifty (50) permanent dwellings per quarter section.
UN-SUBDIVIDED QUARTER SECTION	Means a quarter section which has had no lands removed from it other than for road or railroad purposes.
USE	Means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained.
UTILITY SERVICES	Means a development of a public utility or a public utility building or a government service function. Utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage

	transfer and compacting stations, power generating stations, cooling plants, incinerators, waste recycling plants, vehicle, equipment and material storage yards for utilities and services; snow dumping sites; surface reservoirs or storm water management facilities; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution.
VACANT PARCEL	Means a parcel either subdivided or to be subdivided for residential purposes on which a dwelling is not located. A vacant parcel can be on farmed land or land that is not farmed.
WIND TURBINE TOWER	Means the guyed or freestanding structure that supports a wind turbine generator.
WIND TURBINE TOWER HEIGHT	Means the height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.
YARD	Means a part of a site which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw.
ZERO LOT LINE	<p>Means the placement of a single-detached dwelling, accessory building, or any commercial, industrial or institutional building directly on or very close to one lot line, with no or minimal setback from that boundary, as permitted by the regulations in the subject land use district. Required setbacks must be maintained on all other sides.</p> 



Schedule A – Zoning Map

