**TOWN OF CARDSTON**
**IN THE PROVINCE OF ALBERTA**

# BYLAW NO. 1647A

BEING a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw.

WHEREAS the municipal council wishes to amend the Land Use Bylaw so to provide for the ability to develop a "Residential Accommodation in conjunction with an Approved Commercial or Industrial Use" in the Drive-in/Highway Commercial – C2, General Industrial – I1, Light Industrial – I2 land use districts by adding the aforementioned use as a "discretionary use" in each respective district and adding decision making criteria for the same to Schedule 5 – Use Specific Standards.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

1. Add "Residential Accommodation in conjunction with an Approved Commercial or Industrial Use" as a Discretionary Use to the Drive-in/Highway Commercial – C2, General Industrial – I1, Light Industrial – I2 land use districts in Schedule 2.

2. Add the following to Schedule 5 – Standards of Development:

## *22. RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH AN APPROVED COMMERCIAL OR INDUSTRIAL USE*

*Residential accommodation in conjunction with an approved commercial or industrial use may be approved where in the opinion of the Development Authority:*

*(1) It is not inappropriate, from a health and safety perspective, for the dwelling unit(s) to be housed within the same building or located on the same site as the approved commercial or industrial use; and*

*(2) Where the principal use of the property for commercial or industrial purposes is maintained;*

*And provided that:*

*(3) The front façade of the building is maintained as a commercial or industrial premise; and*

*(4) The dwelling unit(s) will be a size/extent limited to only what is reasonably necessary for habitation purposes, so as not to preclude the development and/or expansion of adjacent commercial or industrial uses.*

3. Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

RECEIVED
SEP 7 - 2016
RD / BJ

4. This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 28 day of June, 2016.

Received Second Reading this 9 day of August, 2016.

Received Third & Final Reading this 9 day of August, 2016.

Signed by the Mayor and the Chief Administrative Officer this 31 day of August, 2016.

TOWN OF CARDSTON

MAYOR

CHIEF ADMINISTRATIVE OFFICER

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647B

### LAND USE BYLAW AMENDMENT - 2

**BEING** a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw.

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw so to provide for the ability to develop a "Drive-in/Drive-through Restaurant" in the Central Commercial – C1 land use district by adding the aforementioned use as a "permitted use" in the Central Commercial – C1 land use district;

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

1) Add "Drive-in/Drive-through Restaurant" as a "permitted use" in the Central Commercial – C1 land use district in Schedule 2.

2) Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

3) This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 10th day of January, 2017

Received Second Reading this 24th day of January, 2017

Received Third & Final Reading this 24th day of January, 2017

Signed by the Mayor and the Chief Administrative Officer this 1st day of February, 2017

TOWN OF CARDSTON

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MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647 C

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW TO REGULATE CANNABIS RELATED LAND USES.

**BEING** a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw;

**WHEREAS** the Council of the Town of Cardston wishes to amend the Land Use Bylaw so as to define and regulate cannabis related land uses;

**AND WHEREAS** the Council of the Town of Cardston wishes to define the following land uses: "Cannabis Retail Sales," and "Cannabis Production Facility;" to establish development standards for the same; to rename the existing "Medical Marihuana Production Facility" land use provisions as "Cannabis Production Facility" land use provisions; to restrict the development of a "Cannabis Retail Sales" use to the Direct Control (DC) land use district; and to list "Cannabis Production Facility" as a discretionary use in the General Industry (I1) land use district;

**AND WHEREAS** the Town of Cardston must prepare an amending bylaw and provide for its consideration at a public hearing;

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

## PART I - TITLE, PURPOSE AND INTERPRETATION

**TITLE**

1) This bylaw shall be known as the "Land Use Bylaw Amendment" bylaw of the Town of Cardston.

**PURPOSE**

2) The Purpose of this Bylaw is to regulate cannabis related land uses within the Municipality of the Town of Cardston.

**RULES FOR INTERPRETATION**

3) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

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OCT 18 2018
RD / BJ

## PART II – GENERAL

**AMENDMENTS**

**4)** Add definitions for "Cannabis Retail Sales," and Cannabis Production Facility;" and delete definitions for "Medical Marihuana" and "Medical Marihuana Production Facility" in Schedule 13.

**(a)** Rename all existing "marihuana" land use provisions as "cannabis" land use provisions.

**5)** Add "Cannabis Production Facility" as a discretionary use in the General Industrial (I1) land use district in Schedule 2.

**6)** Add development standards for "Cannabis Retail Sales" uses in Schedule 5.

**7)** Establish a setback distance of 300 m from the outside wall of a "Cannabis Retail Sales" use to a "Hospital" and the boundary of a parcel designated school reserve or municipal and school reserve; and a setback distance of 300 m from the outside wall of a "Cannabis Retail Sales" use to a "Educational Institution," "Indoor Recreation," "Institutional Facility or Use," "Outdoor Recreation Facility," "Outdoor Recreation and Sports," "Park or Playground" or any other use where persons under the age of 18 are likely to congregate on a regular basis

**8)** Add a setback distance map for certain land uses as outlined in Schedule 5 in Appendix E.

**9)** The attached Schedule "A" illustrating the exact revisions to the municipal Land Use Bylaw, is hereby adopted.

**EFFECTIVE DATE**

**10)** This Bylaw shall come in force on the 17th day of October, 2018.

**11)** Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

Received First Reading this 10th day of July, 2018

Received Second Reading this 11th day of September, 2018

Received Third & Final Reading this 11th day of September, 2018

Signed by the Mayor and the Chief Administrative Officer this 12th day of September, 2018

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

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**APPENDIX D: BYLAWS**

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Subdivision and Development Appeal Board Bylaw No. 1479

## APPLICATIONS REQUIRING WAIVERS (VARIANCE)

### 35. PERMITTED USE APPLICATIONS REQUIRING MINOR WAIVERS (VARIANCE)

(1) Upon the receipt of a completed application for a development permit for a permitted use that requests one (1) minor waiver not to exceed 10 percent of a measurable standard of this Bylaw, the Development Officer shall evaluate the application, and:

(a) may grant the minor waiver not to exceed 10 percent of one (1) measureable standard of this Bylaw and issue the development permit with or without conditions if, in the opinion of the Development Officer, the waiver would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may refer the development application involving a request for one (1) minor waiver of any measureable standard in the Bylaw to the Municipal Planning Commission for a decision.

(2) Granting one (1) minor waiver under this Section does not require notification of persons likely to be affected prior to issuance of a development permit.

(3) If the waiver required exceeds 10 percent of any measurable standard in this Bylaw or the applicant requests more than one (1) minor waiver, the Development Officer shall refer the application to the Municipal Planning Commission for a decision under subsections 36(1) and (2).

(4) In respect of applying the measurable standards of the Bylaw to new construction setbacks for compliance purposes, the Development Officer is afforded minor variance power not to exceed a maximum of 10 cm (3.94 inches) degree of tolerance.

### 36. APPLICATIONS REQUESTING WAIVERS (VARIANCE) OF BYLAW PROVISIONS

(1) Upon receipt of a completed application for a development permit for a development that does not comply with this Bylaw, but in respect of which the Development Authority is requested by the applicant to exercise discretion under subsection 35(3), the Development Officer shall send the application to the Municipal Planning Commission.

(2) Upon receipt of a completed application for a development permit which would require the Development Authority to exercise its discretion under subsection 36(3), the Development Officer shall notify persons likely to be affected by the issue of the development permit in accordance with Section 40.

(3) The Development Authority is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Authority:

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighbourhood; or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

(b) the proposed development conforms with the use prescribed for that land or building in Schedule 2: Land Use Districts.

(4) Notwithstanding subsection 36(3), the Development Authority, or the Subdivision and Development Appeal Board on an appeal, does not have the authority to waive or vary an applicable standard of this Bylaw, if a section or policy specifically states that the standard is not to be waived or varied.

(4) After considering any response to the notification of persons likely to be affected by the issuance of the permit, the Development Authority may approve a development permit with or without conditions.

### 41. DISCRETIONARY USES THAT REQUIRE NOTICE POSTING

The following uses, where listed as a discretionary use in a particular land use district, must always be notice posted on site in addition to one other form of acceptable notice established in subsection 40(1):

(a) Child Care Facility;

(b) ~~Medical Marihuana~~ Cannabis Production Facility or a Cannabis Retail Sales;

(c) Multi-Unit Dwellings and Apartments consisting of more than four (4) units.

A notice posted on site must be erected as least seven (7) days, excluding weekends and holidays, preceding the date of consideration by the Municipal Planning Commission and shall contain the content required in subsection 40(2) and shall be located in a conspicuous place.

### 42. NOTICE OF DECISION AND ISSUANCE OF A DEVELOPMENT PERMIT

Upon issuance of a decision on a development permit application for a discretionary use, the Development Officer shall immediately notify by mail a copy of the development permit or methods outlined in subsection 40(1):

(a) the persons notified under Section 40, and

(b) any other persons likely to be affected by the development.

### 43. TEMPORARY DEVELOPMENT PERMIT

The Development Authority may issue a temporary development permit for a period of not more than six (6) months if the use is a discretionary use in that land use district. The costs of removal or cessation of the development are the responsibility of the applicant and the Development Authority may require the applicant to post a guarantee to ensure the cessation or removal of the use and any associated development in a timely fashion.

## DEVELOPMENT PERMIT VALIDITY AND TRANSFERABILITY

### 44. REAPPLICATION FOR A DEVELOPMENT PERMIT

(1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or by the Subdivision and Development Appeal Board or Council (in a Direct Control district), another application for development on the same lot, and for the same or similar use, may not be made for at least six (6) months after the date of refusal.

(2) If an application was refused solely because it did not comply with the standards of this Bylaw, the Development Officer may accept another application on the same lot for the same or similar use before the time period referred to in subsection 44(1) has lapsed, provided the application has been modified to comply with this Bylaw.

(4) Fuel storage tanks shall have the following minimum setbacks from any property lines, abutting masonry building walls, drainage basins and ditches, or a greater setback if required by the district:

| Total Tank Capacity | Setback |
|---|---|
| Up to 7,500 litres | 3.05 m (10 ft.) |
| 7,501 to 19,000 litres | 4.88 m (16 ft.) |
| 19,001 to 38,000 litres | 7.62 m (25 ft.) |
| Over 38,000 litres | 10.67 m (35 ft.) |

(5) Tanks located on property within the Flood Damage Reduction Overlay District shall be flood proofed to the satisfaction of the Development Authority.

(6) The ventilation tank pipes shall have a minimum height of 3.35 m (11 ft.) from grade, and a minimum setback of 0.91 m (3 ft.) from any property line. In cases where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum of 1.22 m (4 ft.).

(7) The ventilation tank pipes shall have a minimum setback of 7.62 m (25 ft.) from any fuel-dispensing unit.

(8) The minimum front yard requirements shall be as prescribed in the district in which the use is located but in no case shall be less than 3.05 m (10 ft.).

(9) The minimum side and rear yard setbacks shall be as prescribed in the district in which the use is located.

(10) Yard setbacks shall apply to all above ground structures, including gas pump canopies.

**Site and Building Requirements**

(11) All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

(12) Circulation areas shall be surfaced and drained to the satisfaction of the Development Authority.

(13) The removal of tanks requires a demolition permit from the Development Authority.

## 8. ~~MEDICAL MARIHUANA~~ CANNABIS PRODUCTION FACILITY

~~(1) A medical marihuana production facility may only be located on lands designated Direct Control (DC).~~

(2) The owner or applicant must provide, as a condition of development permit, a copy of the current license for all activities associated with ~~medical marihuana~~ cannabis production as issued by Health Canada.

(3) The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(4) The development must be carried out in a manner whereby all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.

(5) The development shall not operate in conjunction with another approved use.

(6) The development shall not include an outdoor area for storage of goods, materials or supplies.

(7) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

(8) The Development Authority may require, as a condition of a development permit, a public utility and waste management analysis, completed by a qualified professional, that includes detailed information on:

(a) the incineration of waste products and airborne emissions, including smell;

(b) the quality and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material.

(9) A development permit for a ~~Medical Marihuana~~ Cannabis Production Facility shall be limited as follows:

(a) the first development permit shall not exceed a three (3) year term;

(b) any subsequent development permit shall not exceed a five (5) year term.

## 9. CANNABIS RETAIL SALES

(1) A Cannabis Retail Sales use may only be located on lands designated Direct Control (DC).

(2) A Cannabis Retail Sales use must be a separate use from any other uses or business activities unless it is a use or activity expressly authorized by the Alberta Gaming & Liquor Commission (AGLC).

(3) A Cannabis Retail Sales use must obtain the necessary license from the AGLC and proof of license shall be required as a condition of development permit approval.

(4) If at any time an approved Cannabis Retail Sales use has its AGLC license revoked or the license expires, the development permit issued to the Cannabis Retail Sales use shall be null and void.

(5) The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(6) A development permit for a Cannabis Retail Sales use shall not be approved if the premises (measured from the nearest outside wall of the Cannabis Retail Sales use) is located with a 300 m separation distance of any of the following:

(a) the boundary of a parcel of land on which a School is located;

(b) the boundary of a parcel of land on which a Hospital is located;

(c) the boundary of a parcel designated as school reserve (SR) or municipal and school reserve (MSR) is located;

(d) the boundary of a parcel of land on which another Cannabis Retail Sales is located;

(e) the boundary of a parcel of land containing one of the following uses: Child Care Facility, Religious Assembly, Educational Institution, Indoor Recreation, Institutional Facility or Use, Outdoor Recreation Facility, Outdoor Recreation and Sports Fields, Park or Playground, or any other land use (unless specifically dealt with otherwise in this Section), where, in the opinion of the Development Authority, persons under the age of 18 are likely to congregate on a regular basis.

(f) the above noted separation distances are reciprocal and are illustrated (for information purposes only) in Appendix E.

(7) The specified separation distances in subsections 6 (above) are not eligible to be varied (waived) by the Development Authority or the Subdivision and Development Appeal Board.

(8) The hours of operation for a Cannabis Retail Sales shall be limited to 9 a.m. to 9 p.m. daily.

(9) Application requirements for a Cannabis Retail Sales use are as follows:

(a) Prior to applying for a municipal development permit for a Cannabis Retail Store, the applicant is required to apply to the AGLC for a determination of eligibility to obtain a licence, and submit verification of the AGLC eligibility as part of the development application;

(b) A detailed business plan including hours of operations, number of employees and any other relevant matters;

(c) documentation demonstrating how the cannabis retail store complies with the Conditions Governing Cannabis Store Premises under the *Alberta Gaming, Liquor and Cannabis Regulation;*

(d) proposed exterior business signage and information demonstrating compliance with the Alberta Gaming and Liquor Commission store names;

(e) A site plan including details of the proposed store and a detailed listing of surrounding land uses, both on adjacent (contiguous) parcels and within a 300 m from the site subject of the application (drawn on a high quality and clearly legible site plan with text descriptions).

## 9. SECONDARY SUITES

(1) A secondary suite shall only be developed within the principal dwelling and shall not be developed within a detached garage and/or accessory structure.

(2) In the case of a secondary suite located completely below the first storey of a single-detached dwelling the floor area shall not exceed the floor area of the first storey of the associated principal dwelling (excluding stairways).

(3) The minimum floor area for a secondary suite shall be not less than 30 $m^2$ (323 $ft^2$).

(4) A secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single-detached dwelling.

(5) Only one secondary suite may be developed in conjunction with a principal dwelling.

(6) A secondary suite shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.

(7) The number of persons occupying a secondary suite shall not exceed four.

(8) The secondary suite shall not be separated from the principal dwelling through a condominium conversion or subdivision.

(9) Variances or waivers of setbacks shall not normally be granted to develop a secondary suite.

(10) A secondary suite shall provide off-street parking in compliance with Schedule 10: Off-Street Parking, Loading & Driveway Requirements.

(11) All required off-street parking stalls for a secondary suite shall be hard surfaced (e.g. cement, pavement/asphalt, etc.).

(12) Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

## 10. MULTI-UNIT DWELLING DESIGN REQUIREMENTS

*These design requirements apply to all developments with two or more dwelling units but do not apply to a single detached dwelling with a secondary suite.*

# SCHEDULE 13: DEFINITIONS

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BUILDING HEIGHT means the vertical distance between average grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device but structurally essential to the building. See GRADE, BUILDING.

BUILDING INSPECTOR means the person or persons appointed by the municipality to be the chief building inspector or building inspectors in and for the Town.

BUILDING MASSING means the volume, height, location and orientation of a building.

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

BUILDING SCALE refers to building elements and details as they proportionally relate to each other and to humans.

BUILDING SUPPLIES STORE means a commercial retail store where lumber, building materials, hardware, household accessories and other related goods are stored and/or offered for sale and may include outside storage.

BUILDING AND TRADE CONTRACTOR – see CONTRACTOR, BUILDING AND TRADE CONTRACTOR

BUFFER means a row of trees, hedges, shrubs or berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

BULK FUEL STORAGE AND SALES means a development for the purpose of storing natural gas and petroleum products for distribution to customers.

BULK OIL DEPOT means a facility used for the purpose of storing oil in large quantities, typically for sale or commercial use.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

BUSINESS SUPPORT SERVICE means an establishment primarily engaged in providing services for other business establishments such as advertising, copying, equipment, financial services, employment services, and other similar services.

## C

CAMPGROUND, INSTITUTIONAL means a group camp having joint use facilities such as dormitories and kitchens and operated by not-for-profit organizations.

CAMPGROUND, TOURIST means development of land for the use of holiday trailers, motor homes, tents, campers, and similar vehicles, recreation, and is not normally used as year-round storage, or accommodation for residential uses.

CANNABIS means a Cannabis plant, as defined in the in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

CANNABIS ACCESSORY means cannabis accessory items as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

CANNABIS PRODUCTION FACILITY means a building where federally approved cannabis plants, for either medical or recreational use, are grown,processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all applicable federal and provincial requirements.

CANNABIS RETAIL SALES means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises and for which any product sales are expressly authorized by the Alberta Gaming and Liquor Commission (ALGC). This use shall be a standalone use and not in conjunction with any other use.

CANOPY means a non-retractable solid projection extending from the wall of a building, or freestanding, which is intended to be used as protection against weather, other than normal architectural features such as lintels, sills, mouldings, architraves and pediments and includes the structure known as a theatre marquee.

CANTILEVER means a structural portion of a building floor, excluding eaves and roof projections, bay windows and fireplace chases, which extends beyond the foundation wall and is not structurally supported from below.

CAR WASH means the use of a structure or area providing for the cleaning of motor vehicles but does not include TRUCK WASHES or SERVICE STATIONS/GAS BARS.

C-CONTAINER – see SHIPPING CONTAINER

CEMETERY means land used or dedicated to the burial of the dead, and may include crematoriums, mausoleums, cineraria and columbaria, memorial gardens, and related security and maintenance facilities.

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority, certifying that a development complies with this Bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

CHANGE OF USE means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

CHILD CARE FACILITY means the use of a building, or portion of a building, for the provision of care, instruction, maintenance, or supervision of 7 or more children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home, for periods not exceeding 24 consecutive hours. This definition does not include the use as a *DAY HOME*.

CLEAR VISION TRIANGLE means a triangular area formed on the corner site by the two (2) street property lines and a straight line, which intersects them 7.62 m (25 ft.) from the corner where the property lines meet.

CLUB/FRATERNAL ORGANIZATION means a development for the assembly or members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business, religious or fraternal organizations. This use may include eating, entertainment, sports, recreation and amusement facilities as part of the use.

COMMON WALL means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two (2) parties, one or both of whom is entitled to such use by prior arrangement.

MASSING – see BUILDING MASSING

MEASURABLE STANDARD means a minimum or maximum dimensional (typically numeric) standard stipulated in this Bylaw.

MEDICAL/HEALTH FACILITY means a facility for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices.

~~MEDICAL MARIHUANA means a substance used for medical purposes authorized by a licence issued under the federal government's Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted in substitution.~~

~~MEDICAL MARIHUANA PRODUCTION FACILITY means development where medical marihuana is grown, processed, packaged, tested, destroyed, stored or loaded for shipping. A Medical Marihuana Production Facility may only be located on lands designated Direct Control (DC).~~

MINIMUM YARD DIMENSION – see SETBACK

MOBLIE HOME – see DWELLING, SINGLE-DETACHED MANUFACTUED

MOBLIE HOME PARK – see MANUFACTURED HOME PARK

MODULAR DWELLING – see DWELLING, SINGLE-DETACHED PREFABRICATED (modular)

MOTEL means the use of a building or group of buildings on a site designed to provide separate sleeping units provided for a fee on a daily basis, usually accessible other than through a central lobby, with on-site parking; the building or group of buildings may also contain accessory uses such as, but not limited to parking facilities, licensed premises or dining room, room service or public convention facilities.

MOTOR VEHICLE REPAIR SHOP means the use of premises for the repairing of motor vehicles or motor vehicle parts including tires, or for the painting or repairing of motor vehicles bodies.

MOVED-IN BUILDING means a conventional, preconstructed, previously utilized, non-residential building which is physically removed from one site, transported and re-established on another site and does not include single-detached manufactured homes or other residential structures.

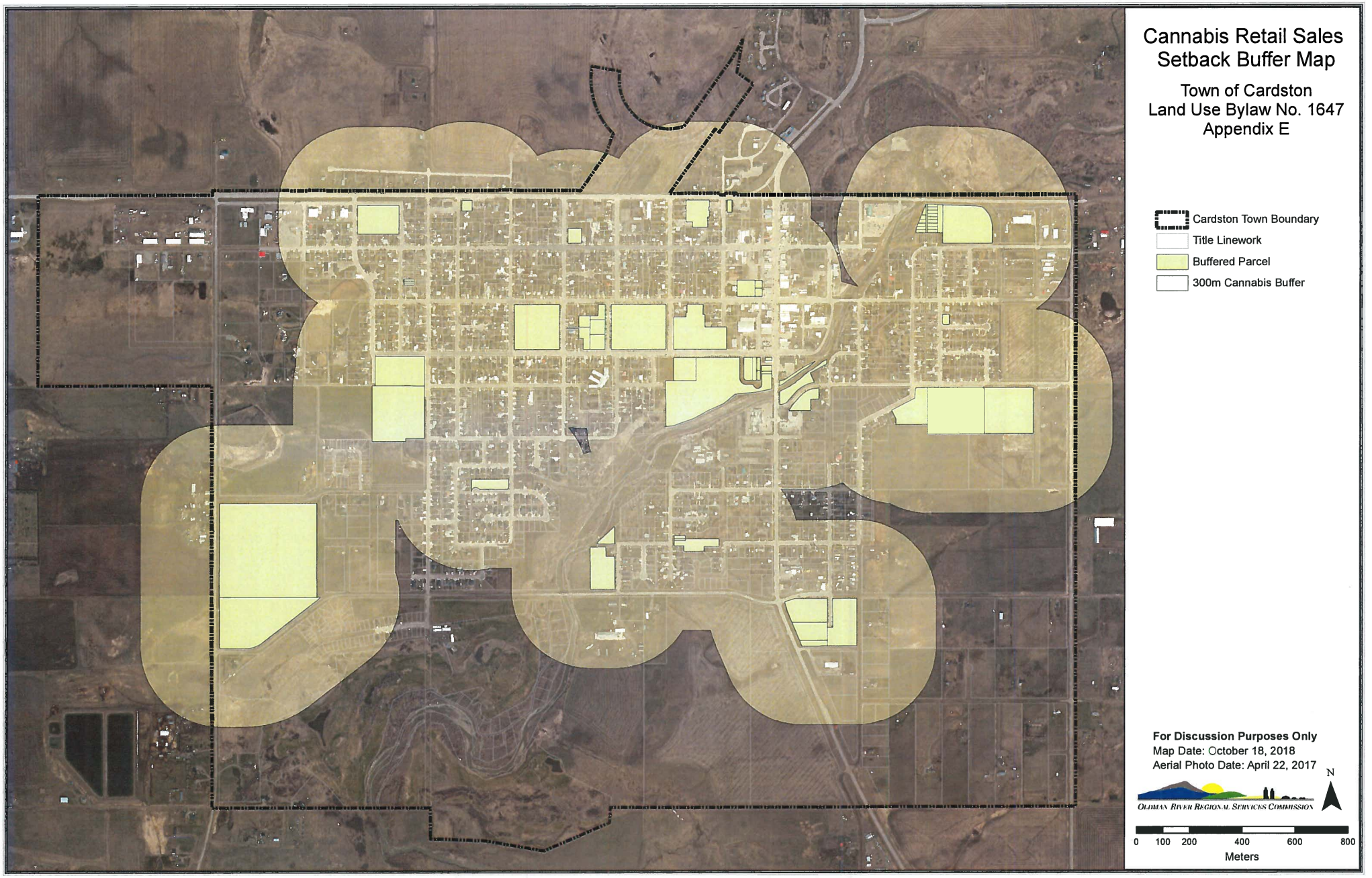
MOVED-IN DWELLING – see DWELLING, MOVED-IN

MULTI-UNIT DWELLING – see DWELLING, MULTI-UNIT

MUNICIPAL DEVELOPMENT PLAN means a Statutory Plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with section 632 of the *Municipal Government Act*.

MUNICIPAL GOVERNMENT ACT (MGA) means the *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26*, as amended.

MUNICIPAL PLANNING COMMISSION (MPC) means a body/committee of Council where Council has delegated some or all of their decision making authority, as established under the confines of the legislation found in sections 623 and 624 of the *Municipal Government Act,* to make subdivision and/or development decisions on behalf of the municipality. The Town of Cardston MPC is further defined within the Town of Cardston Development and/or Subdivision Authority Bylaw(s), as the case may be.


Cannabis Retail Sales
Setback Buffer Map
Town of Cardston
Land Use Bylaw No. 1647
Appendix E
Cardston Town Boundary
Title Linework
Buffered Parcel
300m Cannabis Buffer
For Discussion Purposes Only
Map Date: October 18, 2018
Aerial Photo Date: April 22, 2017
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Oldman River Regional Services Commission
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# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

## BYLAW 1647 D

## LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW #1647.

**BEING** a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw;

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw so to align with recent changes to the Municipal Government Act regarding determining the completeness of development permits and subdivision applications; clarifying timelines for the notice of issuance of developments permits; clarifying the role of approval authorities; clarifying that a maximum lot size requirement, where applicable, does not apply to lots planned for in a statutory plan; to amend setbacks from the eaves of one building to another, based on the size of each residential land use district; and to make a few other minor edits for sake of interpretation of the bylaw.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

## PART I - TITLE, PURPOSE AND INTERPRETATION

**TITLE**

1) This bylaw shall be known as the "Land Use Bylaw Amendment" bylaw of the Town of Cardston.

**PURPOSE**

2) The Purpose of this Bylaw is to align with recent changes to the Municipal Government Act regarding the completeness of development permits and subdivision applications; clarifying timelines for the notice of issuance of developments permits; clarifying the role of approval authorities; clarifying that a maximum lot size requirement, where applicable, does not apply to lots planned for in a statutory plan; to amend setbacks from the eaves of one building to another, based on the size of each residential land use district; and to make a few other minor edits for sake of interpretation of the bylaw related land uses

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within the Municipality of the Town of Cardston.

**RULES FOR INTERPRETATION**

**3)** The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## PART II – GENERAL

**AMENDMENTS**

**4)** This bylaw shall amend the following as illustrated in the attached Schedule "A":

**(a)** Align with recent changes to the Municipal Government Act regarding the completeness of development permits and subdivision applications.

**(b)** Clarifying timelines for the notice of issuance of developments permits.

**(c)** Clarifying the role of approval authorities.

**(d)** Clarifying that a maximum lot size requirement, where applicable, does not apply to lots planned for in a statutory plan.

**(e)** To amend setbacks from the eaves of one building to another based on the size of each residential land use district.

**(f)** To make a few other minor edits for sake of interpretation of the bylaw related land uses.

**5)** The attached Schedule "A" illustrating the exact revisions to the municipal Land Use Bylaw, is hereby adopted.

**EFFECTIVE DATE**

**6)** This Bylaw shall come in force on the day it receives third and final reading.

**7)** Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

Received First Reading this 13th day of August, 2019

Received Second Reading this 8th day of October, 2019

Received Third & Final Reading this 8th day of October, 2019

Signed by the Mayor and the Chief Administrative Officer this 10th day of October, 2019

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

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(3) In accordance with section 210 of the *MGA* and the Town's Designated Officer's Bylaw the Development Officer is a Designated Officer for the purpose of this bylaw.

(4) In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission;

(b) Chief Administrative Officer; or

(c) a designate(s) in accordance with the *MGA*.

(5) The Development Officer is an authorized person in accordance with section 624 and section 630 of the *MGA*.

(6) The Development Authority shall perform such powers and duties as are specified:

(a) in the Town of Cardston Subdivision and Development Authority Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*;

(d) where applicable, by resolution of Council.

## 14. SUBDIVISION AUTHORITY

The Subdivision Authority is established by separate bylaw pursuant to the *Municipal Government Act* and for the purposes of the Town of Cardston Land Use Bylaw, is the Municipal Planning Commission. See subsections 64 to 66 for more information.

## 15. DEVELOPMENT OFFICER – POWERS AND DUTIES

(1) The office of the Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.

(2) The Development Officer:

(a) shall receive and process all applications for development permits;

(b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

(c) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;

(d) shall consider and decide on applications for a development permit for:

(i) permitted uses that comply with this land use bylaw;

(ii) discretionary uses identified under "Discretionary Uses – Development Officer" in the applicable land use district;

(iii) permitted uses that request one limited variance of a measurable standard not to exceed 10%;

(iv) discretionary uses identified under "Discretionary Uses – Development Officer" that request one (1) limited variance of a measurable standard not to exceed 10%;

(v) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;

and/or proposed building sites in accordance with the Alberta Energy Regulator's Directive 079; and

(e) such other information as may be required by the Development Officer, which may also include:

(i) a minimum of two sets of professionally prepared building plans;

(ii) a copy of architectural controls approval if applicable to a parcel;

(iii) a copy of lot grade elevations;

(iv) any additional information as may be specified in any of the Schedules; and

(v) any additional information as per Section 28.

## 28. ADDITIONAL INFORMATION REQUIREMENTS IN SUPPORT OF DEVELOPMENT PERMIT APPLICATIONS

(1) The Development Authority may require a Real Property Report (RPR) or a sketch prepared by an Alberta Land Surveyor or a Professional Engineer as verification of the location of development on said land.

(2) The Development Authority may request other information to be provided in support of an application for a development permit, including but not limited to: professionally prepared site plans, landscaping plans, engineering studies, geotechnical reports, storm water management or drainage plans, soils analyses, grading or lot elevation plans, parking overlays, building plans, technical reports, population and demographic projections, traffic impact analysis, conceptual design schemes, and sun/shadow studies.

## ~~29. INCOMPLETE DEVELOPMENT PERMIT APPLICATIONS~~

~~The Development Authority may refuse to accept a development permit application where the information required under Sections 27 and 28 is incomplete, or where, in the Development Authority's opinion, the quality of the material supplied is inadequate to properly evaluate the application.~~

## 29. DETERMINING COMPLETENESS OF DEVELOPMENT PERMIT APPLICATIONS

(1) The Development Officer shall, within 20 days after the receipt of an application for a development permit in accordance with Section 27(2), determine whether the application is complete.

(2) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application, which includes but is not limited to: assessing land use impacts like odours, noise, glare, traffic generation; investigating environmental matters; addressing the type of servicing and appropriateness of the proposed method of servicing; and provided the quality of the information is adequate to properly evaluate the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the Development Officer.

(4) If the Development Officer does not make a determination referred to in subsection (1) within the time required under subsection (1), the application is deemed to be complete.

(5) If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(a) The Notice of Completeness may be contained within a Notice of Receipt of an application under Section 40 or within a Notice of Decision under Section 42.

(6) If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the

outstanding documents and information to be provided, including but not limited to those required by Section 27(c). A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.

(7) If the Development Officer determines that the information and documents submitted under subsection (6) are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(a) Despite the issuance of a Notice of Completeness under subsection (5) or (7), the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

(8) If the required documents and information under Section 27(2) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection (6), the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

## 30. PERMITTED USE APPLICATIONS

(1) Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall, if the application otherwise conforms with this Bylaw:

(a) issue a development permit with or without conditions; or

(b) may, at their discretion, choose to refer the application to the Municipal Planning Commission for a decision.

(2) The Development Authority may place any of the following conditions on a development permit for a permitted use:

(a) payment of any applicable off-site levy or redevelopment levy;

(b) geotechnical investigation to ensure the site is suitable in terms of topography, soil characteristics, flooding, subsidence, erosion and sanitary sewage servicing;

(c) alteration of a structure or building size or location to ensure any setback requirement of this land use bylaw or the Subdivision and Development Regulation can be met;

(d) the application of an increased setback to any minimum required setback(s) if determined to be necessary:

(i) in the implementation of a planning or planning related objective where supported by policy in an approved statutory plan; and/or

(ii) to provide for resubdivision, that would facilitate a density more appropriate to the respective land use district, where the lot size of the subject lot exceeds the maximum lot size standard (if applicable in the land use district) resulting from a historical lot size or through a consolidation of lots over which the municipality did not have control;

(iii) where an increased setback is required under subsection 30(2)(d)(i) or (ii) above in order to facilitate resubdivision, the applicant may be required to submit a comprehensive plan indicating, at a basic level, how resubdivision will be accessed and serviced (not required where located within an approved statutory plan);

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw, including conditions pursuant to any provision listed in a schedule, or any other statutory plan adopted by the Town of Cardston, including any "Additional Conditions" under Sections 49-53;

(f) easements and/or encroachment agreements;

(g) provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(h) conditions as considered necessary to address the provision of utility servicing including, but not limited to electricity, gas, water, sewer, and storm water;

(i) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site;

(j) to give security to ensure the terms of the permit approval under this Section are carried out;

(k) time periods stipulating completion of development;

(l) requirement for a lot and/or construction stakeout conducted by an Alberta Land Surveyor or Professional Engineer;

(m) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals.

## 31. NOTICE OF ISSUANCE

Upon the issuance of a development permit for a permitted use, the Development Officer shall:

(a) notify the applicant by sending a copy of the permit or decision regarding the issuance or denial of the development permit; and

(b) post a copy of the permit in a conspicuous place in the Town Office.

The notice, which shall include the date on which the decision was given, shall be sent to the applicant on the date on which the decision was given. For the purposes of this section the "date on which the decision was given" means

(a) the date the Development Officer signs the development permit; or

(b) the date the decision is posted in the newspaper;

whichever occurs later.

## 32. DISCRETIONARY USE DEVELOPMENT APPLICATIONS

(1) Upon the receipt of a completed application for a development permit for a discretionary use that falls under "Discretionary Uses – Development Officer" in Schedule 2, the Development Officer shall:

(a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and

(b) approve the development permit with or without conditions; or

(c) refuse to approve the development permit, stating the reasons for refusal; or

(d) refer the application to the Municipal Planning Commission for a decision.

(2) Upon the receipt of a completed application for a development permit for any discretionary use that does not fall under "Discretionary Uses – Development Officer" in Schedule 2, the Development Officer shall refer the application to the Municipal Planning Commission.

(3) Upon the receipt of an application under subsection 32(1) or 32(2), the Development Officer shall notify persons likely to be affected by the issuing of the development permit in accordance with Section 40.

A notice posted on site must be erected as least seven (7) days, excluding weekends and holidays, preceding the date of consideration by the Municipal Planning Commission and shall contain the content required in subsection 40(2) and shall be located in a conspicuous place.

### 42. NOTICE OF DECISION AND ISSUANCE OF A DEVELOPMENT PERMIT

Upon issuance of a decision on a development permit application for a discretionary use, the Development Officer shall ~~immediately~~ notify by mail a copy of the development permit or methods outlined in subsection 40(1):

(a) the persons notified under Section 40, and

(b) any other persons likely to be affected by the development.

The notice, which shall include the date on which the decision was given, shall be sent to the applicant on the date on which the decision was given. For the purposes of this section the "date on which the decision was given" means

(a) the date the Development Officer signs the notice of decision or development permit; or

(b) the date the decision is posted in the newspaper;

whichever occurs later.

### 43. TEMPORARY DEVELOPMENT PERMIT

The Development Authority may issue a temporary development permit for a period of not more than six (6) months if the use is a discretionary use in that land use district. The costs of removal or cessation of the development are the responsibility of the applicant and the Development Authority may require the applicant to post a guarantee to ensure the cessation or removal of the use and any associated development in a timely fashion.

## DEVELOPMENT PERMIT VALIDITY AND TRANSFERABILITY

### 44. REAPPLICATION FOR A DEVELOPMENT PERMIT

(1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or by the Subdivision and Development Appeal Board or Council (in a Direct Control district), another application for development on the same lot, and for the same or similar use, may not be made for at least six (6) months after the date of refusal.

(2) If an application was refused solely because it did not comply with the standards of this Bylaw, the Development Officer may accept another application on the same lot for the same or similar use before the time period referred to in subsection 44(1) has lapsed, provided the application has been modified to comply with this Bylaw.

### 45. COMMENCEMENT OF DEVELOPMENT

(1) No development authorized by a development permit shall commence until the appeal period has expired in accordance with the following:

(a) where the notice of the decision has been mailed, development shall not commence until at least 19 days from the date the decision was mailed; or

(b) where the notice is published in the newspaper, development shall not commence until at least 14 days from the date of publication; and

(c) if an appeal is made, until the appeal is decided upon; and

(d) any development commencing prior to the dates determined under subsections 45(1)(a), (b) and (c) is entirely at the risk of the applicant, developer, or landowner.

(2) Notwithstanding subsection 45(1), development may commence prior to the date of validity established in the notice of the issuance of the permit if the applicant, and the landowner if the applicant is not the landowner, for the development permit has executed the "Voluntary Waiver of Claims" form in Appendix B.

### 46. VALIDITY OF DEVELOPMENT PERMIT

(1) Unless a development permit is suspended or cancelled, the application must be commenced or carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit; otherwise the permit is no longer valid.

(2) The validity of a development permit may be extended **only one (1) time for up to six (6) additional months**:

(a) by the Development Officer or the Municipal Planning Commission, if the Development Officer issued it; or

(b) by the Municipal Planning Commission, if the Municipal Planning Commission or the Subdivision and Development Appeal Board issued it.

### 47. TRANSFER OF DEVELOPMENT PERMIT

A valid development permit is transferable where the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

### 48. DISCONTINUATION OF USE

When any use has been discontinued for a period of six (6) months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

## ADDITIONAL CONDITIONS

### 49. ADDITIONAL CONDITIONS

In addition to the conditions that the Development Authority may impose on a development permit, the Development Authority may impose such conditions as it considers necessary to ensure that this Bylaw, the Municipal Development Plan or any other statutory plans are complied with.

### 50. CONDITIONS TO PROVIDE SECURITY

The Development Authority or Subdivision Authority has the authority to request as a condition of approval, the posting of security or bonds to be provided by the applicant to ensure that development permit or subdivision approval conditions are met. The appropriate authority has the sole discretion to authorize the

# APPEALS

## 60. DEVELOPMENTS APPEALS

Any person applying for a development permit or any other person affected by an order, decision, or development permit made or issued by the Development Authority, may appeal to the Subdivision and Development Appeal Board, within 21 days after the date on which the decision is given, in accordance with sections 685 and 686 of the *Municipal Government Act*.

## 61. SUBDIVISION APPEALS

Any person applying for a subdivision or any other entity which is afforded the ability to appeal a subdivision decision, pursuant to section 678 of the *Municipal Government Act* and the *Subdivision and Development Regulation*, may appeal to the Subdivision and Development Appeal Board in accordance with the appropriate section(s) detailed in the *Municipal Government Act*.

# AMENDMENT TO THE LAND USE BYLAW

## 62. LAND USE BYLAW AMENDMENT PROCEDURE

(1) Any person or the Town may initiate amendments to this Bylaw by making an application to the Development Officer.

(2) All applications for amendment shall be made using the appropriate form in Appendix B: Application for a Land Use Bylaw Amendment.

(3) The Development Officer may, in addition to the information provided on the application form, request such other information as necessary to properly evaluate and make a recommendation on the application.

(4) The Development Officer may refuse to accept the application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

(5) The Development Officer shall submit the application to Council for a decision if he/she is satisfied sufficient information has been provided with the application.

(6) Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.

(7) Council shall follow the procedures in the *Municipal Government Act*, including the processes related to notice of public hearings and the conduct of meetings.

(8) Where an application for amendment to this Bylaw has been refused by Council, another application that is the same or similar in nature **shall not be accepted until at least six (6) months from the date of refusal.**

## 63. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and the applicable fee;

(b) a copy of the Certificate of Title for the lands, dated not more than 60 days prior to the date on which the application was made;

(c) a narrative describing the:

(i) proposed designation and future uses(s);

(ii) consistency with the applicable statutory plans;

(iii) compatibility of the proposal with surrounding uses and zoning;

(iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);

(v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;

(vi) any potential impacts on public roads; and

(vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal.

(d) conceptual subdivision design, if applicable;

(e) if deemed necessary by the Development Officer, or Council, a geotechnical report prepared by an engineer registered with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA), addressing the following but not limited to:

(i) slope stability,

(ii) groundwater,

(iii) sewage,

(iv) shallow water table, and

(v) flood plain analysis;

(f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer or Council; and

(g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.

(h) An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:

(i) a redesignation from the Agricultural – A land use district to another land use district;

(ii) industrial development;

(iii) large-scale commercial development;

(iv) manufactured home park;

(v) multi-lot residential development resulting in the creation of more than five lots or which has the potential to trigger capacity upgrades or expansion of infrastructure; or

(vi) as required by Council.

## SUBDIVISION AUTHORITY

### 64. SUBDIVISION AUTHORITY – POWERS AND DUTIES

(a) The Subdivision Authority may perform only such powers and duties as are specified:

(i) in the Town of Cardston Municipal Subdivision and Development Authority Bylaw,

(ii) in this Bylaw,

(iii) in the Municipal Government Act,

(iv) in the Subdivision and Development Regulation, or

(v) by resolution of Council.

(b) The Subdivision Authority may delegate, through any of the methods described in subsection 64(a), to an individual, municipal staff, or a regional service commission, any of its functions and duties in the processing of subdivision applications. In respect of this:

(i) The delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application.

(ii) The Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of this bylaw, including the task of sending all required notifications to applicants as stipulated.

## 65. SUBDIVISION APPLICATION

(a) An applicant applying for subdivision shall provide the required fees, materials and information as requested by the Subdivision Authority or its designate. A complete application for subdivision shall consist of:

(i) an application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;

(ii) the applicable fees paid;

(iii) an up-to-date and current copy of the Certificate of Title to the subject land;

(iv) a surveyor's sketch or tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is the subject of the subdivision, a sketch prepared by a professional surveyor or an up-to-date Real Property Report is required; and

(v) any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with this bylaw and any other municipal bylaws and plans, the Act, the Subdivision and Development Regulation, or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, slope stability analysis, drainage and storm water plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of an area structure plan or conceptual design scheme.

## 66. DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

(a) In accordance with the Act, the Subdivision Authority or its designate, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be incomplete what information is required to be submitted within a specified time period, by sending notification in the following manner:

(i) For an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter.

(ii) For an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority or its designate.

(iii) In respect of subsection (ii) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding information and documents are that must be submitted by a date specified in the notice for the application to be deemed complete.

(b) Notwithstanding subsection (a), the applicant and Subdivision Authority or its designate may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the Act to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.

(c) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (a)(c) or a later date agreed on in writing between the applicant and the Subdivision Authority or its designate, the application is deemed to be refused. The Subdivision Authority or its designate will notify the applicant in writing that the application has been refused and state the reason for the refusal and include the required information on filing an appeal and to which appeal board the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the Act. The notification may be sent by regular mail to the applicant, or sent by electronic means, or both.

(d) A determination made by the Subdivision Authority or its designate that an application is complete for processing does not preclude the ability for the Subdivision Authority or its designate to request other information or studies or documentation to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as a condition of subdivision approval.

## LAND USE DISTRICTS

### 674. LAND USE DISTRICTS

(1) The municipality is divided into those districts specified in Schedule 2 and shown on the Land Use Districts Map in Schedule 1.

DRAFT

## 3. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 15.24 | 50 | 36.58 | 120 | 557.40 | 6,000 |
| Semi-Detached Dwellings (for each side) | 12.19 | 40 | 36.58 | 120 | 445.92 | 4,800 |
| All other uses | As required by the Development Authority | | | | | |

(1) The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 3.

(2) Despite the above requirements, all lots located on curves or cul-de-sacs shall have a minimum frontage of 6 m (19.7 ft.).

## 4. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 1,212.35 (0.12 ha) | 13,050 (0.3 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative subsection 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The ~~above~~ maximum lot size requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

(3) The maximum lot size requirement shall not apply to lots planned for in a statutory plan in accordance with administrative subsection 9.

## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 7.62 | 25 | 3.05* | 10* | 1.52 | 5 | 7.62 | 25 |
| Semi-Detached Dwellings (for each side) | 7.62 | 25 | 3.05* | 10* | 1.52 | 5 | 7.62 | 25 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

## 9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 10. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 11. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (~~f~~ 6) ~~and (g)~~ below | | | | 1.22 | 4 | 0.61 | 2 |
| – laneless corner lots | See (~~f~~ 6) below | | 1.52 | 5 | 1.22 | 4 | 1.22 | 4 |
| – laned corner lots | See (~~f~~ 6) below | | 1.52 | 5 | 1.22 | 4 | 0.61 | 2 |
| Moveable Accessory Buildings | See (~~f~~ 6) below | | See (~~j~~ 10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 0.91 m (3 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 8. MAXIMUM HEIGHT OF ACCESSORY STRUCTURES

No accessory structure shall exceed 4.88 m (16 ft.) in height above grade.

*In no case shall an accessory building exceed the height of the principal dwelling.

## 9. MAXIMUM SITE COVERAGE OF ACCESSORY STRUCTURES

**Accessory Buildings – 12%**

Any and all accessory buildings and structures shall not occupy more than 12 percent of the surface area of a lot or 67.63 $m^2$ (728 $ft^2$), whichever is the lesser.

## 10. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) ~~and (7)~~ below | | | | 1.22 | 4 | 0.61 | 2 |
| – laneless corner lots | See (6) ~~and (7)~~ below | | | | 1.22 | 4 | 1.22 | 4 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 1.22 | 4 | 0.61 | 2 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other structure or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 1.52 m (5 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 27.43 | 90 | 44.20 | 145 | 1,212.35 (0.12 ha) | 13,050 (0.3 acre) |
| All other uses | As required by the Development Authority | | | | | |

The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 2,424.69 (0.24 ha) | 26,100 (0.6 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative subsection 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The ~~above~~ maximum lot size requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

(3) The maximum lot size requirement shall not apply to lots planned for in a statutory plan in accordance with administrative subsection 9.

## 4. NUMBER OF DWELLING UNITS

The maximum number of dwelling units per parcel or site in this land use district is one (1) principal detached dwelling plus one (1) garage, garden or secondary suite or one (1) semi-detached dwelling.

## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 9.14 | 30 | 4.57 | 15 | 3.05 | 10 | 9.14 | 30 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 33%**

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | n/a | | 1.52 | 5 | 1.52 | 5 |
| – laneless corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 2.29 | 7.5 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 1.52 | 5 |
| Moveable Accessory Buildings | See (6) below | | See (~~i~~ 10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.91 m (3 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 1.52 m (5 ft.) from the side lot line.

## 14. ARCHITECTURAL CONTROL APPROVAL

Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.

## 15. SPECIAL REQUIREMENTS FOR LOTS 1-32, BLOCK 1, PLAN 161 0008

(1) An application for development permit for any lot listed above (or a successor legal description) shall be required to incorporate flood proofing measures and evidence that these measures have been designed and calculated by a qualified professional in accordance with best practises and the most current flood data available.

(a) Any flood proofing measures required by a developer (i.e. as part of an architectural control or design review approval) shall not necessarily be construed as complete and the Development Authority may require additional information to be provided or measures to be undertaken.

(2) The Development Authority shall attach any or all recommended flood proofing measures, and additional measures deemed necessary, as a condition of development permit.

*See Schedule 13: Definitions – Flood Proofing.*


**16. STANDARDS OF DEVELOPMENT – Schedule 4**

**17. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**18. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**19. HOME OCCUPATIONS – Schedule 8**

**20. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**21. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**22. SIGN REGULATIONS – Schedule 12**

## 9. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (~~f~~ 6) below | | | | 1.22 | 4 | 0.61 | 2 |
| – laneless corner lots | See (~~f~~ 6) below | | | | 1.22 | 4 | 1.22 | 4 |
| – laned corner lots | See (~~f~~ 6) below | | 3.05 | 10 | 1.22 | 4 | 0.61 | 2 |
| Moveable Accessory Buildings | See (~~f~~ 6) below | | See (~~k~~ 11) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.44 m (8 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building -or dwelling.

(8) Where an accessory building has a door on the rear elevation for vehicular access purposes off the lane, a minimum setback of 1.22 m (4 ft.) shall be required.

(9) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(10) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(11) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 10. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 0.91 m (3 ft.) from the side lot line.

## 11. ARCHITECTURAL CONTROL APPROVAL

Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.

(c) placement of balconies on a garage suite to face the rear lane (where one exists) or larger of the two side yards;

(d) balconies shall not project into a required setback;

(e) rooftop decks on garage or garden suites are prohibited.

(8) Each garage or garden suite shall be provided with a private outdoor amenity space (i.e. balcony or patio) of not less than ~~4.46~~ 4.65 m² (~~48~~ 50 ft²) with no dimension less than ~~1.22~~ 1.52 m (~~4~~ 5 ft.).

(9) A garage or garden suite shall not be subject to separation from the principal dwelling through subdivision or condominium conversion.

(10) Minimum and maximum development standards are as follows:

| Use | Maximum Height* | | Maximum Floor Area | | Minimum Floor Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m² | ft² | m² | ft² |
| Garage Suite | 7.62 | 25 | See Section 6 | | 30.00 | 322.93 |
| Garden Suite | 5.18 | 17 | See Section 6 | | 30.00 | 322.93 |

*In no case shall a garage or garden suite exceed the height of the principal dwelling.

(11) Minimum and maximum development standards are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard** | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Garage Suite | See (3) above | | 6.10 | 20 | 4.57 | 15 | 3.05 | 10 |
| Garden Suite | See (3) above | | 6.10 | 20 | 4.57 | 15 | 3.05 | 10 |

**In laneless subdivisions the rear yard requirement shall be 6.10 m (20 ft.)

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages, whether permanent or temporary, are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | n/a | | 3.05 | 10 | 3.05 | 10 |
| – laneless corner lots | See (6)~~)~~ below | | 6.10 | 20 | 3.05 | 10 | 4.57 | 15 |
| – laned corner lots | See (6) below | | 6.10 | 20 | 3.05 | 10 | 3.05 | 10 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 1.52 m (5 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 4.57 m (15 ft.) from the secondary front lot line and 1.52 m (5 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.83 m (6 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 4.57 m (15 ft.) shall be provided between a principal building and any accessory building or structure.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 3.05 m (10 ft.) from the side lot line.

## 14. ARCHITECTURAL CONTROL APPROVAL

Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.

**15. STANDARDS OF DEVELOPMENT – Schedule 4**

**16. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**17. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**18. HOME OCCUPATIONS – Schedule 8**

**19. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**20. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**21. SIGN REGULATIONS – Schedule 12**

# AGRICULTURAL – A

**Purpose:**

To ensure the planned and orderly development of the fringe areas of the Town by providing an interim land use classification for lands adjoining the built-up area of the Town, which may be subdivided and developed for urban uses in the future but are presently agricultural or non-urbanized and to prevent disorderly, incompatible or pre-mature development and subdivision of these lands until they are needed for orderly urban development.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Community Garden
- Cultivation of Land
- Day Home
- Dwellings *(pre-planned)*:
  - Single-Detached - Prefabricated
  - Single-Detached - Site Built
- Extensive Agriculture
- Home Occupation 1
- Shipping Container *(permanent)*
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Bed and Breakfast
- Dwellings *(not pre-planned)*:
  - Moved-In
  - Single-Detached – Prefabricated
  - Single-Detached – Site Built
  - Secondary Suite
- Farm Building and Structure
- Home Occupation 2
- Parks and Playgrounds
- Outdoor Recreation and Sports fields
- Sign Types[1]: 1A, 1B, 2, 3, 4, 5, 6, 7[2], 8, 9, 10, 11, 12
- Small Wind Energy System –Type A[3]
- Utility, Private or Public

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – Sign Type 7 (Billboard) limited to lots immediately adjacent to Highway 5.

3 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section, subsection 33(2), is a prohibited use*

## 2. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

(1) The Development Authority shall not approve a discretionary use in this district if in the opinion of the Development Authority:

(a) the use is likely to become a non-conforming use on subsequent reclassification of the lands in accordance with the Municipal Development Plan, an area structure plan or area redevelopment plan which affects the lands which are the subject of the development application; and/or

(b) approval of the discretionary use would be premature.

(b) the owners shall provide the land required and pay all technical, legal and administrative expenses required to create the said lane;

(c) lane width wherever possible shall be 6.10 m (20 ft.), but may be less if agreed to by all parties involved, and the town.

(i) Existing lanes shall be developed on their existing property lines, unless all property owners involved present a plan for the alteration of its use that is compatible to all owners involved, and provides acceptable access by the Town of Cardston for servicing of utilities and drainage that may be involved in the area concerned, and is also acceptable to any other agency or company who has or may require servicing through the lane, which plan may then be approved by the Town of Cardston.

(ii) Existing lanes that provide no drainage or utilities services, and it is evident that they will never be required for such services, may be legally closed, and the land redistributed among the adjoining property owners, provided all property owners who are or may be affected agree to the said closing, and provided all cost connected with the acquisition, closure and redistribution of the land is borne on an equitable basis by the property owners who received the land.

(iii) No permanent buildings shall be permitted to be constructed on any portion of a lane.

(iv) Permitted lane usage shall not imply ownership as all lanes, unless legally closed and sold, remain the property of the Crown, under the control of the town.

(v) Lanes which are being used in part or in total by adjoining landowners are subject to partial or total reopening whenever a legitimate need arises from adjoining landowners, or the Town of Cardston, or a Utilities Agent or Company.

## 5. REDUCED LOT AREA AND DIMENSION

The Development Authority may, at its discretion, approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in Schedule 2.

## 6. CORNER LOT CUT-OFF YARD DIMENSIONS

Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot the minimum yard dimensions shall apply to the portions of the lot that have not been cut-off by the laneway or roadway. See Figure 4.1.

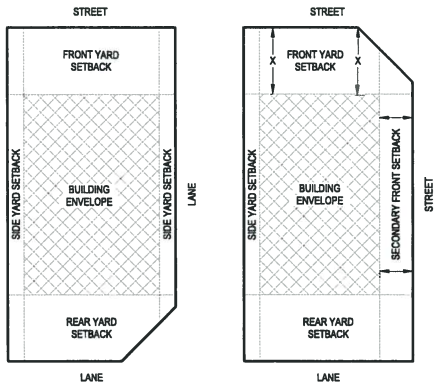
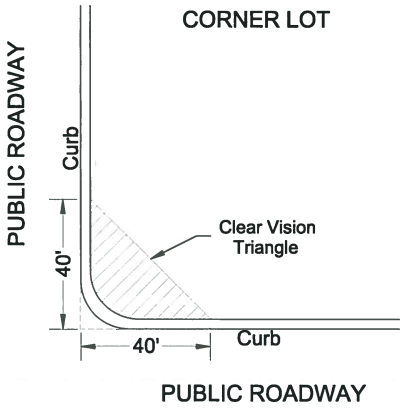
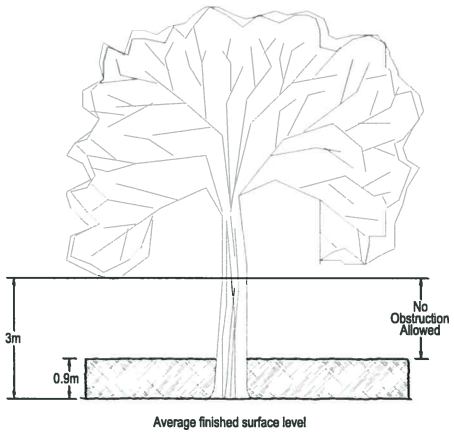



**Figure 4.1: Corner Cut-off Lot Minimum Yard Dimensions**
X = minimum yard dimension (arrows indicate measurement location)

## 7. CLEAR VISION TRIANGLE FOR CORNER LOTS (ALL USES)

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 0.91 m (3 ft.) and 3.05 m (10 ft.) above the centre line grades of the intersecting streets in the area bounded by the ~~property lines~~ curb (or where there is no curb, the physical road) of such corner lots and a line joining points along the said property lines ~~7.62 m (25 ft.)~~ 12.19 m (40 ft.) from the point of intersections. This restriction may apply in the C1 district at the discretion of the Development Authority.




## 8. RESIDENTIAL PRINCIPAL BUILDING/USE YARD SETBACKS

The Development Authority may waive the minimum required yard setback requirement in a well-established residential area if, in its opinion:

(a) the proposed setback is in accordance with (or similar to) the existing and prevailing neighbourhood yard pattern;

(b) the building and its proposed location (inclusive of any existing or proposed additions) is compatible with the form, scale and massing of surrounding dwellings; and

(c) the proposal complies with the appropriate section of the Land Use Bylaw specifying any and all requirements in considering **Applications Requiring Waivers (Variance)**.

## 9. INFILL DEVELOPMENT

The requirements of this Section apply to all areas of Town that ~~may~~ are considered established in accordance with the definition of Infill Development. Infill development is expected to be designed in a contextually sensitive manner and shall adhere to the relevant policies in the Municipal Development Plan.

Applications for infill development shall provide, in addition to the normal application requirements set forth in this bylaw:

(a) a detailed proposal regarding any grading, stripping, stockpiling or excavation that may take place, including:

  (i) existing and proposed grades for the lot to be developed,

  (ii) existing grades for each adjacent lot,

  (iii) location(s) for the stockpiling of materials to be moved through stripping and/or grading;

(b) the setbacks of development on each adjacent lot;

(c) a strategy for the minimization of dust, noise and other nuisances during the development;

(d) measures to be taken to ensure surface drainage of adjacent properties and/or public rights-of-way is not unduly affected during or after the development; and

(e) any other matters deemed appropriate by the Development Authority.

## 10. RETAINING WALLS, GRADING & STORMWATER MANAGEMENT

(1) The Development Authority may require the construction of a retaining wall as a condition of a development permit if, in their opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent parcels.

(2) The Development Authority may require special grading and/or paving to prevent surface drainage problems with neighbouring lots as a condition of a development permit.

(3) The Development Authority may require, at the time of application of as a condition of a development permit, engineered grading and drainage plans and legal survey demonstrating that engineered grades have been met.

(4) Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Authority, to a rear or side property boundary or as approved in an engineered stormwater management plan.

## 11. REFUSE COLLECTION AND STORAGE

(1) Refuse and garbage shall be kept in suitable containers or permanent enclosures.

(2) Permanent refuse and garbage storage areas and enclosures shall be effectively screened from public view.

(3) All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

(4) In all non-residential land use districts, refuse and garbage holding areas, enclosures, and compaction areas are to be located.a minimum of 7.62 m (25 ft.) from an adjacent residential use.

## 12. LANDSCAPING STANDARDS AND SCREENING

Refer to Schedule 9: Landscaping and Screening Standards and Guidelines.

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

## BYLAW 1647 E

## LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW #1647.

**BEING** a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw.

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

**LOTS 1 & 2, BLOCK 5, PLAN 081 4633**

from "Medium Density Residential – R4" to "Residential – R1" to facilitate future residential development on the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached hereto.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

## PART I - TITLE, PURPOSE AND INTERPRETATION

**TITLE**

1) This bylaw shall be known as the "Land Use Bylaw Amendment" bylaw of the Town of Cardston.

**PURPOSE**

RECEIVED
OCT 15 2019
RD/YM/BT

2) The Purpose of this Bylaw is to redesignate lands legally described as: **LOTS 1 & 2, BLOCK 5, PLAN 081 4633** from "Medium Density Residential – R4" to "Residential – R1" to facilitate future residential development on the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule

'A' attached

**RULES FOR INTERPRETATION**

3) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## PART II – GENERAL

**AMENDMENTS**

4) Lands legally described and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "from "Medium Density Residential – R4" to "Residential – R1".

**EFFECTIVE DATE**

5) This Bylaw shall come in force on the day it receives third and final reading.

6) Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

Received First Reading this 10th day of September, 2019

Received Second Reading this 8th day of October, 2019

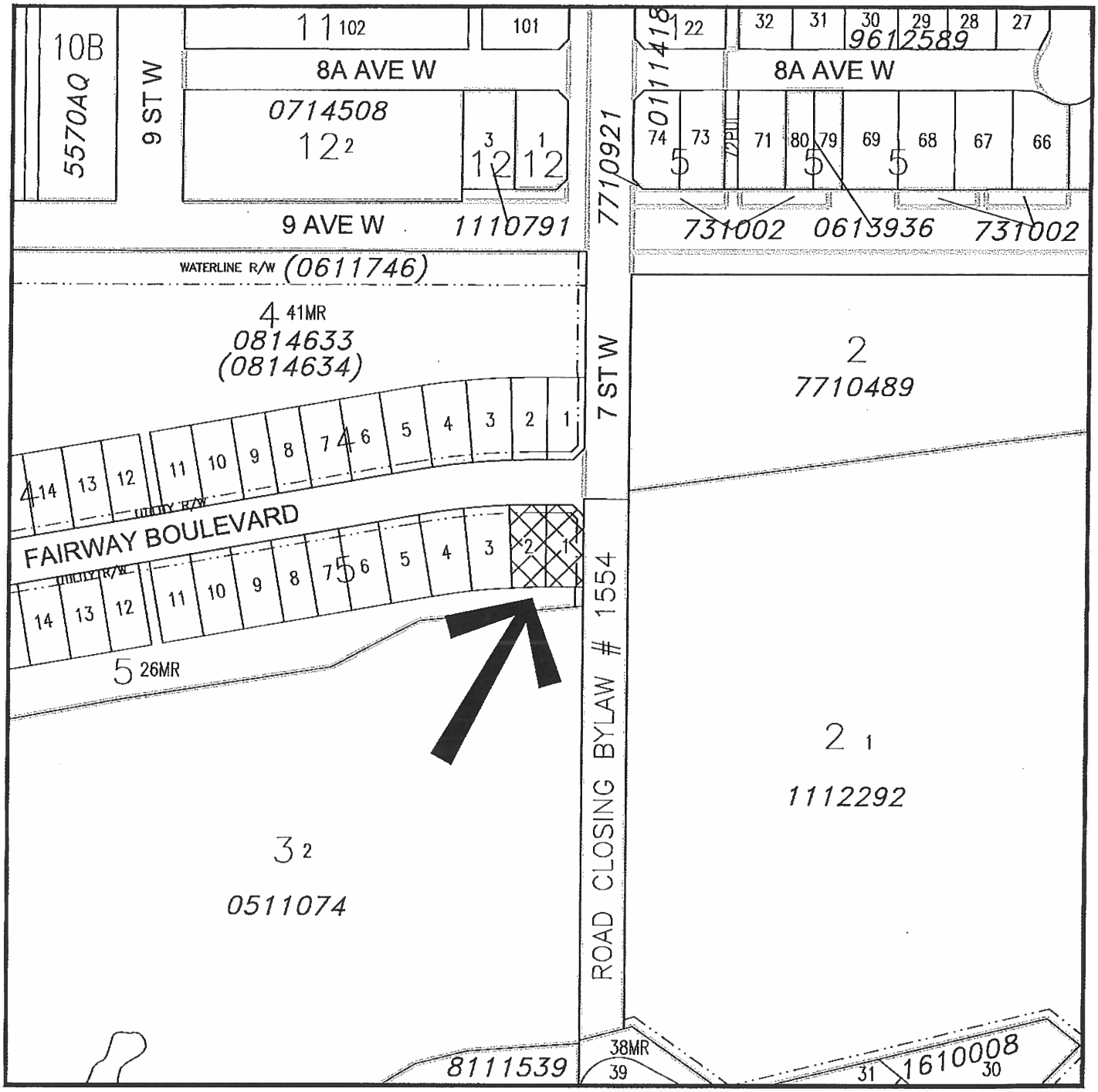
Received Third & Final Reading this 8th day of October, 2019

Signed by the Mayor and the Chief Administrative Officer this 10th day of October, 2019

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*




# LAND USE DISTRICT REDESIGNATION
# SCHEDULE 'A'

FROM: Medium Density Residential R4
TO: Residential R1

LOTS 1 & 2, BLOCK 5, PLAN 0814633
WITHIN NE 1/4 SEC 5, TWP 3, RGE 25, W 4 M
MUNICIPALITY: TOWN OF CARDSTON
DATE: AUGUST 14, 2019

Bylaw #: 1647 E
Date: August 15, 2019

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

August 14, 2019 N:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\Town of Cardston – Lots 1&2 – Block 5 – Plan 0814633.dwg


MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

## BYLAW 1647 F

## LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW #1647.

**BEING** a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw.

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

**PLAN 1793 E, BLOCK 34, THAT PORTION OF LOT THREE (3) WHICH LIES TO THE SOUTH OF THE NORTH TWO HUNDRED AND TWENTY EIGHT (228) FEET AND TO THE WEST OF THE EAST ONE HUNDRED (100) FEET OF THE SAID LOT THREE (3) EXCEPTING THEREOUT ALL MINES AND MINERALS.**

from "Central Commercial – C1" to "Residential – R1" to facilitate future residential development on the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached hereto.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

## PART I - TITLE, PURPOSE AND INTERPRETATION

**TITLE**

1) This bylaw shall be known as the "Land Use Bylaw Amendment" bylaw of the Town of Cardston.

**PURPOSE**

RECEIVED
FEB 13 2020
RD / YM / BJ

2) The Purpose of this Bylaw is to redesignate lands legally described as: **PLAN 1793 E, BLOCK 34, THAT PORTION OF LOT THREE (3) WHICH LIES TO THE SOUTH OF THE NORTH TWO HUNDRED AND TWENTY EIGHT (228) FEET AND TO THE WEST OF THE EAST ONE**

**HUNDRED (100) FEET OF THE SAID LOT THREE (3) EXCEPTING THEREOUT ALL MINES AND MINERALS** from "Central Commercial – C1" to "Residential – R1" to facilitate future residential development on the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached

**RULES FOR INTERPRETATION**

1) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## PART II – GENERAL

**AMENDMENTS**

2) Lands legally described and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "from "Central Commercial – C1" to "Residential – R1".

**EFFECTIVE DATE**

3) This Bylaw shall come in force on the day it receives third and final reading.

4) Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

Received First Reading this 10th day of December, 2019

Received Second Reading this 28th day of January, 2020

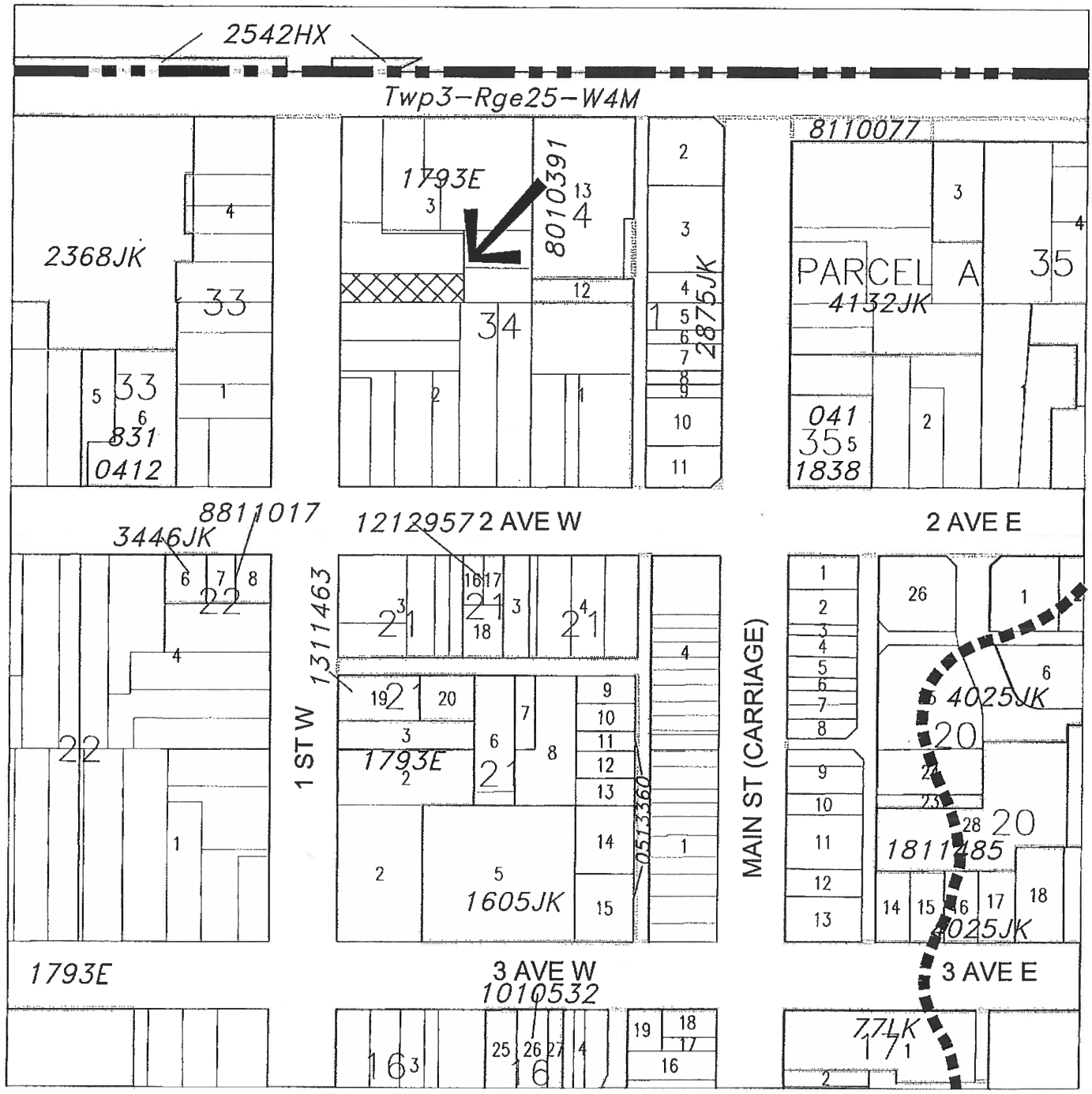
Received Third & Final Reading this 28th day of January, 2020

Signed by the Mayor and the Chief Administrative Officer this 28th day of January, 2020

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*




# LAND USE DISTRICT REDESIGNATION
# SCHEDULE 'A'

FROM: CENTRAL COMMERCIAL C1

TO: RESIDENTIAL R1

PORTION OF LOT 3, BLOCK 34, PLAN 1793E WITHIN NE 1/4 SEC 9, TWP 3, RGE 25, W 4 M

MUNICIPALITY: TOWN OF CARDSTON

DATE: DECEMBER 4, 2019

Bylaw #: 1647 F

Date: January 28, 2020

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N

December 04, 2019 N:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\Town of Cardston – Lots 3 – Block 34 – Plan 1793E.dwg


MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344


"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647 H

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW #1647.

**BEING** a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw.

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

**Portion of Lot 2, Block 13, Plan 1793E**
**Containing ±0.026 ha (0.064 acres)**

from "Public & Institutional – P" to "Residential – R1" to facilitate the use of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached hereto.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

## PART I - TITLE, PURPOSE AND INTERPRETATION

**TITLE**

1) This bylaw shall be known as the "Land Use Bylaw Amendment" bylaw of the Town of Cardston.

**PURPOSE**

2) The Purpose of this Bylaw is to redesignate lands legally described as: **PLAN 1793 E, BLOCK 13, PORTION OF LOT 2** from "Public & Institutional - P" to "Residential – R1" to facilitate the use of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached

**RULES FOR INTERPRETATION**

1) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## PART II – GENERAL

**AMENDMENTS**

2) Lands legally described and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "from "Public & Institutional - P" to "Residential – R1".

**EFFECTIVE DATE**

3) This Bylaw shall come in force on the day it receives third and final reading.

4) Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

Received First Reading this 11th day of May, 2021

Received Second Reading this 8th day of June, 2021

Public Hearing held this 8th day of June, 2021

Received Third & Final Reading this 8th day of June, 2021

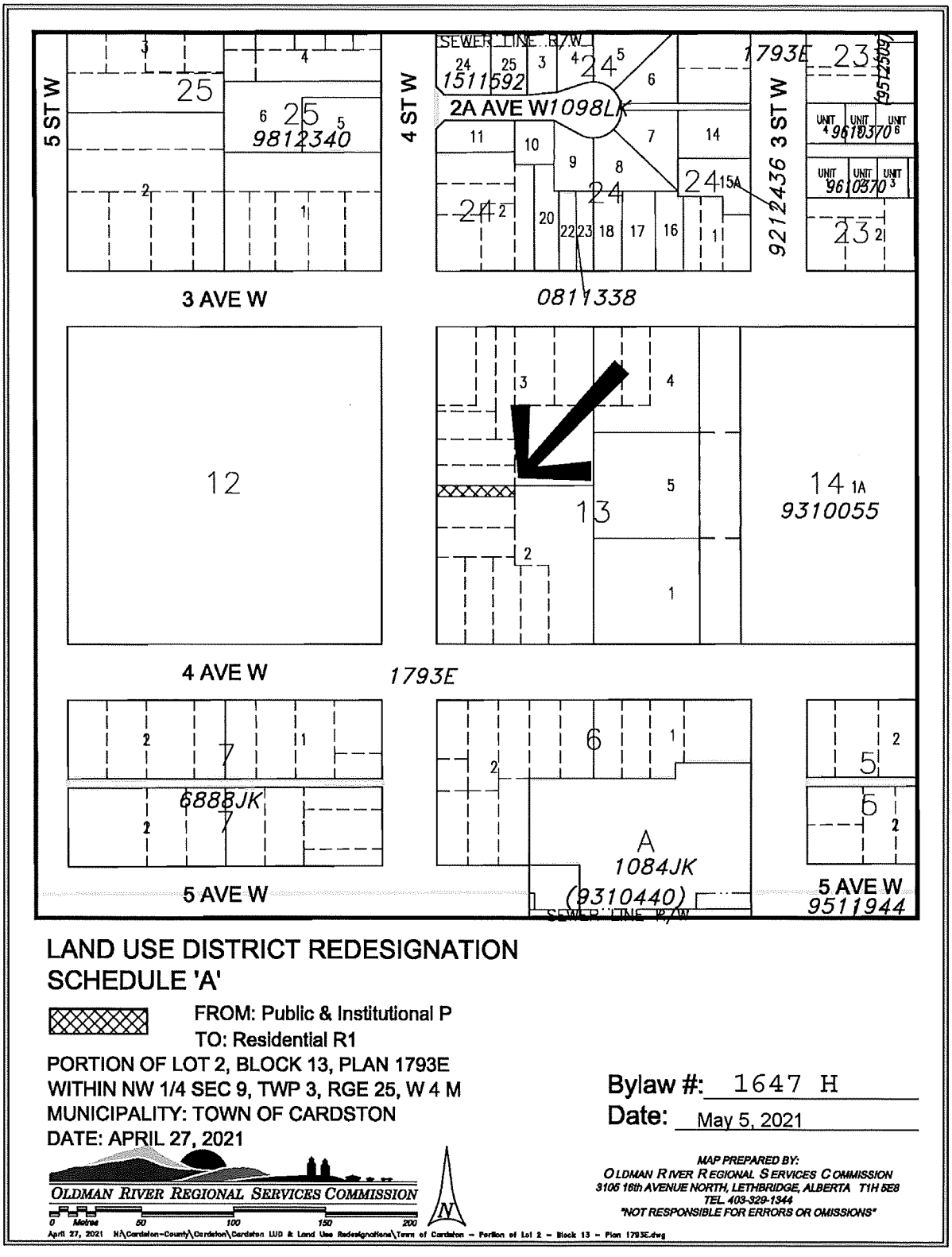
Signed by the Mayor and the Chief Administrative Officer this 8th day of June, 2021

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

## SCHEDULE 'A'




## LAND USE DISTRICT REDESIGNATION
## SCHEDULE 'A'

FROM: Public & Institutional P
TO: Residential R1

PORTION OF LOT 2, BLOCK 13, PLAN 1793E
WITHIN NW 1/4 SEC 9, TWP 3, RGE 25, W 4 M
MUNICIPALITY: TOWN OF CARDSTON
DATE: APRIL 27, 2021

Bylaw #: 1647 H
Date: May 5, 2021

OLDMAN RIVER REGIONAL SERVICES COMMISSION
0 Metres 50 100 150 200

April 27, 2021 M:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\Town of Cardston - Portion of Lot 2 - Block 13 - Plan 1793E.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647 I

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW #1647.

**BEING** a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw.

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

**Lot 7, Block 31, Plan 121 0160**
**Containing ±0.124 ha (0.307 acres)**

from "Public & Institutional – P" to "Medium Density Residential – R4" to facilitate the use and development of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached hereto.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

## PART I - TITLE, PURPOSE AND INTERPRETATION

**TITLE**

1) This bylaw shall be known as the "Land Use Bylaw Amendment" bylaw of the Town of Cardston.

**PURPOSE**

2) The Purpose of this Bylaw is to redesignate lands legally described as: **PLAN 121 0160, BLOCK 31, LOT 7** from "Public & Institutional - P" to "Medium Density Residential – R4" to facilitate the use of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are

illustrated on the map in Schedule 'A' attached

**RULES FOR INTERPRETATION**

1) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## PART II – GENERAL

**AMENDMENTS**

2) Lands legally described and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "from "Public & Institutional - P" to "Medium Density Residential – R4".

**EFFECTIVE DATE**

3) This Bylaw shall come in force on the day it receives third and final reading.

4) Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

Received First Reading this 12th day of April, 2022

Received Second Reading this 26th day of April, 2022

Public Hearing held this 26th day of April, 2022

Received Third & Final Reading this 26th day of April, 2022

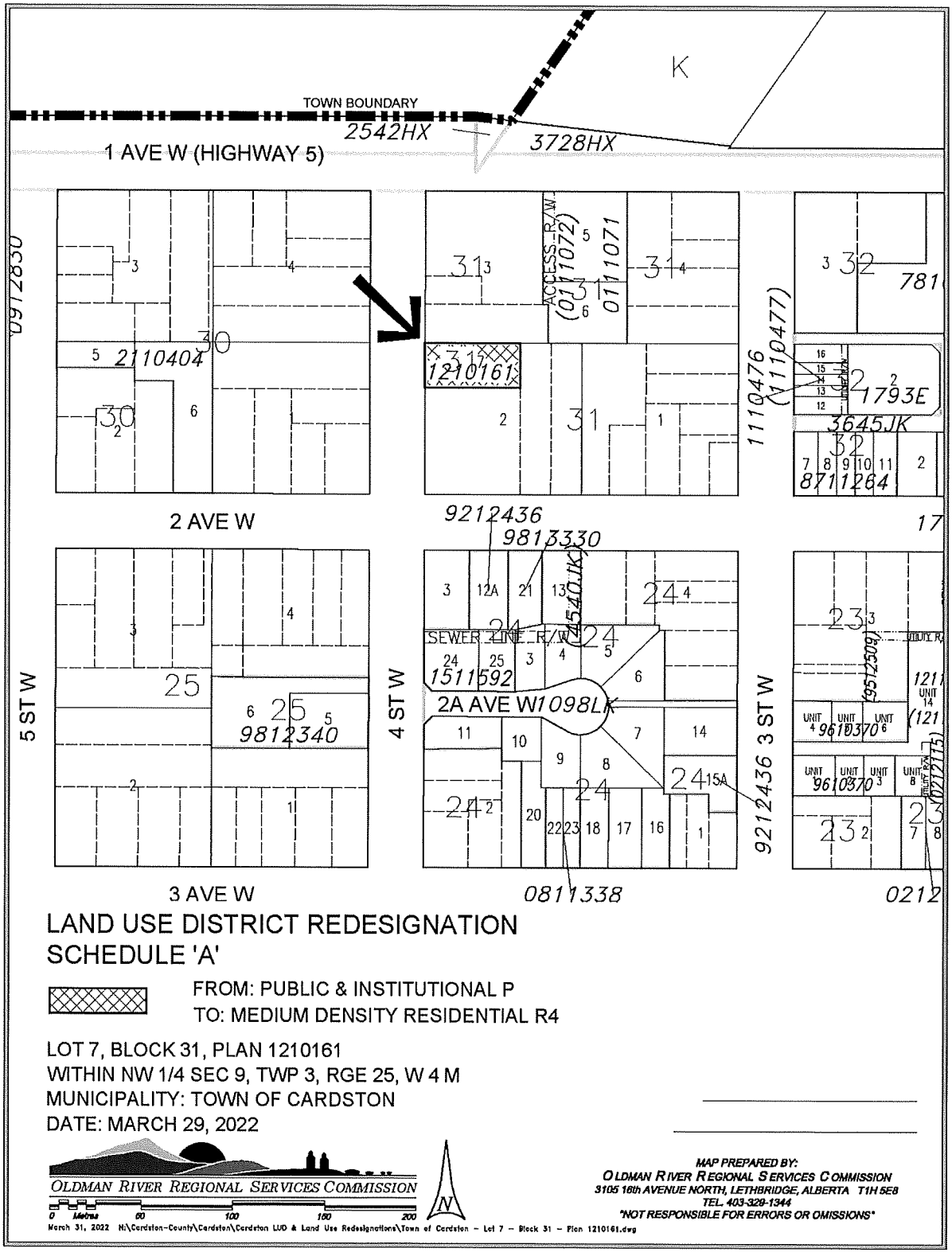
Signed by the Mayor and the Chief Administrative Officer this 27th day of April, 2022

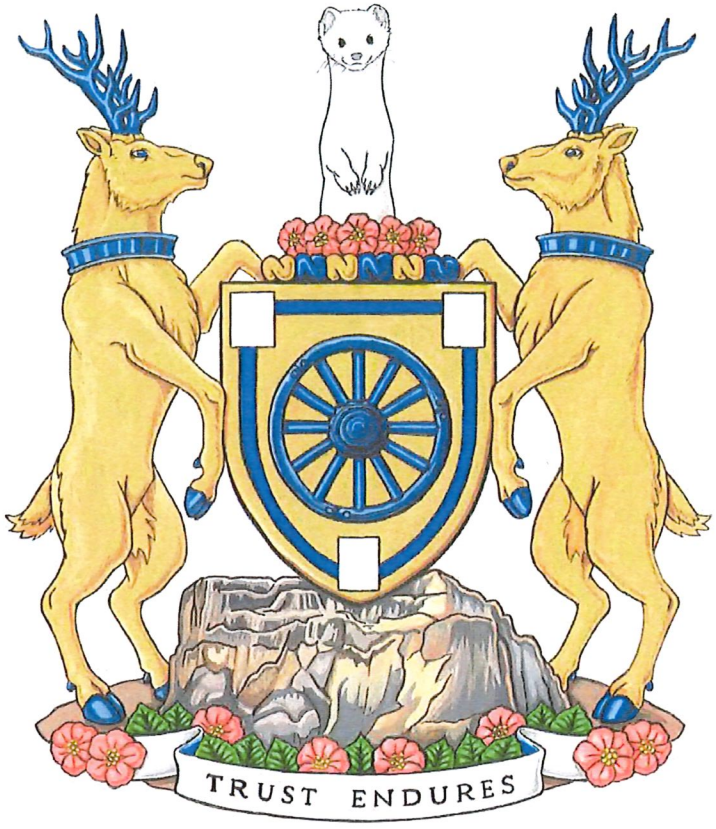
TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

## SCHEDULE 'A'


TOWN BOUNDARY
1 AVE W (HIGHWAY 5)
2542HX
3728HX
K
2 AVE W
3 AVE W
5 ST W
4 ST W
3 ST W
2A AVE W
SEWER LINE R/W
ACCESS R/W
2110404
1210161
1511592
9812340
9813330
9212436
1098LK
0811338
LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'
FROM: PUBLIC & INSTITUTIONAL P
TO: MEDIUM DENSITY RESIDENTIAL R4
LOT 7, BLOCK 31, PLAN 1210161
WITHIN NW 1/4 SEC 9, TWP 3, RGE 25, W 4 M
MUNICIPALITY: TOWN OF CARDSTON
DATE: MARCH 29, 2022
OLDMAN RIVER REGIONAL SERVICES COMMISSION
MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
*NOT RESPONSIBLE FOR ERRORS OR OMISSIONS*
March 31, 2022 N:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\Town of Cardston - Lot 7 - Block 31 - Plan 1210161.dwg




# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

## BYLAW 1647K

## LAND USE BYLAW AMENDMENT

# Table of Contents

**PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION ..... 2**

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*PURPOSE ..... 2*

*RULES FOR INTERPRETATION ..... 2*

**PART II – GENERAL ..... 2**

*SECTIONS ..... 2*

*EFFECTIVE DATE ..... 5*

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647K

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 1647, BEING THE MUNICIPAL LAND USE BYLAW.

**WHEREAS**, the municipal council wishes to amend the Land Use Bylaw to clearly define and regulate land uses involving liquor in response to Bill 2, Gaming, Liquor and Cannabis Amendment Act (2020).

**AND WHEREAS**, the municipal council wishes to provide for the opportunity for certain land uses involving liquor service to operate within the Town of Cardston.

**AND WHEREAS,** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

## PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

**TITLE**

1) This bylaw shall be known as the "Land use bylaw Amendment" of the Town of Cardston.

**PURPOSE**

2) The Purpose of this Bylaw is to add a development standards section on "Uses Involving Liquor Service" to Schedule 5: Use Specific Standards.

**RULES FOR INTERPRETATION**

3) The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## PART II – GENERAL

**SECTIONS**

4) Add a new development standards section on "Uses Involving Liquor Service" to Schedule 5: Use Specific Standards.

## 24. USES INVOLVING LIQUOR SERVICE

The following standards apply to any land use involving the service of liquor:

1) This bylaw regulates the service of liquor where associated with land uses that are regulated by this bylaw and does not pertain to special events or other activities not regulated by this bylaw.

**Licensed Restaurants**

2) The inclusion of liquor service within a restaurant shall only be allowed where a development permit for a "Restaurant, Licensed" is approved by the Development Authority, and shall be restricted to a "Class A – Minors Allowed" license issued by the Alberta Gaming & Liquor Commission (AGLC).

3) The hours of liquor service for a "Restaurant, Licensed" shall be restricted to between 10:00 a.m. to 1:00 a.m.

**Licensed Recreational Uses**

4) The inclusion of liquor service as part of a recreational use shall only be allowed where a development permit for a "Recreational use, Licensed" is approved by the Development Authority, and shall be restricted to either a "Class A – Minors Allowed" and / or a "Class B" license issued by the (AGLC).

5) The Development Authority may regulate the hours of liquor service for a "Recreational Use, Licensed."

**Application Requirements and Conditions of Approval**

6) A detailed business plan including hours of operation, number of employees, exterior signage related to liquor and any other relevant matters.
7) New or existing developments proposing a licensed restaurant, or licensed recreational use shall be required to complete a crime prevention through environmental design (CPTED) analysis and, where required by the Development Authority, incorporate CPTED design principles into the design of the development.

**Prohibited Liquor Uses**

8) This bylaw defines various uses involving liquor including "Lounges/Beverage Rooms," Nightclub," and

"Liquor Store." These uses are not listed in any land use district and therefore are prohibited uses.

**5)** Amend the existing definition for "Restaurant" and add a new definition for "Restaurant, Licensed" in Schedule 13: Definitions.

Amended Definition for Restaurant

**(a)** **RESTAURANT** means an establishment where food and/or beverages are prepared and served on the premises for sale to the public, and may include entertainment which is ancillary to the preparation and service of food and/or beverages but does not include liquor service, liquor off-sales or liquor delivery services.

New Definition for Licensed Restaurant

**(b)** **RESTAURANT, LICENSED** means an establishment where food is prepared and served on the premises for sale to the public as the primary service of the establishment, and may include entertainment which is ancillary to the preparation and service of food and includes liquor service allowable under a "Class A – Minors Allowed" liquor license issued by the AGLC but not including liquor off-sales or liquor delivery services.

**6)** Add a new definition for "Recreational Use, Licensed" in Schedule 13: Definitions.

New Definition for Licensed Restaurant

**(a)** **RECREATIONAL USE, LICENSED** means any allowable use within the RO (Recreation & Open Space) land use district which includes liquor service allowable under a liquor license issued by the AGLC not including liquor off-sales or liquor delivery services.

**7)** Delete the definition for "Eating Establishment" from Schedule 13: Definitions and remove the use from all land use in Schedule 2: Land Use Districts.

**8)** Add "Restaurant, Licensed" as a discretionary use in the C1 (Central Commercial), C2 (Drive-in/Highway Commercial), and I2 (Light Industrial) land use districts within Schedule 2: Land Use Districts.

**9)** Add "Recreational Use, Licensed" as a discretionary use in the RO (Recreation & Open Space) land use district within Schedule 2: Land Use Districts.

**EFFECTIVE DATE**

**10)** This Bylaw shall come in force upon the date of its third and final reading.

**11)** Bylaw 1647 being the municipal Land Use Bylaw is hereby amended.

Received First Reading this 14 day of February, 2023

Public Hearing Held this 12th day of September, 2023

Received Second Reading this 12th day of September, 2023

Received Third & Final Reading this 12th day of September, 2023

Signed by the Mayor and the Chief Administrative Officer this 13th day of September, 2023

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### LAND USE BYLAW 1647L

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1647, BEING THE MUNICIPAL LAND USE BYLAW.

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

PLAN 7610548
THAT PORTION OF SIXTH STREET WHICH LIES TO THE NORTH OF SECOND AVENUE AND TO THE SOUTH OF FIRST AVENUE ALL ON SAID PLAN

From "Recreation & Open space – RO" to "General Industrial – I1" to facilitate the use and development of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule "A" attached hereto.

**AND WHEREAS**, the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enacts the following:

## PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

**TITLE**

**1)** This bylaw shall be known as the "Land Use Bylaw 1647L" of the Town of Cardston.

**PURPOSE**

**2)** The Purpose of this Bylaw is to rezone the lands legally described above and illustrated on the map in Schedule "A" attached hereto shall be redesignated from "Recreation & Open Space – RO" to "General Industrial – I1".

**3)** Bylaw No. 1647 is hereby amended.

**EFFECTIVE DATE** **4)** This Bylaw shall come in force upon the date of its third and final reading.

Received First Reading this 27 day of June, 2023

Received Second Reading this 11 day of July, 2023

Received Third & Final Reading this 11 day of July, 2023

Signed by the Mayor and the Chief Administrative Officer this 12 day of July, 2023

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647M

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

WHEREAS the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

**Portion of SE¼ 8-3-25-W4M**
containing ±2.71 ha (6.7 acres)

from "Residential – R-1" to "Residential Comprehensively Planned Medium Density – RC-M" to facilitate the use and development of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached hereto.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

1. The lands legally described above and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "Residential – R-1" to "Residential Comprehensively Planned Medium Density – RC-M".

2. Bylaw No. 1647 is hereby amended.

3. This bylaw shall come into effect upon third and final reading hereof.

Received First Reading this 1st day of August, 2023

Public Hearing held this 12th day of September, 2023

Received Second Reading this 12th day of September, 2023

Received Third & Final Reading this 12th day of September, 2023

Signed by the Mayor and the Chief Administrative Officer this 12th day of September, 2023

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647N

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

WHEREAS the municipal council wishes to make an omnibus amendment to the Land Use Bylaw to address multiple matters as described below as to make other minor administrative and corresponding typographical changes.

AND WHEREAS these matters include comprehensive changes to the requirements for the District; provisions for over height fence development permits; clarification about the applicability of statutory plan provisions where inconsistent with the Land Use Bylaw; provision for the Development Officer to accept minor changes to an approved development permit; alignment of the size where an accessory building requires a development permit with the size requirements for building permits; establish a regulatory framework for short-term rentals; expand the time allowance for temporary use development permits; clarifying signage requirements for home occupations; reduce the front yard setback requirement in the RC-M Land Use District; establish that separate service connections are required for semi-detached and multi-unit dwellings (except in a condominium scenario); clarify the intent for small scale (ie. non-commercial) solar collectors; and other changes as noted in Schedule A.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

1. The revisions depicted in Schedule 'A', attached hereto and forming part of this bylaw, are hereby adopted.
2. Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.
3. This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 28 day of November, 2023

Public Hearing held this 23 day of January, 2024

Received Second Reading this 27 day of February, 2024

Received Third & Final Reading this 27 day of February, 2024

Signed by the Mayor and the Chief Administrative Officer this 29 day of February, 2024

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

Schedule 'A' – Bylaw 1647N

# TOWN OF CARDSTON

# LAND USE BYLAW NO. 1647











**February 2016**

**(Consolidated to Bylaw No. 1647I, May 2022)**

Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION

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# ADMINISTRATION

## ENACTMENT

### 1. TITLE

This bylaw may be cited as the "Town of Cardston Land Use Bylaw".

### 2. PURPOSE

In compliance with section 640 of the *Municipal Government Act (MGA)*, this Bylaw regulates and controls the use and development of land and buildings within the Town of Cardston to achieve orderly, efficient, and economic development of the land.

### 3. DATE OF COMMENCEMENT

This bylaw shall come into effect upon third and final reading thereof.

### 4. REPEAL OF FORMER LAND USE BYLAW

Bylaw No. 1581 as amended, being the current Land Use Bylaw of the Town of Cardston is repealed upon third and final reading of this Bylaw.

### 5. SEVERABILITY

If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

### 6. AMENDMENT OF BYLAW

(1) The Council may amend this Bylaw at any time in accordance with the procedures detailed in section 692 of the *Municipal Government Act*.

(2) A notation of all amending bylaws shall be included (see page above Table of Contents) as part of the Town of Cardston Land Use Bylaw.

### 7. COMPLIANCE WITH THE LAND USE BYLAW

(1) No development, other than those designated in Schedule 3 of this Bylaw (Development Not Requiring a Development Permit), shall be undertaken within the Town unless a development permit application has been approved and a development permit has been issued.

(2) Notwithstanding subsection ~~7~~(1), while a development permit may not be required pursuant to Schedule 3, development shall comply with all regulations of this Bylaw.

### 8. COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or development.

### 9. COMPLIANCE WITH STATUTORY PLANS

Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this Bylaw for a particular district or districts, the policies, rules or procedures indicated in this Bylaw ~~the Statutory Plan~~ shall take precedence.

### 10. PROVINCIAL ACTS AND REGULATIONS

(1) *Municipal Government Act* references or sections referred to in this Bylaw are at the time the Bylaw is adopted, and the *MGA* and governing sections may be amended from time to time, and in which case are applicable as amended.

(2) The Subdivision and Development Authority, including the Development Officer, may request information to be provided or apply special conditions on permits or approvals to ensure that recommendations, regulations or statutes of various other government departments or agencies are met or adhered to.

### 11. APPENDICES

Appendices A through D, attached hereto, are for information purposes only and may be amended from time to time as they do not form part of this Bylaw.

### 12. FORMS, NOTICES AND FEES

(1) For the purpose of administering the provisions of this Bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued.

(2) Application forms and notices are included in Appendix B.

(3) Application fees are included in Appendix C.

## APPROVING AUTHORITIES

### 13. DEVELOPMENT AUTHORITY

(1) The Development Authority is established by separate bylaw pursuant to the *MGA* and for the purposes of the Town of Cardston Land Use Bylaw, is the Development Officer, acting in the capacity of Designated Officer, and the Municipal Planning Commission. The term Development Authority, used throughout this bylaw, is an omnibus term meant to refer to both authorities and includes the Subdivision Authority.

(2) Council shall be the Development Authority within any Direct Control District, unless specifically delegated by bylaw to the Municipal Planning Commission or the Development Officer acting in the capacity of Designated Officer, or another designate(s).

(3) In accordance with section 210 of the *MGA* and the Town's Designated Officer's Bylaw the Development Officer is a Designated Officer for the purpose of this bylaw.

(4) In the absence of the Development Officer, the following are authorized to act in the capacity of Development Officer:

(a) Municipal Planning Commission;

(b) Chief Administrative Officer; or

(c) a designate(s) in accordance with the *MGA*.

(5) The Development Officer is an authorized person in accordance with section 624 and section 630 of the *MGA*.

(6) The Development Authority shall perform such powers and duties as are specified:

(a) in the Town of Cardston Subdivision and Development Authority Bylaw;

(b) in this bylaw;

(c) in the *Municipal Government Act*;

(d) where applicable, by resolution of Council.

## 14. SUBDIVISION AUTHORITY

The Subdivision Authority is established by separate bylaw pursuant to the *Municipal Government Act* and for the purposes of the Town of Cardston Land Use Bylaw, is the Municipal Planning Commission. See Sections 64 to 66 for more information.

## 15. DEVELOPMENT OFFICER – POWERS AND DUTIES

(1) The office of the Development Officer is hereby established and such office shall be filled by one or more persons as appointed by resolution of Council.

(2) The Development Officer:

(a) shall receive and process all applications for development permits;

(b) shall maintain for the inspection of the public during office hours, a copy of this bylaw and all amendments thereto and ensure that copies of the same are available for public purchase;

(c) shall also establish and maintain a register in which shall be recorded the application made for a development permit and the decision made on the application, and contain any such other information as the Municipal Planning Commission considers necessary;

(d) shall consider and decide on applications for a development permit for:

(i) permitted uses that comply with this land use bylaw;

(ii) discretionary uses identified under "Discretionary Uses – Development Officer" in the applicable land use district;

(iii) permitted uses that request one limited variance of a measurable standard not to exceed 10%;

(iv) discretionary uses identified under "Discretionary Uses – Development Officer" that request one (1) limited variance of a measurable standard not to exceed 10%;

(v) permitted uses on existing registered lots where the Municipal Planning Commission granted a variance(s) to the minimum lot width, length and/or area requirements as part of a subdivision approval;

(vi) temporary uses in accordance with Administration Section 43;

(vii) landscaping; and

(viii) fences, walls or other types of enclosures including height variances as stipulated in Schedule 5;

(e) shall refer to the Municipal Planning Commission, with background report, all development permit applications for which decision making authority has not been assigned to the Development Officer;

(f) may refer any development application to the Municipal Planning Commission for a decision and may refer any other planning or development matter to the Municipal Planning Commission for its review, comment or advice;

(g) shall refer all development applications in a Direct Control District to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission;

(h) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with subsection ~~36~~(2) of this bylaw;

(i) shall receive and refer any applications to amend this bylaw to Council;

(j) shall issue the written notice of decision and/or development permit on all development permit applications and any other notices, decisions or orders in accordance with this bylaw;

(k) may receive and consider and decide on requests for time extensions for Development Permits which the Development Officer has approved and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved;

(l) shall provide a regular report to the Municipal Planning Commission summarizing the applications made for a development permit and the decision made on the applications, and any other information as the Municipal Planning Commission considers necessary;

(m) and shall perform any other powers and duties as are specified in this bylaw, the Subdivision and Development Authority Bylaw, the *MGA* or by resolution of Council.

## 16. MUNICIPAL PLANNING COMMISSION – POWERS AND DUTIES

(1) The Municipal Planning Commission may exercise only such powers and duties as are specified in the *Municipal Government Act*, the Municipal Planning Commission Bylaw, this bylaw, or by resolution of Council.

(2) The Municipal Planning Commission shall be responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer;

(b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) considering and deciding upon applications for subdivision approval;

(e) any other powers and duties as are specified in this bylaw, the Municipal Planning Commission Bylaw, the *MGA* or by resolution of Council.

### 17. COUNCIL – DIRECT CONTROL DISTRICTS

Council shall be responsible for considering development permit applications within any Direct Control District, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer.

### 18. SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant to the *Municipal Government Act*, and may exercise such powers and duties as are specified in this bylaw, the *MGA* and the Subdivision and Development Appeal Board Bylaw.

## GENERAL STANDARDS AND REQUIREMENTS

### 19. RULES OF INTERPRETATION

(1) Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The *Interpretation Act, Chapter I-8, RSA 2000 as amended,* shall be used in the interpretation of this Bylaw. Words have the same meaning whether they are capitalized or not.

(2) The written regulations of this Bylaw take precedence over any graphic or diagram if there is a perceived conflict.

(3) The Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict.

### 20. METRIC MEASUREMENTS AND STANDARDS

The metric standards in this Bylaw are applicable. Imperial measurements and standards are provided only for convenience.

### 21. NUMBER OF DWELLING UNITS ON A PARCEL

For the purposes of section 640(2)(e) of the *Municipal Government Act*, no person shall construct or locate or cause to be constructed or located more than one (1) dwelling unit on a parcel unless, where the use is listed in the land use district, authorized by the Development Authority through the issuance of a development permit.

### 22. SUITABILITY OF SITES

(1) Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority or Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Authority is made aware of or if in their opinion, the site of the proposed building or use is not safe or suitable based on the following:

(a) does not have safe legal and physical access to a maintained road in accordance with the land use bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984 ft.) of a provincial highway or 800 m (2,625 ft.) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) is located within the flood fringe and is not adequately flood proofed;

(f) is located within the flood way;

(g) does not comply with the requirements of the South Saskatchewan Regional Plan, ~~Subdivision and Development Regulation~~*Matters Related to Subdivision and Development Regulation* or any other applicable statutory plans;

(h) is situated on an active or abandoned coal mine or oil or gas well or pipeline;

(i) is unsafe due to contamination by previous land uses;

(j) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(k) does not meet the minimum setback requirements from an abandoned well site;

(l) does not have adequate water and sewer provisions;

(m) does not meet the lot dimensional requirements or setback requirements or any other applicable standards or requirements of the Town of Cardston Land Use Bylaw;

(n) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

(2) Nothing in this Section shall preclude the Subdivision Authority or Development Authority, as applicable, from issuing a subdivision or a development permit if the Authority is satisfied that there is no risk to persons or property or that these concerns will be mitigated by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

## 23. MAXIMUM LOT SIZES

The maximum lot sizes established for certain residential land use districts may be waived, subject to Section 36 (for development) and section 654(2) of the *Municipal Government Act* (for subdivision), by the Development Authority in the following instances at the time of development or subdivision:

(1) where the developable area (see definition) of the lot is less than the maximum lot size established for the district; or

(2) where the approval would not interfere with or impede upon future resubdivision; or

(3) where resubdivision would not be feasible~~;~~ or

(4) where a proposal is consistent with a design or concept expressed in a statutory plan.

## 24. DEVELOPMENT IN MUNICIPALITY GENERALLY

(1) A person who develops land or a building in the municipality shall comply with the standards of development specified in one or more of the sections in this Bylaw and any condition attached to a development permit if one is required.

(2) Construction of utilities, roads, lot grading and excavation shall be in conformance with the Town of Cardston Engineering Design Standards and Minimum Servicing Standards document.

### 25. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

(1) Developments not requiring a development permit are specified in Schedule 3.

(2) This Section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

(3) This Section does not negate the requirement of obtaining a business license where required.

### 26. APPLICATION FEES

(1) Application fees are prescribed by Council and are found in Appendix C (Fees) for reference purposes.

(2) Requests by an applicant for a refund or adjustment of prescribed fees requires the approval of Council, other than in circumstances where minor discretion is allowed to the Development Officer in accordance with subsection ~~26~~(3) below.

(3) The Development Officer has minor discretion in refunding or adjusting fees as it applies to the withdrawing of applications prior to processing, application proposals being amended where various fees would normally apply or returning deposits taken as security. If there is any dispute or complaint filed by an applicant over the amount of a refund or adjustment requested, the issue may be referred to Council.

(4) Whenever an application is received for a development or use not listed in Appendix C, the amount of the fee shall be determined by the Development Officer or the Municipal Planning Commission and shall be consistent with those fees listed.

## DEVELOPMENT PERMIT APPLICATIONS

### 27. DEVELOPMENT PERMITS

(1) Except as provided in Schedule 3: Development Not Requiring a Development Permit, no person shall commence a Development unless they have been issued a development permit in respect of the development in accordance with any terms and/or conditions of a development permit issued pursuant to this Bylaw.

(2) An application for a development permit must be made to the Development Officer by submitting:

(a) a completed application form as per Appendix B;

(b) a consent from the registered landowner;

(i) a person who is not the registered landowner may apply for a development permit with the written consent of the registered landowner;

(c) the fee prescribed in Appendix C;

(d) a site plan acceptable to the Development Officer indicating:

(i) the location of all existing and proposed buildings and structures including a foundation outline of buildings and all cantilevers, decks and projections, registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, surface drainage patterns and including any other features necessary (i.e. septic systems, water wells, culverts, trees etc.) to interpret or adjudicate the application;

(iii) the presence or absence of any and all abandoned wells; and, if abandoned wells are present, a professionally prepared plot plan that shows the actual well location(s) in relation to existing and/or proposed building sites in accordance with the Alberta Energy Regulator's Directive 079; and

(e) such other information as may be required by the Development Officer, which may also include:

(i) a minimum of two sets of professionally prepared building plans;

(ii) a copy of architectural controls approval if applicable to a parcel;

(iii) a copy of lot grade elevations;

(iv) any additional information as may be specified in any of the Schedules; and

(v) any additional information as per Section 28.

## 28. ADDITIONAL INFORMATION REQUIREMENTS IN SUPPORT OF DEVELOPMENT PERMIT APPLICATIONS

(1) The Development Authority may require a Real Property Report (RPR) or a sketch prepared by an Alberta Land Surveyor or a Professional Engineer as verification of the location of development on said land.

(2) The Development Authority may request other information to be provided in support of an application for a development permit, including but not limited to: professionally prepared site plans, landscaping plans, engineering studies, geotechnical reports, storm water management or drainage plans, soils analyses, grading or lot elevation plans, parking overlays, building plans, technical reports, population and demographic projections, traffic impact analysis, conceptual design schemes, and sun/shadow studies.

## 29. DETERMINING COMPLETENESS OF DEVELOPMENT PERMIT APPLICATIONS

(1) The Development Officer shall, within 20 days after the receipt of an application for a development permit in accordance with Section 27(2), determine whether the application is complete.

(2) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application, which includes but is not limited to: assessing land use impacts like odours, noise, glare, traffic generation; investigating environmental matters; addressing the type of servicing and appropriateness of the proposed method of servicing; and provided the quality of the information is adequate to properly evaluate the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the Development Officer.

(4) If the Development Officer does not make a determination referred to in subsection (1) within the time required under subsection (1), the application is deemed to be complete.

(5) If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(a) The Notice of Completeness may be contained within a Notice of Receipt of an application under Section 40 or within a Notice of Decision under Section 42.

(6) If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by

Section 27(c). A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.

(7) If the Development Officer determines that the information and documents submitted under subsection (6) are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(a) Despite the issuance of a Notice of Completeness under subsection (5) or (7), the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

(8) If the required documents and information under Section 27(2) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection (6), the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

## 30. PERMITTED USE APPLICATIONS

(1) Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall, if the application otherwise conforms with this Bylaw:

(a) issue a development permit with or without conditions; or

(b) may, at their discretion, choose to refer the application to the Municipal Planning Commission for a decision.

(2) The Development Authority may place any of the following conditions on a development permit for a permitted use:

(a) payment of any applicable off-site levy or redevelopment levy;

(b) geotechnical investigation to ensure the site is suitable in terms of topography, soil characteristics, flooding, subsidence, erosion and sanitary sewage servicing;

(c) alteration of a structure or building size or location to ensure any setback requirement of this land use bylaw or the ~~Subdivision and Development Regulation~~*Matters Related to Subdivision and Development Regulation* can be met;

(d) the application of an increased setback to any minimum required setback(s) if determined to be necessary:

(i) in the implementation of a planning or planning related objective where supported by policy in a~~n approved~~ statutory plan; and/or

(ii) to provide for resubdivision, that would facilitate a density more appropriate to the respective land use district, where the lot size of the subject lot exceeds the maximum lot size standard (if applicable in the land use district) resulting from a historical lot size or through a consolidation of lots over which the municipality did not have control;

(iii) where an increased setback is required under subsection ~~30~~(2)(d)(i) or (ii) above in order to facilitate resubdivision, the applicant may be required to submit a comprehensive site plan indicating, at a basic level, how resubdivision will be accessed and serviced (not required where located within a~~n approved~~ statutory plan);

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw, including conditions pursuant to any provision listed in a schedule, or any other statutory plan adopted by the Town of Cardston, including any “Additional Conditions” under Sections 49-53;

(f) easements and/or encroachment agreements;

(g) provision of public utilities, other than telecommunications systems or works, and vehicular and pedestrian access;

(h) conditions as considered necessary to address the provision of utility servicing including, but not limited to electricity, gas, water, sewer, and storm water;

(i) repairs or reinstatement of original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise altered by development or building operations upon the site;

(j) to give security to ensure the terms of the permit approval under this Section are carried out;

(k) time periods stipulating completion of development;

(l) requirement for a lot and/or construction stakeout conducted by an Alberta Land Surveyor or Professional Engineer;

(m) any measures to ensure compliance with applicable federal, provincial and/or other municipal legislation and approvals.

## 31. NOTICE OF ISSUANCE

(1) Upon the issuance of a development permit for a permitted use, the Development Officer shall:

(a) notify the applicant by sending a copy of the permit or decision regarding the issuance or denial of the development permit; and

(b) post a copy of the permit in a conspicuous place in the Town Office.

(2) The notice, which shall include the date on which the decision was given, shall be sent to the applicant on the date on which the decision was given. For the purposes of this section the "date of which the decision was given" means:

(a) the date the Development Officer signs the development permit; or

(b) the date the decision is posted in the newspaper;

whichever occurs later.

## 32. DISCRETIONARY USE DEVELOPMENT APPLICATIONS

(1) Upon the receipt of a completed application for a development permit for a discretionary use that falls under "Discretionary Uses – Development Officer" in Schedule 2, the Development Officer shall:

(a) notify adjacent landowners and other persons likely to be affected in accordance with Section 40; and

(b) approve the development permit with or without conditions; or

(c) refuse to approve the development permit, stating the reasons for refusal; or

(d) refer the application to the Municipal Planning Commission for a decision.

(2) Upon the receipt of a completed application for a development permit for any discretionary use that does not fall under "Discretionary Uses – Development Officer" in Schedule 2, the Development Officer shall refer the application to the Municipal Planning Commission.

(3) Upon the receipt of an application under subsection ~~32~~(1) or ~~32~~(2), the Development Officer shall notify persons likely to be affected by the issuing of the development permit in accordance with Section 40.

(4) When making a decision on a development permit for a discretionary use the Development Authority must take into account:

(a) any statutory plans or non-statutory plans or studies affecting the parcel or type of development;

(b) the purpose statement in the applicable land use district;

(c) the appropriateness of the location and parcel for the proposed development;

(d) the compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood;

(e) the merits of the proposed development;

(f) access, transportation and servicing requirements.

(5) The Development Authority may place any of the conditions stipulated in subsection ~~30~~(2) (Permitted Use Applications) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area or any other conditions necessary to fulfil a planning related objective.

### 33. SIMILAR AND PROHIBITED USES

(1) Where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the Bylaw, but is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the following process shall apply:

(a) the matter shall be referred by the Development Officer to the Municipal Planning Commission;

(b) the Development Officer shall notify persons likely to be affected in accordance with Section 40;

(c) the Municipal Planning Commission shall determine and make a ruling on the proposed use as to its similarity to a permitted or discretionary use in the district;

(d) If the use is deemed similar, the proposed use shall be reviewed by the Municipal Planning Commission as a discretionary use for that land use district.

(2) Where a use is not listed in a land use district as either discretionary or permitted and is not deemed similar in nature in accordance with subsection ~~33~~(1), then that use is **prohibited** in the land use district.

### 34. FAILURE TO MAKE A DECISION – DEEMED REFUSAL

In accordance with section 684 of the *Municipal Government Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority ~~Development Officer or the Municipal Planning Commission~~, as the case may be, is not made within 40 days of receipt of the completed application unless the applicant has entered into an agreement with the Development Authority ~~Development Officer or the Municipal Planning Commission~~ to extend the 40-day decision period.

## APPLICATIONS REQUIRING WAIVERS (VARIANCE)

### 35. PERMITTED USE APPLICATIONS REQUIRING MINOR WAIVERS (VARIANCE)

(1) Upon the receipt of a completed application for a development permit for a permitted use that requests one (1) minor waiver not to exceed 10 percent of a measurable standard of this Bylaw, the Development Officer shall evaluate the application, and:

(a) may grant the minor waiver not to exceed 10 percent of one (1) measureable standard of this Bylaw and issue the development permit with or without conditions if, in the opinion of the Development Officer, the waiver would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; or

(b) may refer the development application involving a request for one (1) minor waiver of any measureable standard in the Bylaw to the Municipal Planning Commission for a decision.

(2) Granting one (1) minor waiver under this Section does not require notification of persons likely to be affected prior to issuance of a development permit.

(3) If the waiver required exceeds 10 percent of any measurable standard in this Bylaw or the applicant requests more than one (1) minor waiver, the Development Officer shall refer the application to the Municipal Planning Commission for a decision under subsections ~~36~~(1) and (2), or, where expressly granted the authority by this Bylaw, make a decision in accordance with Section 36(1)(a).

(4) In respect of applying the measurable standards of the Bylaw to new construction setbacks for compliance purposes, the Development Officer is afforded minor variance power not to exceed a maximum of 10 cm (3.94 inches) degree of tolerance.

## 36. APPLICATIONS REQUESTING WAIVERS (VARIANCE) OF BYLAW PROVISIONS

(1) Upon receipt of a completed application for a development permit for a development that does not comply with this Bylaw, but in respect of which the Development Authority is requested by the applicant to exercise discretion under subsection ~~35~~(3), the Development Officer shall send the application to the Municipal Planning Commission;~~.~~

(a) where this Bylaw expressly provides the authority to do so, the Development Officer may make a decision on an application requiring a variance that exceeds the threshold established in Section 35, after considering the responses to notification required under subsection (2) and the variance criteria in subsection (3).

(2) Upon receipt of a completed application for a development permit which would require the Development Authority to exercise its discretion under subsection ~~36~~(3), the Development Officer shall notify persons likely to be affected by the issue of the development permit in accordance with Section 40.

(3) The Development Authority is authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Authority:

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighbourhood; or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and

(b) the proposed development conforms with the use prescribed for that land or building in Schedule 2: Land Use Districts.

(4) Notwithstanding subsection ~~36~~(3), the Development Authority, or the Subdivision and Development Appeal Board on an appeal, does not have the authority to waive or vary an applicable standard of this Bylaw, if a section or policy specifically states that the standard is not to be waived or varied.

## 37. NON-CONFORMING BUILDINGS AND USES

A non-conforming building or use may only be continued in accordance with the conditions detailed in the *Municipal Government Act*.

### 38. DEVELOPMENT ON NON-CONFORMING SIZED LOTS

(1) Development on an existing registered non-conforming sized lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 2 may be permitted at the discretion of the Development Authority.

(2) An application for development on an existing non-conforming sized lot shall require public notice in accordance with Section 40.

### 39. NON-CONFORMING VARIANCES

The Development Authority is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to section 643(5)(c) of the *Municipal Government Act*.

## PROCESSING OF APPLICATIONS FOR DISCRETIONARY USES AND WAIVERS

### 40. NOTICE OF RECEIPT OF AN APPLICATION

(1) Where public notice is required the Development Officer shall, at least five (5) days, excluding weekends and holidays, preceding the date of consideration by the Municipal Planning Commission, notify persons likely to be affected by the issuance of the permit by one or more of the following:

(a) sending notice of receipt to the applicant and persons likely to be affected:

(i) where mailing is used as the method of notification the notice shall be mailed at least seven (7) days preceding the date of consideration in accordance with subsection ~~40~~(1);

(b) placing an advertisement in a local newspaper circulating within the municipality;

(c) placing a notice on the property in a prominent place using the appropriate form as per Appendix B:

(i) where notice posting is used as the method of notification the notice shall be erected at least seven (7) days preceding the date of consideration in accordance with subsection ~~40~~(1).

(2) In all cases, notification shall:

(a) describe the nature and location of the use;

(b) state the time and place where the Municipal Planning Commission will meet to consider the application and indicate that written or oral submissions on the application will be received at that time.

(3) The Development Officer shall notify Cardston County and/or the Blood Tribe and consider their comments prior to deciding on an application for a discretionary use if the proposed location is:

(a) on a parcel or title adjacent to a municipal boundary; or

(b) within or adjacent to the boundary area of land subject to an intermunicipal development plan adopted by the Town and Cardston County, in which case, the relevant referral and comments policies stipulated in that plan must be followed.

(4) After considering any response to the notification of persons likely to be affected by the issuance of the permit, the Development Authority may approve a development permit with or without conditions.

### 41. DISCRETIONARY USES THAT REQUIRE NOTICE POSTING

The following uses, where listed as a discretionary use in a particular land use district, must always be notice posted on site in addition to one other form of acceptable notice established in subsection ~~40~~(1):

(a) Child Care Facility;

(b) Cannabis Production Facility or a Cannabis Retail Sales;

(c) Multi-Unit Dwellings and Apartments consisting of more than four (4) units;

(d) Restaurant, Licensed or a Recreational Use, Licensed.~~.~~

A notice posted on site must be erected as least seven (7) days, excluding weekends and holidays, preceding the date of consideration by the Municipal Planning Commission and shall contain the content required in subsection ~~40~~(2) and shall be located in a conspicuous place.

### 42. NOTICE OF DECISION AND ISSUANCE OF A DEVELOPMENT PERMIT

(1) Upon issuance of a decision on a development permit application for a discretionary use, the Development Officer shall notify by mail a copy of the development permit or methods outlined in subsection ~~40~~(1):

(a) the persons notified under Section 40, and

(b) any other persons likely to be affected by the development.

(2) The notice, which shall include the date on which the decision was given, shall be sent to the applicant on the date on which the decision was given. For the purposes of this section the "date of which the decision was given" means:

(a) the date the Development Officer signs the notice of decision or development permit; or

(b) the date the decision is posted in the newspaper;

whichever occurs later.

### 43. TEMPORARY DEVELOPMENT PERMIT

The Development Authority may issue a temporary development permit for a defined period, typically of not more than twelve (12) ~~six (6)~~ months, if the use is a discretionary use in that land use district. The costs of removal or cessation of the development are the responsibility of the applicant and the Development Authority may require the applicant to post a guarantee to ensure the cessation or removal of the use and any associated development in a timely fashion.

## DEVELOPMENT PERMIT VALIDITY AND TRANSFERABILITY

### 44. REAPPLICATION FOR A DEVELOPMENT PERMIT AND MINOR CHANGES

(1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or by the Subdivision and Development Appeal Board or Council (in a Direct Control district), another application for development on the same lot, and for the same or similar use, may not be made for at least six (6) months after the date of refusal.

(2) If an application was refused solely because it did not comply with the standards of this Bylaw, the Development Officer may accept another application on the same lot for the same or similar use before

the time period referred to in subsection ~~44~~(1) has lapsed, provided the application has been modified to comply with this Bylaw.

(3) Where an applicant proposes minor, non-material modifications to an approved development application, the Development Officer may accept the minor changes without requiring the applicant to submit a new application. Where the Development Officer has accepted minor changes, the applicant shall submit revised drawings indicating these changes. No new variances or increased variances may be accepted under this provision.

(4) Where an applicant proposes more substantial modifications to an approved development application that are deemed by the Development Officer to fall outside the scope of subsection (3), those changes shall not be allowed until such time that a new development application has been submitted by the applicant and approved by the Development Authority.

## 45. COMMENCEMENT OF DEVELOPMENT & DEVELOPMENT APPEALS

(1) No development authorized by a development permit shall commence until the 21 day appeal period has expired, which is on the date determined in accordance with Section 31. ~~in accordance with the following:~~

~~(a) where the notice of the decision has been mailed, development shall not commence until at least 19 days from the date the decision was mailed; or~~

~~(b) where the notice is published in the newspaper, development shall not commence until at least 14 days from the date of publication; and~~

~~(c) if an appeal is made, until the appeal is decided upon; and~~

~~(d) any development commencing prior to the dates determined under subsections 45(1)(a), (b) and (c) is entirely at the risk of the applicant, developer, or landowner.~~

(2) Notwithstanding subsection ~~45~~(1), development may commence prior to the date of validity established in the notice of the issuance of the permit if the applicant, and the landowner if the applicant is not the landowner, for the development permit has executed the "Voluntary Waiver of Claims" form in Appendix B.

## 46. VALIDITY OF DEVELOPMENT PERMIT

(1) Unless a development permit is suspended or cancelled, the application must be commenced or carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit; otherwise the permit is no longer valid.

(2) The validity of a development permit may be extended **only one (1) time**, and **for** a defined period, typically of not more than ~~up to~~ **six (6) additional months**:

(a) by the Development Officer or the Municipal Planning Commission, if the Development Officer issued it; or

(b) by the Municipal Planning Commission, if the Municipal Planning Commission or the Subdivision and Development Appeal Board issued it.

## 47. TRANSFER OF DEVELOPMENT PERMIT

A valid development permit is transferable where the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

### 48. DISCONTINUATION OF USE

When any use has been discontinued for a period of six (6) months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

## ADDITIONAL CONDITIONS

### 49. ADDITIONAL CONDITIONS

In addition to the conditions that the Development Authority may impose on a development permit, the Development Authority may impose such conditions as it considers necessary to ensure that this Bylaw, the Municipal Development Plan or any other statutory plans are complied with.

### 50. CONDITIONS TO PROVIDE SECURITY

The Development Authority or Subdivision Authority has the authority to request as a condition of approval, the posting of security or bonds to be provided by the applicant to ensure that development permit or subdivision approval conditions are met. The appropriate authority has the sole discretion to authorize the release of such funds, only when it has been suitably demonstrated to their satisfaction the conditions have been completed.

### 51. DEVELOPMENT AGREEMENTS

(1) The Development Authority may require, with respect to a development, as a condition of issuing a development permit, that the applicant enter into an agreement with the municipality, pursuant to section 650(1) of the *Municipal Government Act*, to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serve an adjacent development;

(c) to install or pay for the installation of public utilities, other than telecommunication systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to give security to ensure that the terms of the agreement under this Section are carried out.

(2) The Subdivision Authority may require, with respect to a subdivision, that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1)(b) of the *Municipal Government Act*.

(3) An agreement referred to in this Section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *Municipal Government Act*.

(4) A municipality may register a caveat under the *Land Titles Act* with respect to an agreement under this Section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

(5) If a municipality registers a caveat under this Section, the municipality must discharge the caveat when the agreement has been complied with.

### 52. OFF-SITE LEVIES AND DEVELOPMENT FEES

If a person applies for a development permit or subdivision approval, he/she may be required to pay an off-site levy fee and a development fee in respect of land that is to be developed or subdivided, to pay for all or part of the capital costs, in accordance with ~~the current Bylaws in effect.~~ a bylaw adopted under section 649 of the *Municipal Government Act*.

### 53. ARCHITECTURAL CONTROLS

(1) Some areas within the Town of Cardston may have architectural control guidelines in place for the construction of new buildings and other matters. Architectural control review of plans needs to be **approved** by the Developers Architectural Control Approval Officer prior to the Town accepting a development permit application.

(2) The Municipal Planning Commission or Council on a bylaw redesignation or area structure plan bylaw application:

(a) may require architectural control guidelines to be submitted for review and approval by the municipality prior to subsequently being registered on title; and

(b) may stipulate specific development standards, land or building restrictions to be applied or included in the covenants.

## ENFORCEMENT

### 54. SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

If, after a development permit has been issued, the Development Authority becomes aware that:

(a) the application for the development permit contained a misrepresentation; or

(b) facts concerning the application on the development, that were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or

(c) the permit was issued in error; or

(d) the applicant or landowner's development has deviated from what was approved;

the Development Authority may issue a stop order to suspend or cancel the development permit by notice in writing to the holder of it.

### 55. NOTICE OF VIOLATION

Where the Development Authority finds that a development or use of land or buildings is not in accordance with the *Municipal Government Act*, the ~~Subdivision and Development Regulation~~ *Matters Related to Subdivision and Development Regulation*, a development permit or subdivision approval, or this bylaw, the Development Authority may issue, prior to issuing a Stop Order, a notice of violation to the registered owner or the person in possession of land or buildings or the person responsible for the contravention. Such notice shall state the following:

(a) the nature of the violation;

(b) corrective measures required to comply; and

(c) the time period within which such corrective measures must be performed.

## 56. STOP ORDER

(1) Either the Development Officer or Municipal Planning Commission is authorized to issue an order under section 645 of the *Municipal Government Act*.

(2) A person who receives a stop order may, by written notice within 21 days of being notified of the order, appeal to the Subdivision and Development Appeal Board pursuant to section 685 of the *Municipal Government Act*.

## 57. ENFORCEMENT OF STOP ORDERS

(1) Pursuant to section 646 of the *Municipal Government Act*, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the Development Officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection ~~57~~(1) against the certificate of title for the land that is the subject of an order.

(3) If a caveat is registered under subsection ~~57~~(2), the Town must discharge the caveat when the order has been complied with.

(4) If compliance with a stop order is not voluntarily complied with ~~effected~~, the Town may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to section 554 of the *Municipal Government Act*. In accordance with section 553 of the *MGA*, the expenses and costs of carrying out an order under section 646 of the *MGA* may be added to the tax roll of the parcel of land.

## 58. ORDER TO REMEDY CONTRAVENTIONS

(1) Under section 545 of the *Municipal Government Act*, if a Development Officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the Development Officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) A person who receives a written order under subsection ~~58~~(1) may by written notice request Council to review the order within 14 days after the date the order is received, pursuant to section 547(1) of the *Municipal Government Act*.

## 59. PENALTIES AND RIGHT OF ENTRY

(1) Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *Municipal Government Act* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

(2) When a development has been commenced prior to a development permit application being approved, or where construction is not in accordance with the permit issued, a penalty of $500.00 may be charged.

(3) In accordance with section 542 of the *Municipal Government Act*, a Development Officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this bylaw or *MGA* authorizes anything to be inspected, remedied or enforced or done by a municipality:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

(4) If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the *Municipal Government Act*, the municipality under the authority of section 543 of the *Municipal Government Act* may obtain a court order.

## APPEALS

### 60. DEVELOPMENTS APPEALS

Any person applying for a development permit or any other person affected by an order, decision, or development permit made or issued by the Development Authority, may appeal to the Subdivision and Development Appeal Board within 21 days after the date on which the decision is given, in accordance with sections 685 and 686 of the *Municipal Government Act*.

### 61. SUBDIVISION APPEALS

Any person applying for a subdivision or any other entity which is afforded the ability to appeal a subdivision decision, pursuant to section 678 of the *Municipal Government Act* and the ~~*Subdivision and Development Regulation*~~*Matters Related to Subdivision and Development Regulation*, may appeal to the Subdivision and Development Appeal Board in accordance with section 678 ~~the appropriate section(s) detailed in~~ of the *Municipal Government Act*.

## AMENDMENT TO THE LAND USE BYLAW

### 62. LAND USE BYLAW AMENDMENT PROCEDURE

(1) Any person or the Town may initiate amendments to this Bylaw by making an application to the Development Officer.

(2) All applications for amendment shall be made using the appropriate form in Appendix B: Application for a Land Use Bylaw Amendment.

(3) The Development Officer may, in addition to the information provided on the application form, request such other information as necessary to properly evaluate and make a recommendation on the application.

(4) The Development Officer may refuse to accept the application if, in his/her opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

(5) The Development Officer shall submit the application to Council for a decision if he/she is satisfied sufficient information has been provided with the application.

(6) Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation.

(7) Council shall follow the procedures in the *Municipal Government Act*, including the processes related to notice of public hearings and the conduct of meetings.

(8) Where an application for amendment to this Bylaw has been refused by Council, another application that is the same or similar in nature **shall not be accepted until at least six (6) months from the date of refusal.**

## 63. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

A request for redesignation from one land use district to another shall be accompanied by:

(a) a completed application form and the applicable fee;

(b) a copy of the Certificate of Title for the lands, dated not more than 60 days prior to the date on which the application was made;

(c) a narrative describing the:

  (i) proposed designation and future uses(s);

  (ii) consistency with the applicable statutory plans;

  (iii) compatibility of the proposal with surrounding uses and zoning;

  (iv) development potential/suitability of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, floodplain, steep slopes, etc.);

  (v) availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development;

  (vi) any potential impacts on public roads; and

  (vii) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposal.

(d) conceptual subdivision design, if applicable;

(e) if deemed necessary by the Development Officer, or Council, a geotechnical report prepared by an engineer registered with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA), addressing the following but not limited to:

  (i) slope stability,

  (ii) groundwater,

  (iii) sewage,

  (iv) shallow water table, and

  (v) flood plain analysis;

(f) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Officer or Council; and

(g) any other information deemed necessary by the Development Officer, or Council to properly evaluate the application.

(h) An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with a redesignation application involving:

  (i) a redesignation from the Agricultural – A land use district to another land use district;

  (ii) industrial development;

  (iii) large-scale commercial development;

  (iv) manufactured home park;

  (v) multi-lot residential development resulting in the creation of more than five lots or which has the potential to trigger capacity upgrades or expansion of infrastructure; or

  (vi) as required by Council.

## SUBDIVISION AUTHORITY

### 64. SUBDIVISION AUTHORITY – POWERS AND DUTIES

(1) The Subdivision Authority may perform only such powers and duties as are specified:

(a) in the Town of Cardston Municipal Subdivision and Development Authority Bylaw,

(b) in this Bylaw,

(c) in the *Municipal Government Act*,

(d) in the ~~Subdivision and Development Regulation~~*Matters Related to Subdivision and Development Regulation*, or

(e) by resolution of Council.

(2) The Subdivision Authority may delegate, through any of the methods described in subsection (1), to an individual, municipal staff, or a regional service commission, any of its functions and duties in the processing of subdivision applications. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application;

(b) the Subdivision Authority delegate is authorized to carry out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of this bylaw, including the task of sending all required notifications to applicants as stipulated.

### 65. SUBDIVISION APPLICATION

An applicant applying for subdivision shall provide the required fees, materials and information as requested by the Subdivision Authority or its designate. A complete application for subdivision shall consist of:

(a) an application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;

(b) the applicable fees paid;

(c) an up-to-date and current copy of the Certificate of Title to the subject land;

(d) a surveyor's sketch or tentative subdivision plan professionally prepared or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package. For a subdivision application where any buildings or structures are present on the land that is the subject of the subdivision, a sketch prepared by a professional surveyor or an up-to-date Real Property Report is required; and

(e) any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with this bylaw and any other municipal bylaws and plans, the *Municipal Government Act*, the ~~Subdivision and Development Regulation~~*Matters Related to Subdivision and Development Regulation*, or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, slope stability analysis, drainage and storm water plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of an area structure plan or conceptual design scheme.

### 66. DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

(1) In accordance with the *Municipal Government Act*, the Subdivision Authority or its designate shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be incomplete what information is required to be submitted within a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority or its designate;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding information and documents are that must be submitted by a date specified in the notice for the application to be deemed complete.

(2) Notwithstanding subsection (1), the applicant and Subdivision Authority or its designate may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *Municipal Government Act* to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.

(3) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (1)(c) or a later date agreed on in writing between the applicant and the Subdivision Authority or its designate, the application is deemed to be refused. The Subdivision Authority or its designate will notify the applicant in writing that the application has been refused and state the reason for the refusal and include the required information on filing an appeal and to which appeal board the appeal lies, either the local appeal board or provincial ~~Municipal Government Board~~Land and Property Rights Tribunal, in accordance with the parameters of the *Municipal Government Act*. The notification may be sent by regular mail to the applicant, or sent by electronic means, or both.

(4) A determination made by the Subdivision Authority or its designate that an application is complete for processing does not preclude the ability for the Subdivision Authority or its designate to request other information or studies or documentation to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as a condition of subdivision approval.

## LAND USE DISTRICTS

### 67. LAND USE DISTRICTS

(1) The municipality is divided into those districts specified in Schedule 2 and shown on the Land Use Districts Map in Schedule 1.

(2) The one or more uses of land and/or buildings that are:

(a) permitted uses in each district, ~~with or without conditions;~~ or

(b) discretionary uses in each district~~,~~ ~~with or without conditions; or~~

~~(c) a combination of both permitted and discretionary uses;~~

are described in Schedule 2 and shown on the Land Use Districts Map in Schedule 1.

# SCHEDULE 1: LAND USE DISTRICTS MAP

# SCHEDULE 2: LAND USE DISTRICTS

# SCHEDULE 2: LAND USE DISTRICTS

1. The municipality is divided into those districts shown on the Land Use Districts Map in Schedule 1.

2. Each district shown on the map referred to above shall be known by the following identifying symbols:

| | |
|---|---|
| **RESIDENTIAL** | **R1** |
| **MANUFACTURED HOME COMMUNITY RESIDENTIAL** | **R2C** |
| **MANUFACTURED HOME SUBDIVISION RESIDENTIAL** | **R2S** |
| **LARGE LOT RESIDENTIAL** | **R3** |
| **MEDIUM DENSITY RESIDENTIAL** | **R4** |
| **ESTATE RESIDENTIAL** | **R5** |
| **RESIDENTIAL COMPREHENSIVELY PLANNED SMALL LOT** | **RC-SL** |
| **RESIDENTIAL COMPREHENSIVELY PLANNED MEDIUM DENSITY** | **RC-M** |
| **CENTRAL COMMERCIAL** | **C1** |
| **DRIVE-IN/HIGHWAY COMMERCIAL** | **C2** |
| **CONTROLLED COMMERCIAL** | **C3** |
| **GENERAL INDUSTRIAL** | **I1** |
| **LIGHT INDUSTRIAL** | **I2** |
| **PUBLIC & INSTITUTIONAL** | **P** |
| **RECREATION & OPEN SPACE** | **RO** |
| **AGRICULTURAL** | **A** |
| **FLOOD DAMAGE REDUCTION OVERLAY** | **FDR** |
| **GATEWAYS & CORRIDORS OVERLAY** | **G & C** |
| **DIRECT CONTROL** | **DC** |

# RESIDENTIAL – R1

**Purpose:**

To encourage and ensure that residential development, primarily in the form of single-detached dwellings, and related uses, occurs in an attractive, orderly, economic and efficient manner.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached - Site Built
  - Single-Detached - Prefabricated
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Duplex
  - Moved-In
  - Secondary Suite
  - Semi-Detached
  - Single-Detached – Manufactured *(existing as of the passing of this bylaw)*
- ~~Bed and Breakfast~~
- ~~Boarding or Lodging House~~
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Short-Term Rental 2
- Sign Types[1]: 5, 4, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Short-Term Rental 1
- Sign Types[1]:1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. USE REGULATION FOR LOTS 1-4, BLOCK 10, PLAN 2247G & LOTS 1-2, BLOCK 11, PLAN 2247G

The use regulation for the above legal descriptions shall be the same as above but shall also include, as a DISCRETIONARY USE – MPC, a "Dwelling, Single-Detached Manufactured." Eligibility requirements for single-detached manufactured dwellings shall be the same as the requirements listed in the R2C and R2S Districts.

## 3. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 15.24 | 50 | 36.58 | 120 | 557.40 | 6,000 |
| Semi-Detached Dwellings (for each side) | 12.19 | 40 | 36.58 | 120 | 445.92 | 4,800 |
| All other uses | As required by the Development Authority | | | | | |

(1) The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 3.

(2) Despite the above requirements, all lots located on curves or cul-de-sacs shall have a minimum frontage of 6 m (19.7 ft.).

## 4. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 1,212.35 (0.12 ha) | 13,050 (0.3 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative ~~subs~~Section 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The maximum lot size requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

(3) The maximum lot size requirement shall not apply to lots planned for in a statutory plan in accordance with administrative Section 9.

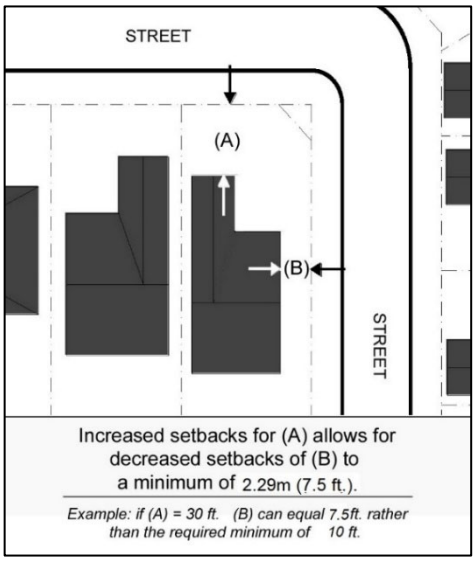
## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 7.62 | 25 | 3.05* | 10* | 1.52 | 5 | 7.62 | 25 |
| Semi-Detached Dwellings (for each side) | 7.62 | 25 | 3.05* | 10* | 1.52 | 5 | 7.62 | 25 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

**MINIMUM YARD SETBACKS FOR A CORNER LOT**

*The required secondary front yard distance on a corner lot may be reduced by 0.15 m (0.5 ft.) for each 0.30 m (1 ft.) that the front yard setback is increased, providing the resulting secondary front yard setback is never less than 2.29 m (7.5 ft.). (see diagram)




## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 33%**

The principal building shall not occupy more than 33 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 12%**

(a) Any and all accessory buildings and structures shall not occupy more than 12 percent of the surface area of a lot or 83.61 m² (900 ft²), whichever is the lesser.

(b) In no case shall the sum of all accessory building coverage exceed the principal building coverage.

(3) Other development shall be at the discretion of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Dwellings | 74.32 $m^2$ (800 $ft^2$) |
| Semi-Detached Dwellings (per unit) | 65.03 $m^2$ (700 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Dwelling | 10.06 m (33 ft.) |
| Accessory Buildings | 5.49 m (18 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

## 9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 10. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 11. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | | | 1.22 | 4 | 0.61 | 2 |
| – laneless corner lots | See (6) below | | 1.52 | 5 | 1.22 | 4 | 1.22 | 4 |
| – laned corner lots | See (6) below | | 1.52 | 5 | 1.22 | 4 | 0.61 | 2 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 0.91 m (3 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 12. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 0.91 m (3 ft.) from the side lot line.

## ~~13. ARCHITECTURAL CONTROL APPROVAL~~

~~Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.~~

## 14. ISSUANCE OF DEVELOPMENT PERMITS FOR TWO-UNIT DWELLINGS

When issuing development approvals for two-unit dwellings, the Subdivision and Development Authority:

(a) shall identify the location of the lot on which development approval is sought using the designated Residential – R1 Areas for Multi-Unit Development Calculations as shown on Map 1;

(b) shall calculate the total area of all lots within the appropriate designated area;

(c) shall calculate the total area of all lots on which existing multi-dwellings (including two-unit dwellings and dwellings containing more than two units) are located within the appropriate designated area;

(d) may issue an approval if the total lot area for the proposed multi-unit development when added to the total lot area of existing multi-unit development **would not exceed** 25 ~~15~~ **percent** of the total area found within the designated block.

*Use Form J, Appendix B.

| | |
|---|---|
| **15. STANDARDS OF DEVELOPMENT** | **– Schedule 4** |
| **16. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS** | **– Schedule 6** |
| **17. PREFABRICATED DWELLING REGULATIONS** | **– Schedule 7** |
| **18. HOME OCCUPATIONS** | **– Schedule 8** |
| **19. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES** | **– Schedule 9** |
| **20. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS** | **– Schedule 10** |
| **21. SIGN REGULATIONS** | **– Schedule 12** |

# MANUFACTURED HOME COMMUNITY RESIDENTIAL – R2C

**Purpose:**

To provide an opportunity to develop a manufactured home community in accordance with an approved comprehensive siting plan.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached Manufactured
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwelling, Single-detached Site Built or Prefabricated *(for use of site operator)*
- Community Garden
- Home Occupation 2
- Parks and Playgrounds
- Retail Store
- Short-Term Rental 2
- Sign Types[1]: 4, 5, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Short-Term Rental 1
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. ELIGIBLE MANUFACTURED DWELLINGS

(1) New factory built single-detached manufactured dwellings.

(2) Used factory built single-detached manufactured dwellings in a state of good repair and not more than 25 years of age from the date of the passing of this bylaw.

(3) Single-detached manufactured dwellings shall be Canadian Standards Association (CSA) certified.

(4) All single-detached manufactured dwellings shall be registered with the Provincial Personal Property Registration. The CSA model number and serial number shall be provided at the time of submission of a development permit application and are required to be registered with the Town.

(5) Application for a used single-detached manufactured home shall be accompanied by recent colour photographs showing the complete exterior of the structure.

(6) The quality of the completed dwelling shall be at least equal to the quality of the other dwellings in the area.

## 3. FOUNDATIONS

All single-detached manufactured dwellings shall be placed on foundations, constructed in accordance with the latest CSA standards and shall be skirted to the satisfaction of the Development Officer.

## 4. MINIMUM FLOOR AREA

Single-Detached Manufactured Dwellings – 58.06 $m^2$ (625 $ft^2$)

## 5. MAXIMUM HEIGHT OF ACCESSORY STRUCTURES

No accessory structure shall exceed 4.88 m (16 ft.) in height above grade.

*In no case shall an accessory building exceed the height of the principal dwelling.

## 6. FENCING

Any fencing of leased lots should be done only with the permission of the registered owner using as a guideline only those standards set out in Schedule 5.

## 7. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and directed into approved municipal infrastructure.

## 8. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 9. COMPREHENSIVE SITE PLAN

Prior to the issuance of a development permit for a manufactured home park, the Municipal Planning Commission shall receive and adopt by resolution a comprehensive plan for the park. A comprehensive plan shall be in accordance with, but not necessarily limited to, the following:

(1) **Aesthetics and Overall Appearance**

The manufactured home park plan shall incorporate detailed aesthetic considerations such as:

(a) substantial landscaping design of the entire park in general, and of individual sites in particular;

(b) treatment of communal areas, both indoor and outdoor;

(c) imaginative handling of street furniture such as lamp standards, litter bins, benches, street signs, and accessories of this nature.

(2) **Integration with Adjoining Residential Uses**

The park design and subsequent placement of single-detached manufactured dwellings on lots shall integrate well with adjoining residential development so as not to be obtrusive.

(3) **Density**

The design of the park shall be such that the net site density of the park does not exceed 20 units per ha (8 units per acre).

(4) **Open Space Requirements**

A minimum of 10 percent of the manufactured home park area shall be developed for park use for the enjoyment of the inhabitants.

(5) **Servicing Requirements**

(a) A qualified engineer shall be engaged at the expense of the developer to consult with the Town and utility companies to arrive at a design for all interior servicing, including roads, drainage, grading, sewer, water, natural gas, telephone, electrical and fire protection.

(b) All on-site servicing shall be built to the standards and requirements of the Town of Cardston, any applicable utility companies, and the Town of Cardston Fire Department.

(c) Utility easements as required shall be provided within the site, and reasonable access to these easements shall be granted to the Town Public Works Department and utility companies for the installation and maintenance of services as required.

(6) **Internal Roads**

(a) Roads shall be provided in the manufactured home park to allow access to individual lots within the park and to other facilities where access is required.

(b) These roads shall be privately owned and maintained and form part of the common area.

(c) The street system shall be designed to be compatible with existing municipal street and public utility systems.

(d) The street system shall provide convenient circulation by the use of local roads and properly located collector roads within the manufactured home park. Dead-end roads shall be discouraged; however, where design alternatives are not available, a minimum 16.50 m (54.1 ft.) radius shall be provided for vehicle turn-around purposes. At the time of comprehensive plan submission the minimum radius may be modified based on municipal needs and standards.

(e) If the public roadway to access the manufactured home park is paved, then the roads within the manufactured home park shall be paved.

(f) A minimum right-of-way of 12.19 m (40 ft.) is required for all roads within the manufactured home park.

(7) **Additions to Single-detached Manufactured Dwellings**

(a) Any addition to a single-detached manufactured dwelling shall be of a design and finish which will complement the manufactured dwelling unit and the neighbouring units in the vicinity, as determined by the Development Authority.

(b) Additions shall be located to the rear or side of the single-detached manufactured dwelling only. Where any lot has more than one front yard line, the front yard requirements shall apply to one yard only and additions may be permitted in the other front yard.

(c) Additions shall not exceed 30 percent of the floor area of a single-detached manufactured dwelling.

(8) **Storage Compound**

(a) The developer of the manufactured home park shall provide, within the park, an area to accommodate the storage of recreational vehicles such as, but not limited to motor boats and travel trailers.

(b) The size of this storage compound shall be a percentage of the total site area as determined by the Development Authority.

(c) The storage compound shall be screened by fences, trees, landscape features, or a combination thereof, to the satisfaction of the Development Authority, and shall be maintained in good repair.

(9) **Landscaping Standards**

The developer shall provide a landscaping plan detailing the location, number and type of trees and other aesthetically pleasing vegetation that shall be planted within the manufactured home park. The landscaping plan should provide a park-like atmosphere and must be done to the satisfaction of the Development Authority.

(10) **Recreation and Open Space**

A minimum of 10 percent of the total area of the manufactured home park shall be designated to open space in order to accommodate recreational activities. The open space must include:

(a) a playground for younger children; and

(b) benches and a walkway for passive recreation.

(11) **Siting Criteria**

The following distances must be observed in locating a structure within a designated manufactured home park:

(a) A minimum of 1.52 m (5 ft.) must separate the single-detached manufactured dwelling from the single-detached manufactured dwelling lot lines (front, rear, and side yards) except as provided for in a comprehensive plan.

(b) A minimum of 5.49 m (18 ft.) must separate adjacent single-detached manufactured dwellings (driveways, garages and open porches are allowable in this space).

(c) The distance between a single-detached manufactured dwelling stand and an abutting common area such as a paved street or walkway or public parking area shall be 3.66 m (12 ft.).

(d) All open porches, garages and accessory buildings shall be set back a minimum 4.57 m (15 ft.) from the front lot line.

(e) Accessory buildings may be located 1.22 m (4 ft.) from the single-detached manufactured dwelling side lot line, provided structures on the adjoining parcel are 2.44 m (8 ft.) away.

(f) Accessory buildings may be permitted with a zero lot line setback, provided they are located on the same side of a manufactured home unit with a zero lot line placement, and it is in conjunction with an approved comprehensive plan.

(g) Covered decks and porches (walls, roof, etc.) shall be considered part of the principal building and must meet the stipulated setbacks for the single-detached manufactured dwelling.

(h) Decks must be located in the wider side yard only.

(12) **Site Coverage**

(a) Any accessory building shall not occupy more than 15 percent of the total surface area of the lot, or 56 $m^2$ (603 $ft^2$), whichever is less.

(b) Any and all additions shall not exceed 30 percent of the gross floor area of a single-detached manufactured dwelling, the units shall not occupy more than 50 percent of the total surface area of the lot.

(13) **Drawings to be submitted by Applicants**

(a) Site Plan

(i) A scaled site plan shall be submitted showing the manufactured home park and its immediate surroundings.

(ii) The site plan shall indicate, among other things, the mix of single-wide and double-wide manufactured dwelling lots, the lot size dimensions, street and pavement widths, parking stalls, location of service buildings, storage compound, playground and walkway system.

(b) Utility Plan

(i) The utility plan shall be based on the site plan.

(ii) The utility plan shall indicate the location of all utilities necessary for the provision of the following services to the area to be developed:

- water supply (including any proposed irrigation)
- sanitary sewer
- storm sewer
- power
- natural gas
- telephone
- cablevision
- street lighting

(iii) The sizing and specifications of all utilities to be determined in consultation with the Town's Public Works Department and the respective utility companies or agencies.

(iv) In conjunction with the above (ii), and in relation to the storm sewer, an engineered storm water management plan must be provided to the satisfaction of the Development Authority.

(c) Layout Plan Showing Typical Single-detached Manufactured Home Lots

(i) The layout plan shall indicate typical arrangement of single-detached manufactured dwellings.

(ii) The layout plan shall also indicate parking areas and landscaping of the lot.

(d) Landscaping Plan

A detailed landscaping plan shall illustrate the types of tree planting and ground occupy for internal buffer strips, open space and playground areas, irrigation layout, all single-detached manufactured dwelling lots, and entrances to the park.

(14) **Garbage Enclosures**

If not using Town services for garbage collection, garbage enclosures shall be properly screened to the satisfaction of the Development Authority. Common garbage receptacle areas, if provided in the comprehensive plan, must be suitably and effectively screened to the satisfaction of the Development Authority.

(15) **Anchoring of a Single-detached Manufactured Dwelling**

Every single-detached manufactured dwelling shall be anchored in conformity with CSA standards.

(16) **Park Maintenance/ Storage Uses**

The design of the park shall include an area or accessory building for the use of park maintenance and storage uses to be constructed for the care and maintenance of the park.

**10. STANDARDS OF DEVELOPMENT – Schedule 4**

**11. HOME OCCUPATIONS – Schedule 8**

**12. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**13. SIGN REGULATIONS – Schedule 12**

# MANUFACTURED HOME SUBDIVISION RESIDENTIAL – R2S

**Purpose:**

To provide an opportunity for manufactured and related development on subdivided lots in those areas that are considered suitable for such development.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached Manufactured
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwelling, Single-Detached Prefabricated
- Community Garden
- Home Occupation 2
- Parks and Playgrounds
- Sign Types[1]: 4, 5, 12
- Short-Term Rental 2
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## ~~(C)~~© DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Short-Term Rental 1
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. ELIGIBLE MANUFACTURED DWELLINGS

(1) New factory built single-detached manufactured dwellings.

(2) Used factory built single-detached manufactured dwellings in a state of good repair and not more than 25 years of age from the date of the passing of this bylaw.

(3) Single-detached manufactured dwellings shall be Canadian Standards Association (CSA) certified.

(4) All single-detached manufactured dwellings shall be registered with the Provincial Personal Property Registration. The CSA model number and serial number shall be provided at the time of submission of a development permit application and are required to be registered with the Town.

(5) Application for a used single-detached manufactured home shall be accompanied by recent colour photographs showing the complete exterior of the structure.

(6) The quality of the completed dwelling shall be at least equal to the quality of the other dwellings in the area.

## 3. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Manufactured | 12.19 | 40 | 36.58 | 120 | 445.92 | 4,800 |
| All other uses | As required by the Development Authority | | | | | |

## 4. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached Manufactured | 557.40 (0.05 ha) | 6,000 (0.14 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative ~~subsection~~ Section 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The above requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard (entrance) | | Side Yard (other) | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. | m | ft. |
| Single Detached Manufactured | 6.10 | 20 | 3.05 | 10 | 3.05 | 10 | 1.52 | 5 | 3.05 | 10 |
| All other uses | As required by the Development Authority | | | | | | | | | |

## 6. FOUNDATIONS

All single-detached manufactured dwellings shall be placed on foundations, constructed in accordance with the latest CSA standards and shall be skirted to the satisfaction of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Manufactured | 58.06 $m^2$ (625 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF ACCESSORY STRUCTURES

No accessory structure shall exceed 4.88 m (16 ft.) in height above grade.

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

## 9. MAXIMUM SITE COVERAGE OF ACCESSORY STRUCTURES

**Accessory Buildings – 12%**

Any and all accessory buildings and structures shall not occupy more than 12 percent of the surface area of a lot or 67.63 m² (728 ft²), whichever is the lesser.

## 10. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | | | 1.22 | 4 | 0.61 | 2 |
| – laneless corner lots | See (6) below | | | | 1.22 | 4 | 1.22 | 4 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 1.22 | 4 | 0.61 | 2 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other structure or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 1.52 m (5 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 m² (120 ft²) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 11. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and directed into approved municipal infrastructure.

## 12. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 13. ADDITIONS TO SINGLE-DETACHED MANUFACTURED DWELLINGS

(1) Any addition to a single-detached manufactured dwelling shall be of a design and finish which will complement the manufactured dwelling unit and the neighbouring units in the vicinity, as determined by the Development Authority.

(2) Additions shall be located to the rear or side of the single-detached manufactured dwelling only. Where any lot has more than one front yard line, the front yard requirements shall apply to one yard only and additions may be permitted in the other front yard.

(3) Additions shall not exceed 30 percent of the floor area of a single-detached manufactured dwelling.

## 14. ELIGIBLE PREFABRICATED DWELLINGS

Proposed prefabricated dwellings shall be of a shape and design compatible with the predominant shape and design of existing manufactured homes in the community.

**15. STANDARDS OF DEVELOPMENT – Schedule 4**

**16. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**17. HOME OCCUPATIONS – Schedule 8**

**18. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**19. SIGN REGULATIONS – Schedule 12**

# LARGE LOT RESIDENTIAL – R3

**Purpose:**

To encourage and ensure that residential development, and related uses, occurs on those larger lots that have been designated as suitable for such development in an attractive, orderly, economic and efficient manner.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached - Site Built
  - Single-Detached - Prefabricated
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Moved-In
  - Garage Suite
  - Garden Suite
  - Semi-Detached
- ~~Bed and Breakfast~~
- ~~Boarding or Lodging House~~
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Sign Types[1]: 4, 5, 12
- Short-Term Rental 2
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Dwellings:
  - Secondary Suite
- Short-Term Rental 1
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 27.43 | 90 | 44.20 | 145 | 1,212.35 (0.12 ha) | 13,050 (0.3 acre) |
| All other uses | As required by the Development Authority | | | | | |

The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 2,424.69 (0.24 ha) | 26,100 (0.6 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative ~~subsection~~ Section 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The maximum lot size requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

(3) The maximum lot size requirement shall not apply to lots planned for in a statutory plan in accordance with administrative Section 9.

## 4. NUMBER OF DWELLING UNITS

The maximum number of dwelling units per parcel or site in this land use district is one (1) principal detached dwelling plus one (1) garage, garden or secondary suite or one (1) semi-detached dwelling.

## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 9.14 | 30 | 4.57 | 15 | 3.05 | 10 | 9.14 | 30 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 33%**

The principal building shall not occupy more than 33 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 9%**

(a) Any and all accessory buildings and structures shall not occupy more than 9 percent of the surface area of a lot or 120.77 m² (1,300 ft²), whichever is the lesser, where there is not a garage or garden suite on the property.

(b) **Accessory Buildings** *(with a garage suite or garden suite developed on the property)* **– 10%**

(c) Any and all accessory buildings and structures, including garage and garden suites, shall not occupy more than 10 percent of the surface area of a lot or 139.35 m² (1,500 ft²), whichever is the lesser, where there is a garage or garden suite on the property.

(d) In no case shall the sum of all accessory building coverage exceed the principal building coverage.

(3) Other development shall be at the discretion of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Dwellings | 139.35 $m^2$ (1500 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Dwelling | 10.06 m (33 ft.) |
| Accessory Buildings | 6.10 m (20 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

## 9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 10. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 11. DETACHED ACCESSORY HOUSING STANDARDS

(1) See Schedule 5, Section 9, for Secondary Suite regulations, which are to apply to Secondary Suites in this land use district.

(2) A garage or garden suite shall only be approved on a parcel that meets the minimum size requirements listed in Section 2.

(3) A garage or garden suite shall be situated to the rear of the principal dwelling and in a location, and with an orientation, which clearly indicates the subordinance of the suite to the principal dwelling.

(4) A garden or garage suite shall be situated no closer than 3.05 m (10 ft.) to the principal dwelling.

(5) A garage or garden suite shall provide parking stalls in accordance with Schedule 10. Access to the parking area shall be to the satisfaction of the Development Authority.

(6) A garden or garage suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.

(7) In order to preserve the privacy of adjacent properties the following design measures shall be incorporated to the satisfaction of the Development Authority:

(a) placement of larger windows to limit overlook into neighbouring properties;

(b) translucency (i.e. allowing the transport of light but not to the extent where image formation can be realized) of windows where appropriate;

(c) placement of balconies on a garage suite to face the rear lane (where one exists) or larger of the two side yards;

(d) balconies shall not project into a required setback;

(e) rooftop decks on garage or garden suites are prohibited.

(8) Each garage or garden suite shall be provided with a private outdoor amenity space (i.e. balcony or patio) of not less than 4.65 $m^2$ (50 $ft^2$) with no dimension less than 1.52 m (5 ft.).

(9) A garage or garden suite shall not be subject to separation from the principal dwelling through subdivision or condominium conversion.

(10) Minimum and maximum development standards are as follows:

| Use | Maximum Height* | | Maximum Floor Area | | Minimum Floor Area | |
|---|---|---|---|---|---|---|
| | m | ft. | $m^2$ | $ft^2$ | $m^2$ | $ft^2$ |
| Garage Suite | 7.62 | 25 | See Section 6 | | 30.00 | 322.93 |
| Garden Suite | 5.18 | 17 | See Section 6 | | 30.00 | 322.93 |

*In no case shall a garage or garden suite exceed the height of the principal dwelling.

(11) Minimum and maximum development standards are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard** | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Garage Suite | See (3) above | | 4.57 | 15 | 3.05 | 10 | 1.52 | 5 |
| Garden Suite | See (3) above | | 4.57 | 15 | 3.05 | 10 | 1.52 | 5 |

**In laneless subdivisions the rear yard requirement shall be 3.05 m (10 ft.).

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | n/a | | 1.52 | 5 | 1.52 | 5 |
| – laneless corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 2.29 | 7.5 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 1.52 | 5 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.91 m (3 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 1.52 m (5 ft.) from the side lot line.

## ~~14. ARCHITECTURAL CONTROL APPROVAL~~

~~Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.~~

## 15. SPECIAL REQUIREMENTS FOR LOTS 1-32, BLOCK 1, PLAN 161 0008

(1) An application for development permit for any lot listed above (or a successor legal description) shall be required to incorporate flood proofing measures and evidence that these measures have been designed and calculated by a qualified professional in accordance with best practises and the most current flood data available.

(a) Any flood proofing measures required by a developer (i.e. as part of an architectural control or design review approval) shall not necessarily be construed as complete and the Development Authority may require additional information to be provided or measures to be undertaken.

(2) The Development Authority shall attach any or all recommended flood proofing measures, and additional measures deemed necessary, as a condition of development permit.

*See Schedule 13: Definitions – Flood Proofing.*

**16. STANDARDS OF DEVELOPMENT – Schedule 4**

**17. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**18. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**19. HOME OCCUPATIONS – Schedule 8**

**20. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**21. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**22. SIGN REGULATIONS – Schedule 12**

# MEDIUM DENSITY RESIDENTIAL – R4

**Purpose:**

To provide opportunities for multi-family development, and related uses, in those areas that are considered suitable for such development, in an attractive, orderly, economic and efficient manner.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Dwellings:
  - Apartment (up to 4 units)
  - Duplex
  - Multi-Unit (up to 4 units)
  - Rowhouse (up to 6 units)
  - Semi-Detached
  - Senior Citizen Housing
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Apartment (more than 4 units)
  - Multi-Unit (more than 4 units)
  - Rowhouse (more than 6 units)
  - Single-Detached *(existing as of the passing of this Bylaw)*
- ~~Boarding or Lodging House~~
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Short-Term Rental 2
- Sign Types[1]: 4, 5, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Short-Term Rental 1
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Semi-Detached Dwellings (for each side) | 12.19 | 40 | 36.58 | 120 | 445.92 | 4,800 |
| Apartment (per unit) | As required by the Development Authority | | | | 204.38 | 2,200 |
| Duplex | 18.29 | 60 | 36.58 | 120 | 668.88 | 7,200 |
| Multi-Unit Dwelling (3 units) | 33.53 | 110 | 36.58 | 120 | 1,226.28 | 13,200 |
| Multi-Unit Dwelling (4 units) | 42.67 | 140 | 36.58 | 120 | 1,560.72 | 16,800 |
| Rowhouse<br>• Interior unit | 6.10 | 20 | 36.58 | 120 | 222.96 | 2,400 |
| • End unit | 9.14 | 30 | 36.58 | 120 | 334.44 | 3,600 |
| All other uses | As required by the Development Authority | | | | | |

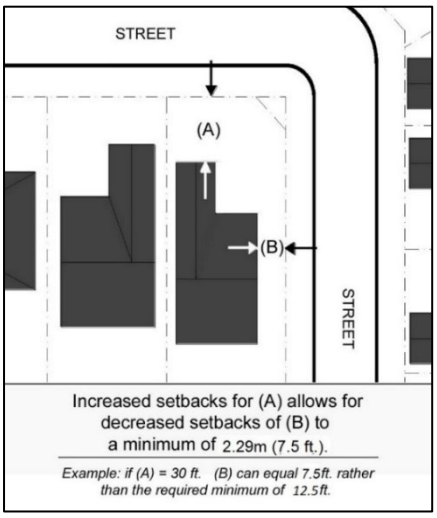
## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Duplex, Semi-Detached Dwelling | 7.62 | 25 | 3.81* | 12.5* | 1.52 | 5 | 7.62 | 25 |
| Multi-Unit Dwelling (up to 4 units), Rowhousing | 7.62 | 25 | 3.81* | 12.5* | 2.44 | 8 | 7.62 | 25 |
| Apartment (up to 4 units) | 7.62 | 25 | 3.81 | 12.5 | 3.05 | 10 | 7.62 | 25 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

### MINIMUM YARD SETBACKS FOR A CORNER LOT

*The required secondary front yard distance on a corner lot may be reduced by 0.15 m (0.5 ft.) for each 0.30 m (1 ft.) that the front yard setback is increased, providing the resulting secondary front yard setback is never less than 2.29 m (7.5 ft.). (see diagram)



## 4. MAXIMUM SITE COVERAGE

(1) **Principal Building – 40%**

The principal building shall not occupy more than 40 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 10%**

Any and all accessory buildings and structures shall not occupy more than 10 percent of the surface area of a lot or 92.90 m² (1,000 ft²), whichever is the lesser.

(3) Other development shall be at the discretion of the Development Authority.

## 5. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Dwelling Unit | 65.03 $m^2$ (700 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 6. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Duplex. Semi-Detached, Rowhousing, Multi-Unit Dwelling, Apartment (up to 4 units) | 10.06 m (33 ft.) |
| Apartment (more than 4 units) | As required by the Development Authority |
| Accessory Buildings | 4.88 m (16 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

(1) Buildings with more than three (3) storeys will require additional measures such as sprinkler systems to ensure they meet provincial legislation.

(2) An application for a building that exceeds 10.06 m (33 ft.) in height shall be circulated to the Fire Department to ensure that adequate firefighting facilities exist to service the building's height.

## 7. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 8. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 9. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | | | 1.22 | 4 | 0.61 | 2 |
| – laneless corner lots | See (6) below | | | | 1.22 | 4 | 1.22 | 4 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 1.22 | 4 | 0.61 | 2 |
| Moveable Accessory Buildings | See (6) below | | See (11) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.44 m (8 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) Where an accessory building has a door on the rear elevation for vehicular access purposes off the lane, a minimum setback of 1.22 m (4 ft.) shall be required.

(9) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(10) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(11) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 10. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 0.91 m (3 ft.) from the side lot line.

## ~~11. ARCHITECTURAL CONTROL APPROVAL~~

~~Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.~~

## 12. DESIGN REQUIREMENTS

*See Schedule 5, Section 10: Multi-Unit Dwelling Design Requirements.*

## 13. SPECIAL CONSIDERATIONS

The Development Authority, when considering an application for development in an established residential area, shall take into consideration, among the other factors listed in this Bylaw, the following:

(a) traffic generation and adequacy of street and lane access;

(b) ease of utility servicing;

(c) relative proximity to other multiple family dwellings;

(d) proximity to and amount of open space;

(e) compatibility of scale with surrounding dwellings and neighbourhood;

(f) the ability of the proposed design to integrate into the neighbourhood and uphold the quality of development in the neighbourhood.

**14. STANDARDS OF DEVELOPMENT – Schedule 4**

**15. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**16. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**17. HOME OCCUPATIONS – Schedule 8**

**18. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**19. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**20. SIGN REGULATIONS – Schedule 12**

# ESTATE RESIDENTIAL – R5

**Purpose:**

To establish a district to encourage and ensure that residential development, and related uses, occurs on those expansive lots that have been designated as suitable for such development in an attractive, orderly, economic and efficient manner.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached – Site Built
  - Single-Detached – Prefabricated
  - Secondary Suite
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Moved-In
  - Garage Suite
  - Garden Suite
  - Semi-Detached
- ~~Bed and Breakfast~~
- ~~Boarding or Lodging House~~
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Sign Types[1]: 4, 5, 12
- Short-Term Rental 2
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## ~~(C)~~I DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Short-Term Rental 1
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 30.48 | 100 | 60.96 | 200 | 2,424.69 (0.24 ha) | 26,100 (0.6 acre) |

| | |
|---|---|
| All other uses | As required by the Development Authority |

The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 8,093.45 (0.81 ha) | 87,120 (2.0 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative Section ~~subsection~~ 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The above requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

## 4. NUMBER OF DWELLING UNITS

The maximum number of dwelling units per parcel or site in this land use district is one (1) principal detached dwelling plus one (1) garage, garden or secondary suite or one (1) semi-detached dwelling.

## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 12.19 | 40 | 4.57 | 15 | 6.10 | 20 | 9.14 | 30 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 27%**

The principal building shall not occupy more than 27 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 7%**

Any and all accessory buildings and structures shall not occupy more than 7 percent of the surface area of a lot or 185.80 $m^2$ (2,000 $ft^2$), whichever is the lesser.

(3) Other development shall be at the discretion of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Dwellings | 139.35 $m^2$ (1500 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Dwelling | 10.06 m (33 ft.) |
| Accessory Buildings | 6.10 m (20 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

## 9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 10. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 11. DETACHED ACCESSORY HOUSING STANDARDS

(1) See Schedule 5, Section 9, for Secondary Suite regulations, which are to apply to Secondary Suites in this land use district.

(2) A garage or garden suite shall only be approved on a parcel that meets the minimum size requirements listed in Section 2.

(3) A garage or garden suite shall be situated to the rear of the principal dwelling and in a location, and with an orientation, which clearly indicates the subordinance of the suite to the principal dwelling.

(4) A garden or garage suite shall be situated no closer than 4.57 m (15 ft.) to the principal dwelling.

(5) A garage or garden suite shall provide parking stalls in accordance with Schedule 10. Access to the parking area shall be to the satisfaction of the Development Authority.

(6) A garden or garage suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.

(7) In order to preserve the privacy of adjacent properties the following design measures shall be incorporated to the satisfaction of the Development Authority:

(a) placement of larger windows to limit overlook into neighbouring properties;

(b) translucency (i.e. allowing the transport of light but not to the extent where image formation can be realized) of windows where appropriate;

(c) placement of balconies on a garage suite to face the rear lane (where one exists) or larger of the two side yards;

(d) balconies shall not project into a required setback;

(e) rooftop decks on garage or garden suites are prohibited.

(8) Each garage or garden suite shall be provided with a private outdoor amenity space (i.e. balcony or patio) of not less than 4.65 $m^2$ (50 $ft^2$) with no dimension less than 1.52 m (5 ft.).

(9) A garage or garden suite shall not be subject to separation from the principal dwelling through subdivision or condominium conversion.

(10) Minimum and maximum development standards are as follows:

| Use | Maximum Height* | | Maximum Floor Area | | Minimum Floor Area | |
|---|---|---|---|---|---|---|
| | m | ft. | $m^2$ | $ft^2$ | $m^2$ | $ft^2$ |
| Garage Suite | 7.62 | 25 | See Section 6 | | 30.00 | 322.93 |
| Garden Suite | 5.18 | 17 | See Section 6 | | 30.00 | 322.93 |

*In no case shall a garage or garden suite exceed the height of the principal dwelling.

(11) Minimum and maximum development standards are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard** | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Garage Suite | See (3) above | | 6.10 | 20 | 4.57 | 15 | 3.05 | 10 |
| Garden Suite | See (3) above | | 6.10 | 20 | 4.57 | 15 | 3.05 | 10 |

**In laneless subdivisions the rear yard requirement shall be 6.10 m (20 ft.)

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages, whether permanent or temporary, are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | n/a | | 3.05 | 10 | 3.05 | 10 |
| – laneless corner lots | See (6) below | | 6.10 | 20 | 3.05 | 10 | 4.57 | 15 |
| – laned corner lots | See (6) below | | 6.10 | 20 | 3.05 | 10 | 3.05 | 10 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 1.52 m (5 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 4.57 m (15 ft.) from the secondary front lot line and 1.52 m (5 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.83 m (6 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 4.57 m (15 ft.) shall be provided between a principal building and any accessory building or structure.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 3.05 m (10 ft.) from the side lot line.

## ~~14. ARCHITECTURAL CONTROL APPROVAL~~

~~Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.~~

**15. STANDARDS OF DEVELOPMENT – Schedule 4**

**16. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**17. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**18. HOME OCCUPATIONS – Schedule 8**

**19. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**20. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**21. SIGN REGULATIONS – Schedule 12**

# RESIDENTIAL COMPREHENSIVELY PLANNED SMALL LOT – RC-SL

**Purpose:**

To provide for small residential lots in a comprehensively pre-planned development (not for isolated developments) by way of an adopted area structure plan or conceptual design scheme in order to accommodate high-quality development, in the form of single-detached dwellings and related uses. This District is intended primarily for rear automobile access (off the lane) with provision for minor automobile access off the front street and employs reduced front setbacks including front transitional/amenity spaces.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Dwellings:
  - Single-Detached - Site Built
  - Single-Detached - Prefabricated
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Moved-In
- Accessory building, structure or use to an approved discretionary use
- Bed and Breakfast
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Sign Types[1]: 4, 5, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section, subsection 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 10.97 | 36 | 30.48 | 100 | 334.44 | 3,600 |
| All other uses | As required by the Development Authority | | | | | |

(1) Despite the above requirements, all lots located on curves or cul-de-sacs shall have a minimum frontage of 6.0 m (19.7 ft.).

(2) The Development Officer may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 445.92 | 4,800 |
| All other uses | As required by the Development Authority | |

Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative subsection 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

## 4. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single Detached Dwelling | See Section 5 below | | 2.29 | 7.5 | 1.22 | 4 | 7.62 | 25 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

## 5. FRONT YARD DIMENSIONS & REQUIREMENTS FOR SINGLE DETACHED DWELLINGS

| | Front | |
|---|---|---|
| | m | ft. |
| Minimum to Nearest Wall Face | 5.49 | 18 |
| Maximum to Nearest Wall Face | 7.32 | 24 |
| Minimum to Nearest Amenity Space* | 3.66 | 12 |
| Maximum to Nearest Amenity Space* | 5.49 | 18 |

***Note:** For the purposes of this section amenity space means an unenclosed porch or enclosed porch with transparent (i.e. clear glass) window coverings on the front elevation.

(1) Each dwelling shall be furnished with a front porch or similar unenclosed amenity space of no less than 6.04 $m^2$ (65 $ft^2$) with no dimension less than 1.83 m (6 ft.) and spanning no less than 40 percent of the front wall face.

(2) A garage shall not be situated closer to the front property line than the nearest wall face of the dwelling.

## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 35%**

The principal building shall not occupy more than 35 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 15%**

Any and all accessory buildings and structures shall not occupy more than 15 percent of the surface area of a lot.

(3) Other development shall be at the discretion of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Dwellings | 74.32 $m^2$ (800 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Dwelling | 10.06 m (33 ft.) |
| Accessory Buildings | 4.88 m (16 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling.

## 9. PRIVACY, LANDSCAPING & AMENITY SPACE

The provision of privacy for individual dwelling areas and the avoidance of likely conflict between adjacent land uses shall be resolved through site design considerations such as building placement, visual screening and the adequate buffering and separation of areas designed for active play or recreation activities.

## 10. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 11. DRIVEWAY STANDARDS

(1) A driveway located in the front yard shall be of a clearly delineated width not less than 2.44 m (8 ft.) and not more than 3.66 m (12 ft.), not including any tapering that does not exceed 1/3 (33%) of the length of the driveway.

(2) A driveway located in the front yard shall be of a length not less than 5.49 m (18 ft.).

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | | | 0.91 | 3 | 0.61 | 2 |
| – laneless corner lots | See (6) below | | | | 0.91 | 3 | 1.22 | 4 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 0.91 | 3 | 0.61 | 2 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.46 m (1.5 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other structure or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 1.52 m (5 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 0.61 m (2 ft.) from the side lot line.

## ~~14. ARCHITECTURAL CONTROL APPROVAL~~

~~Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.~~

## 15. PREPLANNED/COMPREHENSIVE SUBDIVISION & DEVELOPMENT REQUIREMENTS

Applications for Subdivision shall be accompanied by, if not already included in an area structure plan or conceptual design scheme, a comprehensive site plan and information respecting:

(1) **Development Concept** – A graphic rendering of the project together with a brief written summary of the concept and purpose of the development;

(2) **Site Plans and Drawings** – Site plans, drawn to an appropriate scale, should be submitted in duplicate. Among other things, they should indicate: dimensions of all existing and proposed lots, existing and proposed roadways and public areas, parking stalls, the location of adjoining parcels and other details needed to describe the proposal;

(3) **Topographic Details** – Topography of the site, including one metre or one-half metre contours should be provided either on the site plan or on a separate drawing;

(4) **Contouring and Drainage** – Any proposed cutting and filling or other contouring of the site should be shown on a separate site plan. Proposed drainage of surface runoff should be detailed either on this plan or the main site plan;

(5) **Roadways and Access** – All existing and proposed public roadways, such as streets, lanes and walkways should be shown and should include the proposed width of each as well as linkages to existing public roads;

(6) **Development Specifications** – Specifications of the actual development should include such items as: minimum setbacks of all existing or proposed structures from lot boundaries, location, dimension and capacity of parking, driveway access points, approximate location of buildings on each lot, height of structures, etc.;

(7) **Services and Utilities** – Information on all utilities that will be provided to the site including details pertaining to road construction, sidewalks, curb and gutter, water supply, storm sewer, sanitary sewage disposal, solid waste disposal are usually necessary;

(8) **Staging of Development** – Proposed staging if the proposed Subdivision or Development will be completed in two (2) or more phases. This should be described together with the purpose of the proposed staging;

(9) **Architectural Controls** – Any design standards such as type of roofing, building colours, sitting of buildings, fencing, etc. to be complied with;

(10) **Other Information** – And any other information that may be required by the Development Authority to make a recommendation.


**16. STANDARDS OF DEVELOPMENT – Schedule 4**

**17. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**18. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**19. HOME OCCUPATIONS – Schedule 8**

**20. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**21. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**22. SIGN REGULATIONS – Schedule 12**

# RESIDENTIAL COMPREHENSIVELY PLANNED MEDIUM DENSITY – RC-M

**Purpose:**

To provide for medium density residential in a comprehensively pre-planned development (not for isolated developments) by way of an adopted area structure plan or conceptual design scheme in order to accommodate high-quality development, in a mixture of forms including two-unit, rowhousing and small scale multi-unit dwellings and related uses.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Home Occupation 1
- Dwellings *(at locations indicated on the applicable comprehensive siting plan)*:
  - Apartment (up to 4 units)
  - Apartment (more than 4 units)
  - Multi-Unit (up to 4 units)
  - Multi-Unit (more than 4 units)
  - Rowhouse (up to 6 units)
  - Rowhouse (more than 6 units)
  - Semi-Detached
  - Senior Citizen Housing
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Sign Types[1]: 4, 5[4], 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section, subsection 33(2), is a prohibited use*

## 2. MINIMUM PARCEL OR SITE SIZE PER DWELLING UNIT

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Semi-Detached Dwellings | 306.57 | 3,300 |
| Multi-Unit Dwellings | 260.12 | 2,800 |
| ~~Town~~ Rowhouse (up to 6 units) | 222.96 | 2,400 |
| Apartment (up to 4 units) | 195.09 | 2,100 |
| All other uses | As required by the Development Authority | |

The Development Officer may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

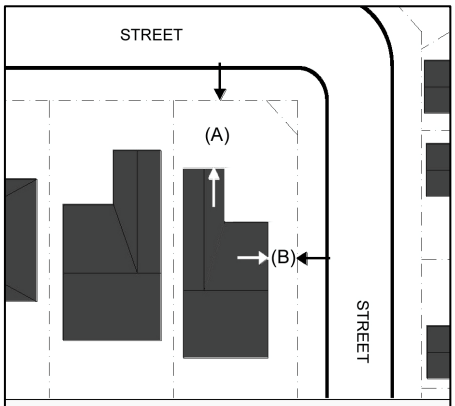
| Use | Front | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Semi-Detached Dwellings | ~~7.62~~ 6.1 | ~~25~~ 20 | 3.10* | 10* | 1.52[1] | 5[1] | 7.62 | 25 |
| ~~Town~~ Rowhouse (up to 6 units) | ~~7.62~~ 6.1 | ~~25~~ 20 | 3.10* | 10* | 2.29[1] | 7.5[1] | 7.62 | 25 |
| Multi-Unit (up to 4 units) | 7.62 | 25 | 3.10 | 10 | 2.29[1] | 7.5[1] | 7.62 | 25 |
| Apartment (up to 4 units) | 7.62 | 25 | 3.10 | 10 | 3.10 | 10 | 7.62 | 25 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

[1]where the primary entrance to a dwelling unit faces the side yard, the side yard setback listed above shall be increased by 1.52 m (5 ft.).

**MINIMUM YARD SETBACKS FOR A CORNER LOT**

*The required secondary front yard distance on a corner lot may be reduced by 0.15 m (0.5 ft.) for each 0.30 m (1 ft.) that the front yard setback is increased, providing the resulting secondary front yard setback is never less than 1.52 m (5 ft.). (see diagram)




Increased setbacks for (A) allows for decreased setbacks of (B) to a minimum of 1.52m (5 ft.).

*Example: if (A) = 25 ft. (B) can equal 7.5ft. rather than the required minimum of 10 ft.*

## 4. MAXIMUM SITE COVERAGE

(1) **Total Coverage – 50% inclusive of all buildings**

(2) **Principal Building – 40-50%**

The principal building shall not occupy more than 40-50 percent, depending on accessory building coverage, of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(3) **Accessory Buildings – 0-10%**

Any and all accessory buildings and structures shall not occupy more than 0-10 percent, depending on principal building coverage, of the surface area of a lot.

(4) Other development shall be at the discretion of the Development Authority.

## 5. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Dwellings Units | 65.03 $m^2$ (700 $ft^2$) |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 6. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Semi-Detached, Rowhousing | 10.06 m (33 ft.) |
| Apartments | As required by the Development Authority |
| Accessory Buildings | 4.88 m (16 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling.

(1) Buildings with more than three (3) storeys will require additional measures such as sprinkler systems to ensure they meet provincial legislation.

(2) An application for a building that exceeds 10.06 m (33 ft.) in height shall be circulated to the Fire Department to ensure that adequate firefighting facilities exist to service the building's height.

## 7. PRIVACY, LANDSCAPING & AMENITY SPACE

(1) The provision of privacy for individual dwelling areas and the avoidance of likely conflict between adjacent land uses shall be resolved through site design considerations such as building placement, visual screening and the adequate buffering and separation of areas designed for active play or recreation activities.

(2) Each dwelling unit shall be provided with an outdoor amenity space not less than 5.57 $m^2$ (60 $ft^2$) with no dimension less than 1.52 m (5 ft.).

## 8. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 9. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | | | 0.91 | 3 | 0.91 | 3 |
| – laneless corner lots | See (6) below | | | | 0.91 | 3 | 1.22 | 4 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| – laned corner lots | See (6) below | | 3.05 | 10 | 0.91 | 3 | 0.91 | 3 |
| **Use** | **Front Yard** | | **Secondary Front (Corner Lots)** | | **Side Yard** | | **Rear Yard** | |
| | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** | **m** | **ft.** |
| Moveable Accessory Buildings | See (6) below | | See (11) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.46 m (1.5 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other structure or dwelling.

(8) Where an accessory building has a door on the rear elevation for vehicular access purposes off the lane, a minimum setback of 1.22 m (4 ft.) shall be required.

(9) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(10) A minimum separation distance of 1.52 m (5 ft.) shall be provided between a principal building and any accessory building or structure.

(11) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 10. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 0.91 m (3 ft.) from the side lot line.

## 11. ARCHITECTURAL CONTROL APPROVAL

Development permits may require developer's Architectural Control review and approval PRIOR to a development permit being issued.

## 12. PREPLANNED/COMPREHENSIVE SUBDIVISION & DEVELOPMENT REQUIREMENTS

Applications for Subdivision shall be accompanied by, if not already included in an area structure plan or conceptual design scheme, a comprehensive site plan and information respecting:

(1) **Development Concept** – A graphic rendering of the project together with a brief written summary of the concept and purpose of the development;

(2) **Site Plans and Drawings** – Site plans, drawn to an appropriate scale, should be submitted in duplicate. Among other things, they should indicate: dimensions of all existing and proposed lots, existing and proposed roadways and public areas, parking stalls, the location of adjoining parcels and other details needed to describe the proposal;

(3) **Topographic Details** – Topography of the site, including one metre or one-half metre contours should be provided either on the site plan or on a separate drawing;

(4) **Contouring and Drainage** – Any proposed cutting and filling or other contouring of the site should be shown on a separate site plan. Proposed drainage of surface runoff should be detailed either on this plan or the main site plan;

(5) **Roadways and Access** – All existing and proposed public roadways, such as streets, lanes and walkways should be shown and should include the proposed width of each as well as linkages to existing public roads;

(6) **Development Specifications** – Specifications of the actual development should include such items as: minimum setbacks of all existing or proposed structures from lot boundaries, location, dimension and capacity of parking, driveway access points, approximate location of buildings on each lot, height of structures, etc.;

(7) **Development Choice, Innovation & Flexibility** – The comprehensive site plan should incorporate a significant degree of variety or experimentation in such design and land use elements as parcel or site configuration, building design efficiency, building form and the efficient design of open space areas for specific uses. The advantage of flexibility in terms of land use is understood and shall be acceptable to a limited degree (i.e. a particular site may be earmarked for rowhousing, senior citizen housing or apartments);

(8) **Services and Utilities** – Information on all utilities that will be provided to the site including details pertaining to road construction, sidewalks, curb and gutter, water supply, storm sewer, sanitary sewage disposal, solid waste disposal are usually necessary;

(9) **Staging of Development** – Proposed staging if the proposed Subdivision or Development will be completed in two (2) or more phases. This should be described together with the purpose of the proposed staging;

(10) **Architectural Controls** – Any design standards such as type of roofing, building colours, sitting of buildings, fencing, etc. to be complied with;

(11) **Other Information** – And any other information that may be required by the Development Authority to make a recommendation.

**13. STANDARDS OF DEVELOPMENT – Schedule 4**

**14. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**15. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**16. HOME OCCUPATIONS – Schedule 8**

**17. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**18. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**19. SIGN REGULATIONS – Schedule 12**

# CENTRAL COMMERCIAL – C1

**Purpose:**

To provide an area suited for predominantly pedestrian oriented commercial uses which will both maintain a strong central business district and encourage the development, redevelopment, conservation and rehabilitation of the downtown area.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Business Support Service
- Convenience Store
- Drive-in/Drive-through Restaurant
- Financial Institutions
- Home Occupation 1 *(accessory to an approved residential use in conjunction with a commercial use)*
- Hotel/Motel
- Medical/Health Facility
- Office
- Personal Services
- Restaurant
- Retail
- Seasonal Sales
- Shipping Container *(permanent)*
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 3, 4, 6, 10

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Amusement Facility
- Automotive Sales and Service
- Building Supplies Store
- Club/Fraternal Organization
- Equipment Sales, Rentals, and Service
- Educational Institution
- Funeral Home
- Gas Bar
- Institutional Facilities and Uses
- Natural Resource Extraction *(existing as of the passing of this bylaw)*
- Parking Facility (stand-alone)
- Pet Care Services
- Residential Accommodation in conjunction with an Approved Commercial Use
- Restaurant, Licensed
- Retail – Large Scale
- Service Station *(existing as of the passing of this bylaw)*
- Shopping Centre
- Short-Term Rental 1
- Short-Term Rental 2
- Sign Types[1]: 1B, 5, 8, 9, 11, 12
- Single Detached Dwelling *(existing as of the passing of this bylaw)*
- Small Wind Energy System – Type A[2]
- Utility, Private or Public
- Warehouse, Retail

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| All uses | 4.57 | 15 | As required by the Development Authority | | 139.35 | 1,500 |

The Development Officer may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MINIMUM YARD SETBACKS

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| All uses | As required by the Development Authority | | | | | | | |

## 4. MAXIMUM SITE COVERAGE

**Principal Building and Accessory Buildings (all uses) – 80%**

The principal and accessory buildings shall not occupy more than 80 percent of the surface area of a lot.

## 5. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Building (all other uses) | 13.72 m (45 ft.) |
| Accessory Buildings | 6.10 m (20 ft.) |

*See definition for Building Height.

(1) The roofline of the principal building shall be compatible with the surrounding buildings to the satisfaction of the Development Authority.

(2) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening (i.e. parapet wall) in a manner compatible with the architectural character of the building.

## 6. HIGHWAY SETBACK REQUIREMENTS

Notwithstanding other provisions contained within this Bylaw, no permanent development within this land use district shall be allowed within 4.57 m (15 ft.) of a highway right-of-way.

## 7. OUTDOOR DISPLAY OF GOODS

(1) Outside display of goods shall be limited to examples of products, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site and shall be located in conformance with Schedule 9: Landscaping and Amenity Area Standards and Guidelines.

(2) The Development Authority may impose conditions related to screening, buffering or landscaping of any outdoor display or sales areas.

## 8. RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH AN APPROVED COMMERCIAL USE

A dwelling unit(s) may be approved where in the opinion of the Development Authority the principal use of the property, for commercial purposes, is maintained. A dwelling unit(s) shall only be approved where the main floor façade of the building is maintained as a storefront/commercial premise.

**9. STANDARDS OF DEVELOPMENT – Schedule 4**

**10. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**11. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**12. SIGN REGULATIONS – Schedule 12**

# DRIVE-IN/HIGHWAY COMMERCIAL – C2

**Purpose:**

To provide a land use district that caters to commercial uses which require both high visibility and ready access to major thoroughfares and highways, and to ensure the compatibility of development adjacent to major thoroughfares.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Automotive Sales and Service
- Building Supplies Store
- Car Wash
- Convenience Store
- Drive-in/Drive-through Restaurant
- Garden Centre/Greenhouse, Commercial
- Gas Bar
- Hotel/Motel
- Medical/Health Facility
- Retail
- Retail – Large Scale
- Restaurant
- Seasonal Sales
- Service Station
- Shipping Container *(permanent)*
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 3, 4, 6, 10
- Warehouse, Retail
- Warehouse, Wholesale

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Auto Body Repair and Paint Shop
- Automotive Repair and Service
- Farm/Industrial Machinery Sales, Rental and Service
- Funeral Home
- Horticultural Operations or Facilities
- Pet Care Services
- Residential Accommodation in Conjunction with an Approved Commercial or Industrial Use
- Restaurant, Licensed
- Shopping Centre
- Short-Term Rental 1
- Short-Term Rental 2
- Sign Types[1]: 1B, 5, 7[2], 8, 9, 11, 12
- Small Wind Energy System - Type A[3]
- Veterinary Clinic – Small Animal

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – Sign Type 7 (Billboard) limited to lots immediately adjacent to Highways 2 & 5.

3 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| All uses | 18.29 | 60 | 39.62 | 130 | 724.62 | 7,800 |

The Development Officer may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. | m | ft. |
| All Uses | 9.14 | 30 | 4.57 | 15 | 4.57 | 15 | 1.52 | 5 | 7.62 | 25 |

## 4. MAXIMUM SITE COVERAGE

**All Buildings – 50%**

The principal building and accessory buildings shall not occupy more than 50 percent of the surface area of any lot within this land use district.

## 5. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Building (All other uses) | 10.06 m (33 ft.) |
| Accessory Buildings | 6.10 m (20 ft.) |

*See definition for Building Height.

## 6. RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH AN APPROVED COMMERCIAL USE

A dwelling unit(s) may be approved where in the opinion of the Development Authority the principal use of the property, for commercial purposes, is maintained. A dwelling unit(s) shall only be approved where the main floor façade of the building is maintained as a storefront/commercial premise.

## 7. STANDARDS OF DEVELOPMENT – Schedule 4

## 8. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9

## 9. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10

## 10. SIGN REGULATIONS – Schedule 12

# CONTROLLED COMMERCIAL – C3

**Purpose:**

To provide an area suited for pre-dominantly pedestrian oriented commercial uses which will both maintain a strong central business district and encourage the development, redevelopment, conservation and rehabilitation of the downtown area, while prohibiting residential uses.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Business Support Service
- Convenience Store
- Financial Institutions
- Hotel / Motel
- Medical/Health Facility
- Office
- Parking Facility
- Personal Services
- Restaurant
- Retail
- Seasonal Sales
- Shipping Container *(permanent)*
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 3, 4, 6, 10

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Amusement Facility
- Auto Body Repair and Paint Shop *(existing as of the passing of this bylaw)*
- Automotive Sales and Service
- Building Supplies Store
- Equipment Sales, Rentals, and Service
- Educational Institution
- Funeral Home
- Institutional Facilities and Uses
- Pet Care Services
- Retail – Large Scale
- Service Station or Gas Bar
- Shopping Centre
- Sign Types[1]: 1B, 5, 8, 9, 11, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| All uses | 4.57 | 15 | As required by the Development Authority | | 139.35 | 1,500 |

The Development Officer may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MINIMUM YARD SETBACKS

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| All uses | As required by the Development Authority | | | | | | | |

## 4. MAXIMUM SITE COVERAGE

**Principal Building and Accessory Buildings (all uses) – 80%**

The principal and accessory buildings shall not occupy more than 80 percent of the surface area of a lot.

## 5. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Building (all other uses) | 13.72 m (45 ft.) |
| Accessory Buildings | 6.10 m (20 ft.) |

*See definition for Building Height.

(1) The roofline of the principal building shall be compatible with the surrounding buildings to the satisfaction of the Development Authority.

(2) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening (i.e. parapet wall) in a manner compatible with the architectural character of the building.

## 6. HIGHWAY SETBACK REQUIREMENTS

Notwithstanding other provisions contained within this Bylaw, no permanent development within this land use district shall be allowed within 4.57 m (15 ft.) of a highway right-of-way.

## 7. OUTDOOR DISPLAY OF GOODS

(1) Outside display of goods shall be limited to examples of products, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site and shall be located in conformance with Schedule 9: Landscaping and Amenity Area Standards and Guidelines.

(2) The Development Authority may impose conditions related to screening, buffering or landscaping of any outdoor display or sales areas.

**8. STANDARDS OF DEVELOPMENT – Schedule 4**

**9. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**10. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**11. SIGN REGULATIONS – Schedule 12**

# GENERAL INDUSTRIAL – I1

**Purpose:**

To provide for a broad range of industrial and related uses and to preserve those limited areas appropriate for industrial use from development by lower order uses, and to encourage the efficient and orderly development of the Town's industrial areas.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Car Wash
- Contractor, Building and Trade
- Contractor, Heavy Duty Equipment
- Equipment Sales, Rental and Service
- Farm/Industrial Machinery Sales, Rental and Service
- Railway and Railway Related Uses
- Seasonal Sales
- Shipping Container *(permanent)*
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 3, 4, 5, 6, 10
- Small Wind Energy System - Type A[3]
- Truck Transportation Depots
- Truck Wash
- Utility, Private or Public

## (B) DISCRETIONARY USES – MPC

- Abattoirs
- Accessory building, structure or use to an approved discretionary use
- Alternative/Renewable Energy, Commercial/Industrial
- Auto Body Repair and Paint Shop
- Automotive Repair and Service Shop
- Building Supplies Store
- Bulk Fuel Storage and Sales
- Feed Mill/Grain Elevator
- Fertilizer Storage and Sales
- Food Processing Facility
- Garden Centre-/-Greenhouse, Commercial
- Horticultural Operations or Facilities
- Industry with a Heavy Utility Demand
- Kennel
- Livestock Sales Yard
- Manufacturing, Heavy
- Natural Resource Extraction
- Outdoor Recreation and Sports fields
- Pet Care Services
- Indoor Recreation, Private or Public
- Recycling Facility
- Residential Accommodation in Conjunction with an Approved Commercial or Industrial Use
- Service Station
- Sign Types[1]: 1B, 7[2], 8, 9, 11, 12
- Small Wind Energy System - Type B[4]
- Sand Blasting Facility
- Veterinary Clinic
- Warehouse, Retail
- Warehouse, Wholesale
- Warehouse, Storage

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – Sign Type 7 (Billboard) limited to lots immediately adjacent to Highways 2 and 5.

3 – See Schedule 5, Section 13 for definition of small wind energy system types.

### (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| All uses | 30.48 | 100 | 30.48 | 100 | 929.00 | 10,000 |

The Development Authority may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| All uses | 7.62 | 25 | 4.57 | 15 | 3.05 | 10 | 7.62 | 25 |
| Uses adjacent to Highway 501 and 1st Avenue | 18.29 | 60 | 4.57 | 15 | 3.05 | 10 | 7.62 | 25 |

## 4. MAXIMUM SITE COVERAGE

**All Buildings – 60%**

Principal buildings and accessory buildings shall not occupy more than 60 percent of the surface area of any lot within this land use district.

## 5. MAXIMUM HEIGHT OF BUILDINGS

The maximum height of all buildings shall be at the discretion of the Development Authority.

## 6. OUTDOOR STORAGE

(1) No outdoor storage shall be permitted in the required front yard setback of 7.62 m (25 ft.) or in the required corner lot secondary front yard setback of 4.57 m (15 ft.).

(2) Outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof and must be maintained in good repair to the satisfaction of the Development Authority.

## 7. OUTSIDE DISPLAY OF GOODS

Outside display of goods shall be limited to examples of products, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site and shall be located in conformance with *Schedule 9: Landscaping and Amenity Area Standards and Guidelines*.

## 8. LANDSCAPING REQUIREMENTS

Landscaping shall be provided on all street frontage and shall be to the satisfaction of the Development Officer or the Municipal Planning Commission. *See Schedule 9: Landscaping and Screening Standards and Guidelines*.

## 9. ENVIRONMENTAL SITE ASSESSMENT / ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Authority, a proposed development may create an unacceptable environmental impact and/or where there may have been historical environmental impacts (i.e. soil contamination), an environmental site assessment and/or environmental impact assessment may be required prior to dealing with the application.

**10. STANDARDS OF DEVELOPMENT – Schedule 4**

**11. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**12. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**13. COMMERCIAL / INDUSTRIAL ALTERNATIVE RENEWABLE ENERGY DEVELOPMENTS – Schedule 11**

**14. SIGN REGULATIONS – Schedule 12**

# LIGHT INDUSTRIAL – I2

**Purpose:**

To provide for light industrial, business park and related uses and to encourage the efficient and orderly development of the Town's industrial areas.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Automotive Repair and Service Shop
- Automotive Sales and Service
- Building Supplies Store
- Car Wash
- Contractor, Building and Trade
- Equipment Sales, Rental or Service
- Garden Centre / Greenhouse
- Gas Bar
- Horticultural Operations or Facilities
- Light Fabrication Shop
- Manufacturing, Light
- Machinery and Equipment Rental
- Retail Uses Ancillary to an Approved Use
- Seasonal Sales
- Service Station
- Shipping Container *(permanent)*
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 3, 4, 5, 6, 10
- Utility, Private or Public
- Warehouse, Retail
- Warehouse, Wholesale
- Warehouse, Storage

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Alternative/Renewable Energy, Commercial/Industrial
- Automotive Sales and Service
- Educational Institution
- Farm/Industrial Machinery Sales, Rental and Service
- Kennel
- Manufacturing, Heavy
- Recycling Facility
- Residential Accommodation in Conjunction with an Approved Commercial or Industrial Use
- Restaurant
- Restaurant, Licensed
- Sign Types[1]: 1B, 7[2], 8, 9, 11, 12
- Small Wind Energy System – Type A and B[3]
- Truck Transportation Depot
- Veterinary Clinic

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – Sign Type 7 (Billboard) limited to lots immediately adjacent to Highway 2 and 5.

3 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| All uses | 30.48 | 100 | 30.48 | 100 | 929.00 | 10,000 |

The Development Officer may approve a development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| All Uses | 7.62 | 25 | 4.57 | 15 | 3.05 | 10 | 7.62 | 25 |

## 4. MAXIMUM SITE COVERAGE

**All Buildings – 60%**

The principal building and accessory buildings shall not occupy more than 60 percent of the surface area of any lot within this land use district.

## 5. MAXIMUM HEIGHT OF BUILDINGS

The maximum height of all buildings shall be at the discretion of the Development Authority.

## 6. OUTDOOR STORAGE

(1) No outdoor storage shall be permitted in the required front yard setback of 7.62 m (25 ft.) or in the required corner lot secondary front yard setback of 4.57 m (15 ft.).

(2) Outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof and be maintained in good repair to the satisfaction of the Development Authority.

(3) Sites for other outdoor storage of goods, machinery, vehicles, building materials, scrap metal material, other waste materials and other items, at the discretion of the Development Authority, may be permitted if kept in a neat and orderly manner and/or suitably enclosed by a fence or wall or screened with landscaping to the satisfaction of the Development Authority.

## 7. OUTSIDE DISPLAY OF GOODS

Outside display of goods shall be limited to examples of products, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site and shall be located in conformance with *Schedule 9: Landscaping and Screening Standards and Guidelines*.

## 8. LANDSCAPING REQUIREMENTS

Landscaping shall be provided on all street frontage and shall be to the satisfaction of the Development Authority. *See Schedule 9: Landscaping and Screening Standards and Guidelines*.

## 9. ENVIRONMENTAL SITE ASSESSMENT / ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Authority, a proposed development may create an unacceptable environmental impact and/or where there may have been historical environmental impacts (i.e. soil contamination), an environmental site assessment and/or environmental impact assessment may be required prior to dealing with the application.

**10. STANDARDS OF DEVELOPMENT – Schedule 4**

**11. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**12. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**13. SIGN REGULATIONS – Schedule 12**

# PUBLIC & INSTITUTIONAL – P

**Purpose:**

To provide for the opportunity to develop institutional, public and semi-public uses which are compatible with each other and with adjoining uses.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Club/Fraternal Organization
- Community Garden
- Government Services
- Hospital
- Outdoor Recreation and Sports fields
- Parks and Playgrounds
- Indoor Recreation, Public
- Religious Assembly
- School
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 4
- Tourist Information Services and Facilities
- Utility, Public

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Child Care Facility
- Cemetery
- Educational Institution
- Golf Course
- Medical/Health Facility
- Moved-In Building
- Museum
- Indoor Recreation, Private
- Shipping Container (permanent)
- Sign Types[1]: 1B, 3, 5, 6, 8, 9, 10, 11, 12
- Small Wind Energy System – Type A and B[2]
- Utility, Private

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

All Uses – As required by the Development Authority.

## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| All Uses | 7.62 | 25 | 3.05 | 10 | 3.05 | 10 | 7.62 | 25 |
| Accessory Buildings | As required by the Development Authority | | | | | | | |

## 4. MAXIMUM SITE COVERAGE

**All Buildings – 50%**

Principal buildings and accessory buildings shall not occupy more than 50 percent of the surface area of any lot within this land use district.

## 5. MAXIMUM HEIGHT OF BUILDINGS

The maximum height of all buildings shall be at the discretion of the Development Authority.

**6. STANDARDS OF DEVELOPMENT – Schedule 4**

**7. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**8. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**9. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**10. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**11. SIGN REGULATIONS – Schedule 12**

# RECREATION & OPEN SPACE – RO

**Purpose:**

To ensure the protection of public parks and open space, including municipal and environmental reserve areas in accordance with the relevant sections of the MGA, through the regulation of the following permitted and discretionary land uses.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Indoor Recreation, Public
- Outdoor Recreation and Sports fields
- Parks and Playgrounds
- Recreation, Passive
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 4
- Utility, Public

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Club/Fraternal Organization
- Community Garden
- Golf Course
- Outdoor Recreation Facility
- Indoor Recreation, Private
- Recreational Use, Licensed
- Sign Types[1]: 1B, 3, 5, 6, 8, 9, 10, 11, 12
- Small Wind Energy System – Type A and B[2]
- Utility, Private

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

All Uses – 0.5 acre (0.2 ha).

## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

As required by the Development Authority.

## 4. MAXIMUM SITE COVERAGE

As required by the Development Authority.

## 5. MAXIMUM HEIGHT OF BUILDINGS

As required by the Development Authority.

## 6. STANDARDS OF DEVELOPMENT – Schedule 4

## 7. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9

8. **OFF-STREET PARKING, LODING & DRIVEWAY REQUIREMENTS** – **Schedule 10**

9. **SIGN REGULATIONS** – **Schedule 12**

# AGRICULTURAL – A

**Purpose:**

To ensure the planned and orderly development of the fringe areas of the Town by providing an interim land use classification for lands adjoining the built-up area of the Town, which may be subdivided and developed for urban uses in the future but are presently agricultural or non-urbanized and to prevent disorderly, incompatible or pre-mature development and subdivision of these lands until they are needed for orderly urban development.

## 1. (A) PERMITTED USES

- ~~Accessory building, structure or use to an approved permitted use~~
- ~~Community Garden~~
- Cultivation of Land *(not including any buildings)*
- ~~Day Home~~
- ~~Dwellings *(pre-planned):*~~
  - ~~Single-Detached - Prefabricated~~
  - ~~Single-Detached - Site Built~~
- Extensive Agriculture *(not including any buildings)*
- ~~Home Occupation 1~~
- ~~Shipping Container *(permanent)*~~
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Bed and Breakfast
- Dwellings ~~*(not pre-planned)*~~:
  - Moved-In
  - ~~Single-Detached – Prefabricated~~
  - ~~Single-Detached – Site Built~~
  - ~~Secondary Suite~~
- Farm Building and Structure
- Home Occupation 2
- Parks and Playgrounds
- Outdoor Recreation and Sports fields
- Short-Term Rental 2
- Sign Types[1]: 1A, 1B, 2, 3, 4, 5, 6, 7[2], 8, 9, 10, 11, 12
- Small Wind Energy System –Type A[3]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved permitted use
- Community Garden
- Cultivation of Land
- Day Home
- Dwellings:
  - Secondary Suite
  - Single-Detached - Prefabricated
  - Single-Detached - Site Built
- Home Occupation 1
- Short-Term Rental 1
- Shipping Container *(permanent)*

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – Sign Type 7 (Billboard) limited to lots immediately adjacent to Highway 5.

3 – See Schedule 5, Section 13 for definition of small wind energy system types.

### (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

(1) The Development Authority shall not approve a discretionary use in this district if in the opinion of the Development Authority:

(a) the use is likely to become a non-conforming use on subsequent reclassification of the lands in accordance with the Municipal Development Plan, an area structure plan or area redevelopment plan which affects the lands which are the subject of the development application; and/or

(b) approval of the discretionary use would be premature.

(2) The Development Authority shall ensure, to their satisfaction, that all proposed development is located or developed so that it:

(a) does not conflict with nor jeopardize the implementation of an adopted area structure plan or area redevelopment plan, where either one or both of these affect the lands which are the subject of a Development Application;

(b) does not compromise the orderly subdivision or subsequent development of lands, including the anticipated location of future roadways;

(c) does not, in the case of a permitted or discretionary use, substantially conflict with the provisions of the land use district which will likely apply, in the opinion of the Development Authority, on subsequent reclassification of the lands.

(3) Where a comprehensive plan or an area structure plan has not been adopted for the lands that are the subject of a Development Application, the Development Authority may require, subject to subsection ~~2~~(4) below, that:

(a) a comprehensive plan or an area structure plan or both be prepared by the applicant and adopted by Council; and

(b) the lot or parcel which is the subject of the development permit application shall be reclassified in the Land Use Bylaw and subdivided in accordance with the comprehensive plan or the area structure plan; before the Development Authority considers the Development Application.

(4) Before the Development Authority requires the preparation of a comprehensive plan or an area structure plan, in accordance with subsection ~~2~~(3) above, the Development Authority shall solicit and consider the comments of the staff of the Oldman River Regional Services Commission.

## 3. MINIMUM LOT SIZE

All uses – 5 acres (2.0 ha)

## 4. MINIMUM YARD DIMENSIONS FOR PRINCIPAL AND ACCESSORY BUILDINGS

| Use | Front Yard | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. |
| All uses | 10.67 | 35 | 24.38 | 80 | 10.67 | 35 |

The minimum setbacks in the above table shall apply at the discretion of the Development Authority, who may impose increased setback requirements and/or specific building siting requirements. In establishing setbacks for principal and accessory buildings, the Development Authority shall have regard to the following:

(a) the setbacks which may apply, in the opinion of the Development Authority, on reclassification and/or subdivision of the lot, in the future; and

(b) the maintenance of adequate setbacks from existing and proposed roadways, including service roadways and lanes; and

(c) such other matters as the Development Authority considers appropriate.

## 5. MAXIMUM HEIGHT OF BUILDINGS

(1) The maximum building height of any dwelling shall be 10.06 m (33 ft.).

(2) The maximum height of all buildings accessory to dwelling or an agricultural use shall be 6.10 m (20 ft.).

(3) The maximum building height of discretionary uses shall be as required by the Development Authority having regard to the maximum building height which may apply, in the opinion of the Development Authority, on reclassification of the lot in the future.

**6. STANDARDS OF DEVELOPMENT – Schedule 4**

**7. PREFABRICATED DWELLING REGULATIONS – schedule 7**

**8. HOME OCCUPATIONS – Schedule 8**

**9. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**10. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**11. SIGN REGULATIONS – Schedule 12**

# FLOOD DAMAGE REDUCTION OVERLAY DISTRICT – FDR

**Purpose:**

The purpose of this overlay district is to implement the "Canada-Alberta Flood Damage Reduction Program" prepared for land uses in proximity to Lee Creek through the regulation of the following permitted, discretionary and prohibited uses. The boundaries of this district shall follow those established on the Flood Information Map prepared for the Town of Cardston under this program (June 29, 1994), including any updated mapping that may be prepared, which is illustrated in Schedule 1.

## 1. FLOOD WAY USE REGULATION

### (A) PERMITTED USES

- Parks and Playgrounds
- Recreation, Passive
- Shipping Container *(temporary)*

### (B) DISCRETIONARY USES

- Accessory building, structure, or use to an approved use
- Campground, Institutional
- Campground, Tourist
- Golf Course
- Natural Resource Extraction
- Outdoor Recreation and Sports Fields
- Utility, Private or Public
- Signs

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

### (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## FLOOD FRINGE USE REGULATION

### (A) PERMITTED USES

- Those uses listed as permitted in the underlying land use district

### (B) DISCRETIONARY USES

- Those uses listed as discretionary in the underlying land use district

## 2. INTERFACING WITH CONVENTIONAL LAND USE DISTRICTS

In those areas adjacent to Lee Creek that are within the flood fringe, where a separate and distinct land use district has been bestowed upon a property, the use regulation of that district applies. Additionally, all pertinent flood related development regulations from this district apply to the development. Setbacks and all additional development standards are at the discretion of the Development Authority with regard for flood risk and the findings of any professional studies.

## 3. MINIMUM LOT SIZE

All Uses – As required by the Development Authority.

## 4. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

All Uses – As required by the Development Authority.

## 5. DEVELOPMENT REGULATIONS

(1) The Development Authority shall not approve a development permit in this district if in the opinion of the Development Authority the use is not proposed to be (for new developments) adequately flood proofed.

(2) The Development Authority may allow minor renovations and repairs to an existing building (whether structural or not) located in the flood fringe without requiring the flood-proofing of the building.

(3) The Development Authority may allow additions to an existing building in the flood fringe providing such additions are adequately flood-proofed, without requiring the flood-proofing of the existing portion of the building.

(4) No new buildings will be allowed in the floodway.

(5) Before an application for a development permit is accepted for a building within the flood fringe, the Development Officer may require that the applicant submit a report from a Registered Professional Engineer or Architect indicating the proposed method of flood-proofing that indicates the following factors have been incorporated in the building and lot:

(a) Canadian Mortgage & Housing Corporation guidelines for building in flood-risk areas;

(b) the flood-proofing of habitable rooms, electrical panels, heating units and openable windows;

(c) basement drainage and site drainage; and

(d) geodetic grade elevations in relation to the 1:100 year flood elevation.

The Development Authority must be satisfied that the proposed method of flood-proofing will be adequate before a development permit is issued.

## 6. WATERCOURSES & RIPARIAN AREAS

*See Schedule 4, Section 18: Watercourses & Riparian Areas*

**7. STANDARDS OF DEVELOPMENT – Schedule 4**

**8. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**9. HOME OCCUPATIONS – Schedule 8**

**10. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**11. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**12. SIGN REGULATIONS – Schedule 12**

# GATEWAYS & CORRIDORS OVERLAY DISTRICT – G & C

**Purpose:**

The purpose of this overlay district is to ensure a high aesthetic standard and a focus on design and appearance for those lands adjacent to the principal roadway corridors that are most prominent and readily viewable when entering or leaving the Town. The boundaries of this district shall follow those established on the map attached to this district which is also included in Schedule 1.

## 1. GATEWAYS & CORRIDORS USE REGULATION

### (A) PERMITTED USES

- Those uses listed as permitted in the underlying land use district

### (B) DISCRETIONARY USES

- Those uses listed as discretionary in the underlying land use district

### (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section~~, subsection~~ 33(2), is a prohibited use*

## 2. INTERFACING WITH CONVENTIONAL LAND USE DISTRICTS

In those areas adjacent to Highway 2 (Main Street) and Highway 5 (1st Avenue), as shown on the attached map, that fall within this overlay district, the use and development regulations from the underlying district apply except where differing or more particular standards are set forth in this district.

## 3. DESIGN & APPEARANCE REQUIREMENTS

The Development Authority shall ensure a contextually sensitive and high quality of building design for all developments within this overlay district by considering the following requirements and objectives in the review of development permit applications:

(a) exterior building materials shall be durable and of a high quality;

(b) highly reflective exterior building materials are discouraged;

(c) buildings shall be oriented and articulated to address the principal roadway;

(d) building massing shall be designed to highlight the interface between individual lots and the principal roadway, including, where possible, the minimization of building setbacks from the fronts of lots and the placement of parking and loading areas to the sides and rear of lots;

(e) the existing streetscape shall be considered in order to ensure contextual appropriateness and visual continuity;

(f) for lands located on Highway 2 (Main Street) north of Lee Creek:

(i) a consistency with any relevant guidelines or objectives of the Cardston Main Street Project Design Guidelines document;

(ii) a development approach that balances the traditional focus on the automobile with recognition for people as the main users of the built environment;

(iii) the main floor façade of the principal building shall be made up of a minimum of 25 percent transparent surfaces as illustrated in Figure 1;

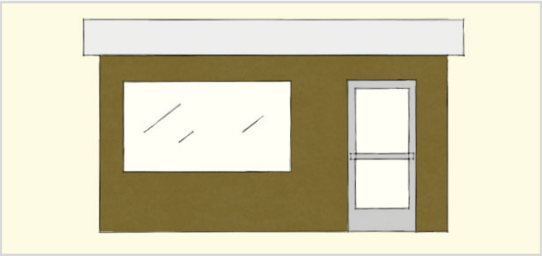


Figure 1 - an example of approximately 25 percent transparent surface

(g) should blank walls (not containing any transparent surface) of the principal building be oriented to a secondary front yard, the visual monotony shall be broken up with linear vegetation such as but not limited to tree species such as but not limited to columnar aspen as illustrated in Figure 2;

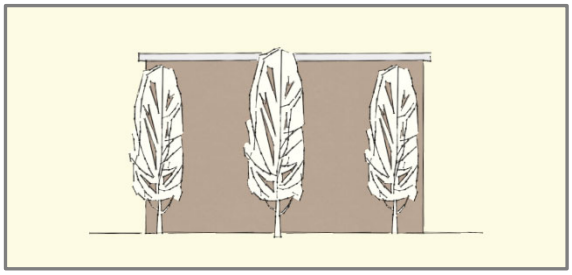


Figure 2 - an example of articulating blank walls with plantings

(h) the articulation of all street-oriented building facades shall be achieved through the incorporation of architectural elements such as but not limited to balconies, canopies, bay windows, parapets, varying textures, projections and recesses, awnings, and an overall increase in visual interest as illustrated in Figure 3.

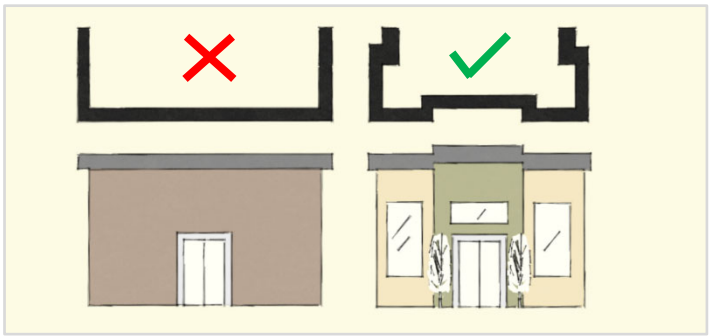


Figure 3 – an example of facade articulation

## 4. LANDSCAPING, SCREENING & STORAGE REQUIREMENTS

The Development Authority shall ensure a high quality of site design for all developments within this overlay district by considering the following requirements and objectives, in addition to the requirements of Schedule 9 (Landscaping and Screening Standards and Guidelines) in the review of development permit applications:

(a) landscaping provides an opportunity to serve as an enhancement to the property and to provide beautification;

(b) landscaping should be used to provide a "focus" on a specific area of a development (i.e. an entrance) by using more landscaping, using a certain type of plant or tree or changing the shape of a landscaping bed;

(c) where possible (recognizing that some developments are built to or close to the property line within the overlay district) the Development Authority shall impose landscaping requirements as a condition of approval for all developments within the overlay district;

(d) all areas of a lot not covered by buildings and structures, storage, parking or roadways shall be landscaped;

(e) the majority of required landscaping shall be concentrated in those yard(s) located adjacent to the principal roadway;

(f) screening shall be required adjacent to all storage, garbage enclosures and utility areas and any other areas where screening will serve to improve the aesthetic condition of the property;

(g) screening by way of landscaping (i.e. trees and hedges) is preferred but a solid wall or fence may be allowed as an alternative. Where a solid wall or fence is allowed a landscaping strip shall normally be required on the exterior side of the wall or fence;

(h) landscaping materials shall be in accordance with Schedule 9;

(i) a variety of appropriate landscaping materials (i.e. varying ground cover and tree/plant types) and plant types is preferred and shall be required where necessary (i.e. to "break-up" a long monotonous strip) in order to enhance visual interest;

(j) a landscaping plan shall be required as part of all applications for new development or significant redevelopment. An application for development within the overlay district shall not be considered complete until a landscaping plan has been provided. The Development Authority may require a landscaping plan to be professionally prepared;

(k) for lands located on Highway 2 (Main Street), parking lots shall feature intervening landscaped strips and shall be framed by fencing or screening vegetation.

## 5. SIGNAGE

The Development Authority shall ensure a high quality of sign design for all signage within this overlay district by considering the following requirements and objectives, in addition to the requirements of Schedule 12 (Sign Regulations) in the review of development permit applications:

(a) signage within the overlay district shall be architecturally integrated in order to be compatible with surrounding development;

(b) signage shall relate in placement and size to other building elements and should not obscure other building elements like windows, cornices, decorative details etcetera;

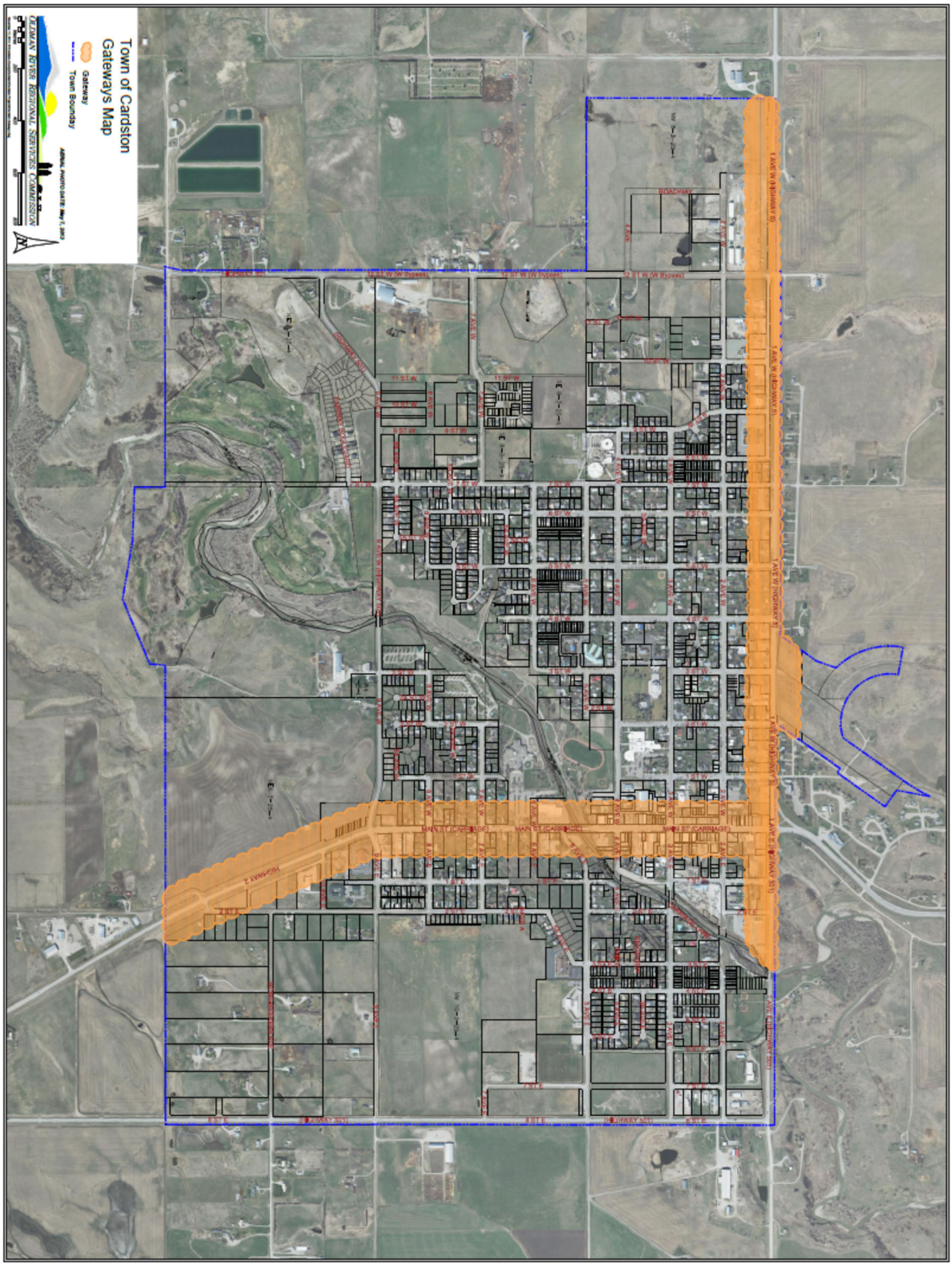
(c) for lands located on Highway 2 (Main Street) north of Lee Creek, a consistency with the guidelines in Sections 3.4.6, 4.2.7 and 4.2.8 of the Cardston Main Street Project Design Guidelines document.

**6. STANDARDS OF DEVELOPMENT – Schedule 4**

**7. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**8. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**9. SIGN REGULATIONS – Schedule 12**


Town of Cardston
Gateways Map
Gateway
Town Boundary

# DIRECT CONTROL – DC

**Purpose:**

To provide a means whereby Council may regulate and control the use, development or subdivision or land or buildings within a specific area of the municipality where the circumstances relating to the development or subdivision of a site are such that regulation and control by use of a conventional land use district in this Bylaw is inadequate considering long-range planning goals and the greater public interest.

## 1. USES

Council may by Bylaw, specify permitted and/or discretionary uses and/or any prohibited uses.

## 2. APPROVAL PROCEDURE

(1) Before Council considers an application for a use or development in the Direct Control district, it shall:

(a) cause a Notice to be issued by the Development Officer in accordance with Section 40 of the Administration Section in this Bylaw;

(b) hear any person that claims to be affected by the decision on the application.

(2) Council may then approve the application with or without conditions or refuse the application.

(3) Subsequent to a decision, notification shall be displayed/posted in the Town Office and mailed to the applicant.

## 3. APPEAL PROCEDURE

Pursuant to Administration Section 60 and section 641(4)(a) of the *Municipal Government Act*, if a decision with respect to a development permit application is made by Council, there is ***no*** appeal to the Subdivision and Development Appeal Board.

## 4. MINIMUM LOT SIZE, SETBACKS, LOT COVERAGE AND BUILDING HEIGHT

As required by Council.

## 5. ANY AND ALL OTHER SCHEDULES SHALL BE CONSIDERED PRIOR TO IMPLEMENTATION OF THE SUBJECT BYLAW AND MAY INCLUDE THE FOLLOWING (AS REQUIRED BY COUNCIL):

- Standards of Development – Schedule 4
- Use Specific Standards – Schedule 5
- Moved-In Dwelling and Moved-In Building Regulations – Schedule 6
- Prefabricated Dwelling Regulations – Schedule 7
- Home Occupations – Schedule 8
- Landscaping and Screening Standards and Guidelines – Schedule 9
- Off-Street Parking, Loading & Driveway Requirements – Schedule 10
- Commercial / Industrial Alternative Renewable Energy Developments – Schedule 11
- Sign Regulations – Schedule 12

# SCHEDULE 3: DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

# SCHEDULE 3: DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. This Section does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

2. This Section does not negate the requirement of obtaining a business license where required.

3. The following developments shall not require a development permit:

   (a) any use or development exempted under section 618(1) of the *Municipal Government Act*;

   (b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *Municipal Government Act*;

   (c) telecommunication antenna systems that are regulated by Industry Canada subject to Schedule 5: Use Specific Standards of Development, Section 19 (Telecommunication Antenna Siting Protocols);

   (d) the completion of a building which was lawfully under construction at the date this Bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

   (e) the completion of a building that did not require a development permit under the previous land use bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this Bylaw came into effect.

4. The following developments shall not require a development permit, provided they comply with all other relevant provisions of this Bylaw:

   (a) the maintenance or repair of any building provided that the work does not include structural alterations (major) or additions;

   (b) interior renovations to a building which do not:

      (i) create another dwelling unit,

      (ii) increase parking requirements,

      (iii) result in the change of use of a building, or

      (iv) increase the square footage (increase density);

   (c) a change to the exterior cladding (finish) of a building;

   (d) the temporary placement or construction of works, plants or machinery needed in connection with the construction of a development for which a development permit has been issued for the period of those operations;

   (e) in all land use districts the temporary placement of one shipping container in connection with the construction of a development for which a development permit has been issued, or a project for which a development permit is not required, for the period of the project in accordance with the following:

      (i) construction site is active (i.e. construction has commenced and is on-going or is about to commence within one week); placement of a shipping container on an inactive construction site is prohibited;

      (ii) in no case shall a temporary shipping container remain on-site for more than a 14 consecutive day period and not more than two separate periods in any given calendar year provided there is at least 30 days between the last period;

(iii) minimum yard setbacks shall be 0.91 m (3 ft.); and

(iv) shipping container must be removed immediately upon completion of construction;

(f) any accessory storage building, garden shed or structure placed on a lot which is 10 $m^2$ (107 $ft^2$ ) ~~11.15 $m^2$ (120 $ft^2$)~~ or less in area and that is not on a permanent foundation;

(g) the demolition of a building (see Schedule 4, Section 16 for potential security deposit requirement);

(h) the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure that does not exceed the maximum height requirement established in Schedule 5: Fences and Hedges, and the maintenance, improvement or other alterations of any yard gates, fences, walls or other means of yard enclosure;

(i) landscaping that was not required as part of the original development permit;

(j) lot grading where the prevailing drainage patterns are not altered and adjacent landowners are not negatively affected;

(k) any satellite dish less than 1 m (3.3 ft.) in diameter;

(l) temporary outdoor swimming pools and above ground hot tubs smaller than 9.29 $m^2$ (100 $ft^2$) or portable;

(m) excavation, grading or stripping provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Town of Cardston;

(n) stockpiling on the same parcel that is undergoing excavation, grading or stripping;

(o) the construction of uncovered decks or patios less than 0.61 m (2 ft.) above grade (a covered deck or patio shall require a development permit);

(p) any signs stated in Schedule 12: Sign Regulations, Section 5 (Signs Not Requiring A Permit);

(q) a Home Occupation 1 as defined in Schedule 8: Home Occupations;

(r) seasonal sales that are not permanent, but may require a Town of Cardston Business License, (e.g. farmer's market, fruit and vegetable stands, Christmas tree sales, etc.) if in the opinion of the Development Authority, such sales, activities and special events would not adversely affect:

(i) parking,

(ii) traffic flow,

(iii) the appearance of the site,

(iv) public safety, and/or

(v) the seasonal outside sale, activity or special event is in operation for a period not to exceed 30 days;

(s) temporary structures associated with an event or festival sanctioned by the Town of Cardston;

(t) a day home as defined in Schedule 13: Definitions;

(u) in the Agricultural – AG land use district the cultivation of land or extensive agriculture use;

(v) a privacy wall no greater than 2.0 m (6.5 ft.) above the grade of a balcony, deck or patio;

(w) the maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by or on behalf of federal, provincial, municipal or public authorities or private utilities under special agreement with the Town;

(x) the installation of new utilities for distribution purposes as part of an approved development;

(y) projects related to the following (including new installations, additions or renovations) that are carried out by or on behalf of the Town of Cardston:

(i) roads and traffic management projects;

(ii) sewage treatment plan, water treatment plant, utility lines;

(iii) landscaping, parks, playground equipment.

5. If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission for a determination.

# SCHEDULE 4: STANDARDS OF DEVELOPMENT

# SCHEDULE 4: STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within an individual land use district or schedule, the following standards apply to all uses in all districts.

## 1. STATUTORY PLANS

Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this Bylaw for a particular district or districts, the policies, rules or procedures indicated in the Statutory Plan shall take precedence.

## 2. QUALITY OF DEVELOPMENT

The Development Authority may impose reasonable conditions on a development permit if it will make the use or development more consistent with the purpose of the land use district or with an adopted Statutory Plan.

## 3. DESIGN AND ORIENTATION OF BUILDINGS, STRUCTURES AND SIGNS

(1) The design, character and appearance of buildings, structures or signs shall be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.

(2) The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any land use district.

(3) The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

(4) Subject to the requirements of the Safety Codes, the Development Authority may require that buildings be physically accessible to disabled persons.

(5) If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

## 4. ACCESS AND LANES (SEE SCHEDULE 10 FOR DRIVEWAY & PARKING STANDARDS)

(1) Road and street access shall be as required and at the discretion of the Development Authority.

(2) All lane development shall be governed by the following guidelines:

(a) Commercial and Industrial – new subdivisions for these uses shall have a 9.14 m (30 ft.) lane system wherever lanes are established.

(b) In commercial and industrial existing areas where lane systems do not have 9.14 m (30 ft.) lanes, Council shall, whenever reasonable opportunities become available, expand these lanes to a 9.14 m (30 ft.) lane.

(c) All new residential subdivisions which are designed with lanes, and wherever possible, shall have 6.10 m (20 ft.) lanes.

(3) Existing blocks which do not have a lane system, may develop a lane system providing:

(a) all owners involved agree to the proposal;

(b) the owners shall provide the land required and pay all technical, legal and administrative expenses required to create the said lane;

(c) lane width wherever possible shall be 6.10 m (20 ft.), but may be less if agreed to by all parties involved, and the town.

(i) Existing lanes shall be developed on their existing property lines, unless all property owners involved present a plan for the alteration of its use that is compatible to all owners involved, and provides acceptable access by the Town of Cardston for servicing of utilities and drainage that may be involved in the area concerned, and is also acceptable to any other agency or company who has or may require servicing through the lane, which plan may then be approved by the Town of Cardston.

(ii) Existing lanes that provide no drainage or utilities services, and it is evident that they will never be required for such services, may be legally closed, and the land redistributed among the adjoining property owners, provided all property owners who are or may be affected agree to the said closing, and provided all cost connected with the acquisition, closure and redistribution of the land is borne on an equitable basis by the property owners who received the land.

(iii) No permanent buildings shall be permitted to be constructed on any portion of a lane.

(iv) Permitted lane usage shall not imply ownership as all lanes, unless legally closed and sold, remain the property of the Crown, under the control of the town.

(v) Lanes which are being used in part or in total by adjoining landowners are subject to partial or total reopening whenever a legitimate need arises from adjoining landowners, or the Town of Cardston, or a Utilities Agent or Company.

## 5. REDUCED LOT AREA AND DIMENSION

The Development Authority may, at its discretion, approve a development on an existing registered lot the minimum dimensions or area of which are less than those specified in Schedule 2.

## 6. CORNER LOT CUT-OFF YARD DIMENSIONS

Where a laneway or roadway has reduced the size of a lot by cutting off a corner of the lot the minimum yard dimensions shall apply to the portions of the lot that have not been cut-off by the laneway or roadway. See Figure 4.1.

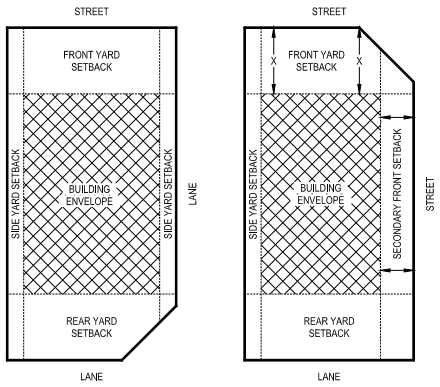
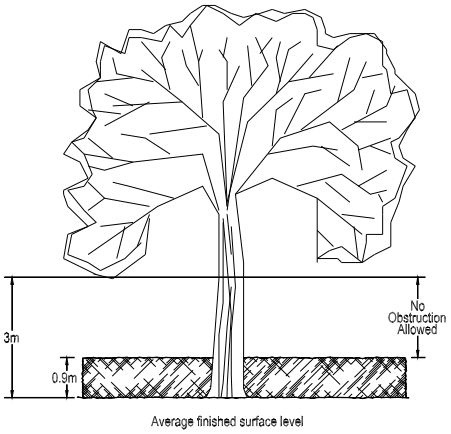
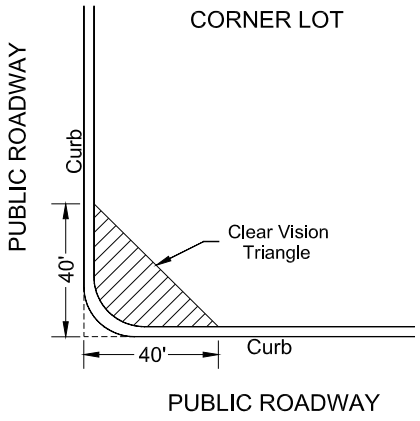



**Figure 4.1: Corner Cut-off Lot Minimum Yard Dimensions**
X = minimum yard dimension (arrows indicate measurement location)

## 7. CLEAR VISION TRIANGLE FOR CORNER LOTS (ALL USES)

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 0.91 m (3 ft.) and 3.05 m (10 ft.) above the centre line grades of the intersecting streets in the area bounded by the curb (or where there is no curb, the physical road) of such corner lots and a line joining points along the said property lines 12.19 m (40 ft.) from the point of intersections. This restriction may apply in the C1 district at the discretion of the Development Authority.




## 8. RESIDENTIAL PRINCIPAL BUILDING/USE YARD SETBACKS

The Development Authority may waive the minimum required yard setback requirement in a well-established residential area if, in its opinion:

(a) the proposed setback is in accordance with (or similar to) the existing and prevailing neighbourhood yard pattern;

(b) the building and its proposed location (inclusive of any existing or proposed additions) is compatible with the form, scale and massing of surrounding dwellings; and

(c) the proposal complies with the appropriate section of the Land Use Bylaw specifying any and all requirements in considering **Applications Requiring Waivers (Variance)**.

## 9. INFILL DEVELOPMENT

The requirements of this Section apply to all areas of Town that are considered established in accordance with the definition of Infill Development. Infill development is expected to be designed in a contextually sensitive manner and shall adhere to the relevant policies in the Municipal Development Plan.

Applications for infill development shall provide, in addition to the normal application requirements set forth in this bylaw:

(a) a detailed proposal regarding any grading, stripping, stockpiling or excavation that may take place, including:

  (i) existing and proposed grades for the lot to be developed,

  (ii) existing grades for each adjacent lot,

  (iii) location(s) for the stockpiling of materials to be moved through stripping and/or grading;

(b) the setbacks of development on each adjacent lot;

(c) a strategy for the minimization of dust, noise and other nuisances during the development;

(d) measures to be taken to ensure surface drainage of adjacent properties and/or public rights-of-way is not unduly affected during or after the development; and

(e) any other matters deemed appropriate by the Development Authority.

## 10. RETAINING WALLS, GRADING & STORMWATER MANAGEMENT

(1) The Development Authority may require the construction of a retaining wall as a condition of a development permit if, in their opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent parcels.

(2) The Development Authority may require special grading and/or paving to prevent surface drainage problems with neighbouring lots as a condition of a development permit.

(3) The Development Authority may require, at the time of application of as a condition of a development permit, engineered grading and drainage plans and legal survey demonstrating that engineered grades have been met.

(4) Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Authority, to a rear or side property boundary or as approved in an engineered stormwater management plan.

## 11. REFUSE COLLECTION AND STORAGE

(1) Refuse and garbage shall be kept in suitable containers or permanent enclosures.

(2) Permanent refuse and garbage storage areas and enclosures shall be effectively screened from public view.

(3) All refuse on any construction site shall be properly screened or placed in an approved enclosure until removed for disposal.

(4) In all non-residential land use districts, refuse and garbage holding areas, enclosures, and compaction areas are to be located a minimum of 7.62 m (25 ft.) from an adjacent residential use.

## 12. LANDSCAPING STANDARDS AND SCREENING

Refer to Schedule 9: Landscaping and Screening Standards and Guidelines.

## 13. LIGHTING

(1) Where artificial outdoor lighting is provided to illuminate any parcel, building or site, the type, location and orientation of lighting shall:

(a) avoid direct illumination of the neighbouring properties;

(b) not adversely affect the use, enjoyment and privacy of any dwelling; and

(c) not interfere with traffic safety on public roadways.

(2) Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded to the satisfaction of the Development Authority so as not to adversely affect neighbouring properties or traffic safety on public roadways.

## 14. PERMITTED PROJECTIONS INTO SETBACKS

(1) In no circumstances shall any part of any structure encroach or cause runoff onto an adjoining property.

(2) The following features may, subject to the relevant provisions of Safety Codes, project or encroach into the minimum required yard setbacks under this Bylaw:

(a) unenclosed steps or unenclosed fire escapes to a maximum of 2.00 m (6.5 ft.) into a front or rear yard and 0.91 m (3.0 ft.) into a side yard;

(b) a wheelchair ramp to a maximum of 3.05 m (10 ft.);

(c) fences in accordance with the applicable land use district and Section 6 (Clear Vision Triangle for Corner Lots);

(d) driveways, curbs and sidewalks;

(e) off-street parking in accordance with the applicable land use district and Section 6 (Clear Vision Triangle for Corner Lots);

(f) service meters;

(g) mailboxes;

(h) landscaping, fish ponds, ornaments, flagpoles [less than 4.57 m (15 ft.) in height], or other similar landscaping features in accordance with Section 6 (Clear Vision Triangle for Corner Lots);

(i) signs, in accordance with Schedule 12: Sign Regulations;

(j) uncovered decks to a maximum of 3.05 m (10 ft.) into a rear yard in the RC-SL District;

(k) uncovered decks to a maximum of 1.52 m (5 ft.) into a rear yard in all other residential districts;

(l) balconies that are unenclosed to a maximum of 1.83 m (6 ft.) into a rear yard;

(m) privacy walls less than 2.00 m (6.5 ft.) above the top of the finished floor elevation/grade of a balcony, deck or patio may encroach the same distance as the approved balcony, deck or patio (as applicable).

(3) The portions of an attachment to a principal building which may project over a required yard setback are as follows:

(a) eaves, fireplace chases, bay windows, belt courses, cornices, sills, temporary awnings or other similar architectural features may project:

(i) a maximum of 0.61 m (2 ft.) over a side yard setback, and

(ii) a maximum of 1.22 m (4 ft.) over a front or rear yard setback.

(4) In a front yard, cantilevers not exceeding 40 percent of the front wall area may encroach a maximum of 0.61 m (2 ft.).

(5) In a side yard, cantilevers may encroach a maximum of 0.61 m (2 ft.) where the projection does not exceed 40 percent of one side wall and 20 percent of the other.

(6) In a rear yard, cantilevers may encroach a maximum of 0.61 m (2 ft.).

(7) In all cases, projections into any required setback must comply with the requirements of the *Safety Codes Act*.

## 15. EXTERIOR BUILDING FINISHES

The Development Authority may require that specific finishing materials and colour tones be utilized in order to maintain the compatibility of any:

(a) renovations or new development with that of surrounding buildings;

(b) additions or accessory buildings and structures with the existing buildings on the same lot.

## 16. CONSTRUCTION/DEMOLITION DAMAGE DEPOSIT

(1) A refundable security fee for sidewalks in the amount of $500.00 may be required, at the discretion of the Development Authority, to ensure that already constructed sidewalks are not destroyed when construction or demolition occurs on a lot.

(2) If damage does occur the Town will use the security fee for the replacement and/or repair costs and the owner and/or applicant will be responsible for any additional costs (over and above $500) to repair the sidewalk to its previous condition.

(3) If a security fee has not been taken by the Town and damage has occurred to municipal infrastructure, the Town may invoice the owner for any and all damages.

## 17. SERVICING REQUIREMENT

All residential, industrial and commercial buildings shall be required to connect to municipal water supply, storm sewer and sanitary sewer systems where the municipal services are, in the opinion of the Development Authority, reasonably available.

## 18. WATERCOURSES AND RIPARIAN AREAS

The Development Authority may place development related conditions, including setbacks, on an application for development approval that may impact a watercourse, riparian area, and/or environmentally significant areas in accordance with the management practises outlined in “Stepping Back from the Water” (Government of Alberta, September 2012).

## 19. DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE OR FLOODING

If in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence or flooding, the Development Authority may require the applicant to submit a structural building plan prepared and sealed by a qualified professional engineer, and/or a slope stability analysis, and/or geotechnical report, and/or flood mapping prepared by a qualified professional engineer demonstrating that any potential hazards can be mitigated.

# SCHEDULE 5: USE SPECIFIC STANDARDS

# SCHEDULE 5: USE SPECIFIC STANDARDS

The standards in this Part establish additional requirements for specific principal uses or structures and accessory developments. The General Development Standards in Schedule 4 and the requirements of the applicable land use district also apply unless otherwise stated.

## 1. CHILD CARE FACILITIES

All child care facilities may be approved subject to the following conditions and requirements:

(a) an applicant for a child care facility is encouraged to meet and consult with all adjacent land owners in the vicinity of where the use is proposed and to submit a summary of consultation as part of a development permit application;

(b) in any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property;

(c) all signage must comply with Schedule 12: Sign Regulations;

(d) request for more than one sign or a sign greater than 0.74 $m^2$ (8 $ft^2$) requires a separate development permit application;

(e) the use shall not generate traffic problems within the district;

(f) requires a minimum of one (1) on-site parking space per employee at the use at any given time;

(g) requires a minimum of one (1) on-site pick-up and drop-off space for every 10 children and the location of passenger loading zones for child care facilities may be specified as a condition of a development permit;

(h) must have screening for any outdoor play areas to the satisfaction of the Development Authority;

(i) all applications for child care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies.

## 2. ~~BED AND BREAKFASTS~~ SHORT-TERM RENTALS

**General**

(1) Short-Term Rentals are characterized by the advertising and management of a dwelling unit as temporary rental accommodation, or vacation rental, where the intent is for the occupant to stay for a term not exceeding 30 days rather than using the property as a permanent owner-occupied residence or traditional long-term rental;

(2) a Short-Term Rental may be allowed only in a land use district where the use is specifically listed, and no other uses shall be interpreted to be "similar uses";

(3) the Development Officer shall maintain an inventory in the form of a map of all approved Short-Term Rentals which shall serve as reference information for the consideration of new discretionary use Short-Term Rental applications and for the broader monitoring of the land use and its impact on the community (including the rental housing market);

(4) the operator of a Short-Term Rental shall be made aware, through the issuance of a development permit, of their responsibility to comply with any relevant provincial rules and regulations, including but not limited to the Safety Codes Act, Public Health Act, the application of the provincial tourism levy, as well

as applicable municipal bylaws, and the operator will be required to show verification of the same when requested by the Development Authority;

**Standards**

Where approved, Short-Term Rentals shall be developed and operated in accordance with the following regulations:

(5) parking shall be provided as required under Schedule 10, and a parking layout plan shall be submitted with an application for a development permit that clearly depicts the location and dimensions of the parking areas on the property;

(6) a recreational vehicle (RV) shall not be used as accommodation for a Short-Term Rental nor the owner/operator of a Short-Term Rental;

(7) the exterior appearance of a Short-Term Rental shall not be altered to make the residential dwelling significantly stand-out or be readily recognized as a commercial accommodation with the exception of limited signage as provided for in this Bylaw;

(8) the maximum occupancy for a Short-Term Rental 1 is six (6) occupants. A Short-Term Rental proposing more than 6 occupants is classified as a Short-Term Rental 2. The Maximum occupancy of a Short-Term Rental 2 is ten (10) occupants, which is inclusive of all rental units within a building. Notwithstanding the maximum occupancy stated above, the Development Authority may limit the maximum occupancy of a Short-Term Rental on a case-by-case basis as it sees fit;

(9) not more than one (1) rental unit is allowed within a Short-Term Rental 1. Where an application proposes more than 1 rental unit within a building, the use shall be classified as a Short-Term Rental 2;

(10) Short-Term Rentals shall not interfere with the rights of residential neighbours to the quiet enjoyment of their property in accordance with the Town of Cardston Good Neighbour Bylaw;

(11) the Development Authority may, at its discretion, place any conditions it deems reasonable on a development permit application for a Short-Term Rental to manage potential impacts to neighbours and/or to ensure the use is operating within the standards of this Bylaw, or refuse an application for a Short-Term Rental if in its opinion the use would interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;

(12) the owner/operator of the Short-Term Rental shall provide the personal contact information for the operator of the Short-Term Rental to the Development Authority that is kept accurate and up to date during the operation of the Short-Term Rental;

(13) signage associated with a Short-Term Rental shall be submitted as part of the development permit application and shall be limited to:

(a) one window sign no more than 0.4 $m^2$ (4 sq. ft.) in area or

(b) one freestanding sing no more tha 1.5 m (5 ft.) above ground and no more than 0.4 $m^2$ (4 sq. ft.) in area.

**Posting Requirements**

The owner/operator of a Short-Term Rental shall maintain and post in a conspicuous place visible to guests within the Short-Term Rental:

(14) a copy of their development permit which indicates the maximum occupancy of the rental unit;

(15) a valid business license; and

(16) the up-to-date contact information of the operator of the Short-Term Rental.

~~Bed and breakfast accommodations may be approved where in the opinion of the Development Authority the use shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and breakfast accommodation shall be an incidental and subordinate use to the principal use and restricted to the dwelling unit, and:~~

~~(a) advertising may only be permitted in compliance with Schedule 12: Sign Regulations;~~

~~(b) alterations to the principal building may be permitted provided they are not inconsistent with the residential character of the building or property;~~

~~(c) an approved development permit will remain in effect, provided the intensity of use does not increase and all requirements of the development permit have been satisfied;~~

~~(d) employees working in the business shall be limited to the residents of the dwelling unit;~~

~~(e) the accommodation shall be limited to a maximum of two (2) guest rooms and a maximum of four (4) guests in addition to the permanent residents;~~

~~(f) a development permit is based solely on the location of use. If a permit holder relocates within the municipality, the person must apply for a development permit to continue the use from the new location;~~

~~(g) accommodation for each group of guests shall be for a maximum of 10 consecutive days or 14 intermittent days over a 21 day period;~~

~~(h) guest rooms shall not be permitted to contain cooking or kitchen facilities;~~

~~(i) meals may be provided to registered guests only and meals for guests shall be prepared in the common kitchen of the principal residence;~~

~~(j) one off-street parking space is required for each guest room in addition to the off-street parking requirements for the dwelling;~~

~~(k) the issuance of a development permit in no way exempts the applicant from obtaining a business license from the Town and any other Provincial approvals that may be required.~~

## 3. AIR CONDITIONERS – FREESTANDING

A freestanding exterior air conditioner shall not be located in a front yard (not including the secondary front yard of a corner lot) or located less than 0.91 m (3 ft.) from a side or rear property boundary.

## 4. FENCES AND HEDGES

(1) In all residential districts no fence, wall, hedge or other means of enclosure greater than 0.91 m (3 ft.) in height, or any combination thereof shall be erected in any front yard area without a development permit from the Development Authority. The front yard is that portion of the yard that lies between the front lot line and the nearest portion of the principal building.

(2) In all residential districts fences, walls, hedges or other means of enclosure in the secondary front, rear and side yard shall be no more than 1.83 m (6 ft.). See Figure 5.1.

(a) notwithstanding the above, the Development Officer may approve an over height fence not exceeding 2.43 m (8 ft.) in a secondary front, rear or side yard, where in the opinion of the Development Officer there is a demonstrated need for an over height fence (ie. deer fence);

(b) the over height portion of a fence is to be not less than 50% transparency (ie. lattice, screen).

(3) Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way. Removal of such fencing will be at the property owner's expense.

(4) Subdivision perimeter fencing is subject to the approval of the Development Authority.

(5) The Development Authority may regulate the types of materials and colours used for a fence.

(6) Refer also to Section 6 for Clear Vision Triangle for Corner Lots.

(7) The height, type and location of a fence in any non-residential land use district shall be to the satisfaction of the Development Authority.

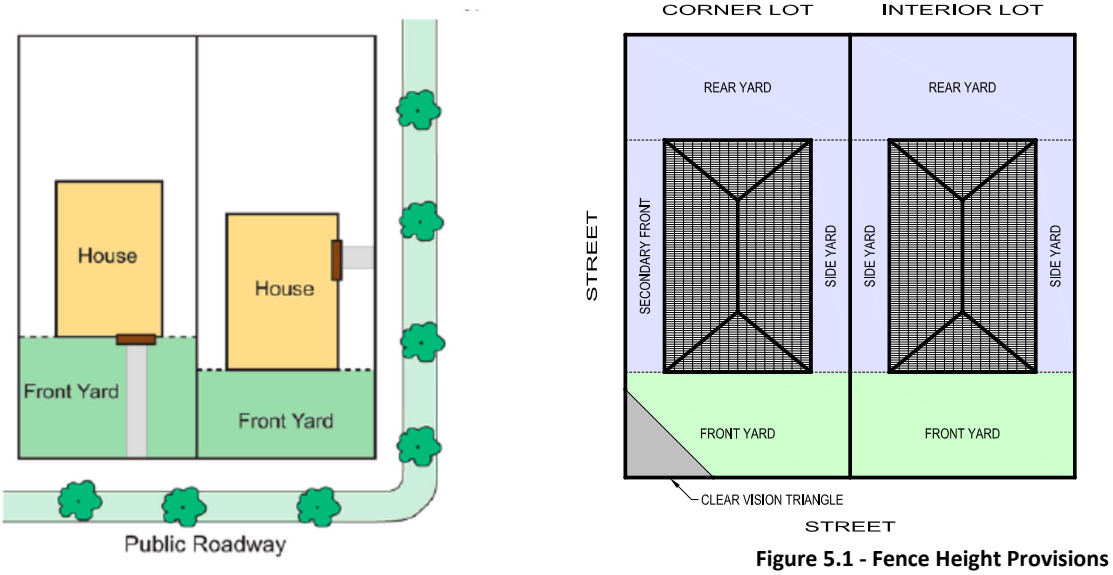



**Figure 5.1 - Fence Height Provisions**
**Green area fence height no more than 0.91 m (3 ft.)**
**Blue area fence height no more than 1.83 m (6 ft.)**

## 5. DECKS, AMENITY SPACES AND PRIVACY WALLS

(1) A development permit is required for the construction of any deck more than 0.61 m (2 ft.) above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(2) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.

(3) A **patio** means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade, and does not exceed 0.61 m (2 ft.) and may or may not be attached to a dwelling.

(4) A **deck** means an uncovered horizontal structure with a surface height greater than 0.61 m (2 ft.) above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.

(5) A **privacy wall** shall be no greater than 2.00 m (6.5 ft.) above the grade of a balcony, deck or patio.

(6) Where a development permit is required for construction of a privacy wall (see Schedule 3: Development Not Requiring a Development Permit), the Development Authority may regulate the materials and/or exterior finish.

## 6. BALCONIES, VERANDAS AND PORCHES

(1) A balcony shall not project more than 1.83 m (6 ft.) from a building facade and shall adhere to the preferred design style in Figure 5.2 at the discretion of the Development Authority. For semi-detached dwellings, no separation from a party wall property line is required for a balcony where a privacy wall extends the full depth of the balcony.

(2) Where any building or structure is attached to a principal building by:

(a) a roof structure (open or enclosed) above grade;

(b) a floor or foundation which is above grade; or

(c) any structure below grade allowing access between the buildings, such as a parking garage or a corridor or passageway connecting the buildings;

it is considered to be part of the principal building and shall be considered in calculating site coverage and shall adhere to minimum yard setback requirements (unless specifically permitted to encroach).

(3) Verandas and porches shall comply with the minimum required front yard setback (dimensions) as per the applicable land use district (unless specifically permitted to encroach).

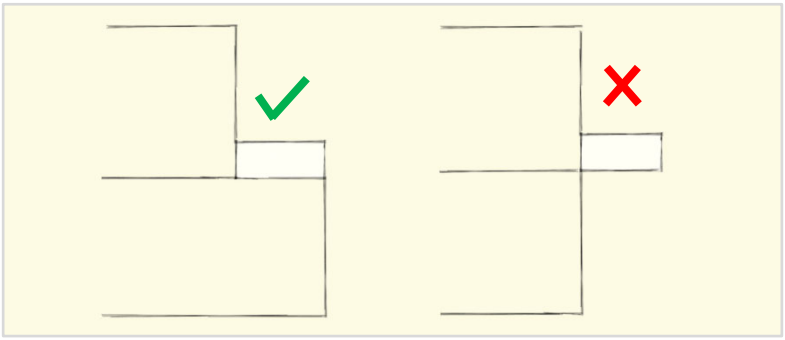


Figure 5.2 – Preferred balcony design style

## 7. GAS BARS, SERVICE STATIONS AND BULK FUEL STORAGE AND SALES

(1) Notwithstanding the District Regulations, a use pursuant to this Section shall not be located on sites which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access and egress from the site.

**Site Area (Minimum)**

(2) Site Area (Minimum):

(a) Gas Bar: 1,200 $m^2$ (12,917 $ft^2$)

(b) Service Station: 1,500 $m^2$ (16,146 $ft^2$)

(c) Gas Bar or Service Station including Car Wash: 2,700 $m^2$ (29,063 $ft^2$)

(d) Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 $m^2$ (10,764 $ft^2$)

(e) Where a service station or gas bar is combined with a convenience store: 1,200 $m^2$ (12,917 $ft^2$)

(f) Bulk Fuel Storage and Sales: 2,700 $m^2$ (29,063 $ft^2$)

**Setback of Buildings and Structures**

(3) The Provincial Plumbing and Gas Safety Services Branch shall approve the proposed location(s) and design of all fuel storage tanks prior to application for a development permit.

(4) Fuel storage tanks shall have the following minimum setbacks from any property lines, abutting masonry building walls, drainage basins and ditches, or a greater setback if required by the district:

| Total Tank Capacity | Setback |
|---|---|
| Up to 7,500 litres | 3.05 m (10 ft.) |
| 7,501 to 19,000 litres | 4.88 m (16 ft.) |
| 19,001 to 38,000 litres | 7.62 m (25 ft.) |
| Over 38,000 litres | 10.67 m (35 ft.) |

(5) Tanks located on property within the Flood Damage Reduction Overlay District shall be flood proofed to the satisfaction of the Development Authority.

(6) The ventilation tank pipes shall have a minimum height of 3.35 m (11 ft.) from grade, and a minimum setback of 0.91 m (3 ft.) from any property line. In cases where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum of 1.22 m (4 ft.).

(7) The ventilation tank pipes shall have a minimum setback of 7.62 m (25 ft.) from any fuel-dispensing unit.

(8) The minimum front yard requirements shall be as prescribed in the district in which the use is located but in no case shall be less than 3.05 m (10 ft.).

(9) The minimum side and rear yard setbacks shall be as prescribed in the district in which the use is located.

(10) Yard setbacks shall apply to all above ground structures, including gas pump canopies.

**Site and Building Requirements**

(11) All parts of the site to which vehicles may have access shall be hard-surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

(12) Circulation areas shall be surfaced and drained to the satisfaction of the Development Authority.

(13) The removal of tanks requires a demolition permit from the Development Authority.

## 8. CANNABIS PRODUCTION FACILITY

(1) The owner or applicant must provide, as a condition of development permit, a copy of the current license for all activities associated with medical marihuana production as issued by Health Canada.

(2) The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(3) The development must be carried out in a manner whereby all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.

(4) The development shall not operate in conjunction with another approved use.

(5) The development shall not include an outdoor area for storage of goods, materials or supplies.

(6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

(7) The Development Authority may require, as a condition of a development permit, a public utility and waste management analysis, completed by a qualified professional, that includes detailed information on:

(a) the incineration of waste products and airborne emissions, including smell;

(b) the quality and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material.

(8) A development permit for a Cannabis Production Facility shall be limited as follows:

(a) the first development permit shall not exceed a three (3) year term;

(b) any subsequent development permit shall not exceed a five (5) year term.

## 9. SECONDARY SUITES

(1) A secondary suite shall only be developed within the principal dwelling and shall not be developed within a detached garage and/or accessory structure.

(2) In the case of a secondary suite located completely below the first storey of a single-detached dwelling the floor area shall not exceed the floor area of the first storey of the associated principal dwelling (excluding stairways).

(3) The minimum floor area for a secondary suite shall be not less than 30 $m^2$ (323 $ft^2$).

(4) A secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single-detached dwelling.

(5) Only one secondary suite may be developed in conjunction with a principal dwelling.

(6) A secondary suite shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.

(7) The number of persons occupying a secondary suite shall not exceed four.

(8) The secondary suite shall not be separated from the principal dwelling through a condominium conversion or subdivision.

(9) Variances or waivers of setbacks shall not normally be granted to develop a secondary suite.

(10) A secondary suite shall provide off-street parking in compliance with Schedule 10: Off-Street Parking, Loading & Driveway Requirements.

(11) All required off-street parking stalls for a secondary suite shall be hard surfaced (e.g. cement, pavement/asphalt, etc.).

(12) Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

## 10. MULTI-UNIT DWELLING DESIGN REQUIREMENTS

*These design requirements apply to all developments with two or more dwelling units but do not apply to a single detached dwelling with a secondary suite.*

Multi-unit dwellings are to have a high quality of design by demonstrating compliance/consideration, to the satisfaction of the Development Authority, of the following:

(a) the relevant policies of the Municipal Development Plan;

(b) accent cladding materials (i.e. brick accents) are to be used where necessary to provide visual interest;

(c) materials and landscaping that facilitate ease of maintenance;

(d) design elements that add interest to the streetscape through variations in building height, projections and recesses, and massing;

(e) for developments that are likely to be used for rental housing and/or affordable housing, design and landscaping measures to an extent sufficient to ensure a quality visually indistinguishable from the quality of nearby housing;

(f) for duplex and semi-detached dwelling units, measures that distinguish each unit as being individual in terms of design, character and appearance.

(g) each dwelling unit in a multi-unit dwelling shall be serviced with independent connections to the municipal water and sewer main lines, except in the case of a condominium.

## 11. SHIPPING CONTAINERS

All ***permanent*** **shipping containers** shall be subject to the following general standards:

(1) An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).

(2) There shall be a legal principal use on the property where the shipping container is proposed.

(3) The Development Authority may regulate the maximum number of shipping containers permitted on a lot where listed as a discretionary use.

(4) The Development Authority may regulate the maximum height of shipping containers whether listed as a permitted or a discretionary use.

(5) Except for the temporary placement of a shipping container in compliance with Schedule 3, Section ~~subsection~~ 4(d), or subsection ~~11~~(13) below, a shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.

(6) The shipping container shall only be permitted in the secondary front, rear, or side yard.

(7) The shipping container must comply with the maximum lot coverage and setback requirements for accessory structures in the applicable land use district.

(8) The Development Authority may require as a condition of approval that a shipping container(s) be screened from view.

(9) The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted a neutral or complementary colour to match the existing building(s) on the property.

(10) The Development Authority may require as a condition of approval that the exterior of the shipping container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.

(11) The Development Authority may regulate the time period for which a development permit for a shipping container(s) is valid through the issuance of a temporary permit.

(12) Removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant and/or landowner. The Development Authority may require as a condition of approval the

posting of a bond or a security guaranteeing the removal of the container and/or compliance with the conditions of the permit.

***Temporary* shipping containers** that are proposed to exceed the time-limit eligibility for an exemption from the requirement to obtain a development permit in Schedule 3 may be issued a development permit by the Development Authority subject to the following:

(13) A temporary development permit may be issued for a period up to three (3) months, in any land use district, where a construction project time-line is in excess of the exemption time-line provided in Schedule 3.

(14) Minimum yard setbacks shall be 0.91 m (3 ft.).

## 12. SOLAR COLLECTORS

A solar collector attached to a wall or roof of a building, for the primary purpose of providing electricity to the building or buildings on the subject parcel, may be ~~permitted~~ allowed in any land use district as an accessory structure subject to the following:

(1) A solar collector mounted on a roof:

(a) may project a maximum of 1.22 m (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(b) must not extend beyond the outermost edge of the roof.

(2) A solar collector mounted to a wall:

(a) must be located such that it does not create undue glare on neighbouring property or public roadways;

(b) must be located a minimum of 2.38 m (7.8 ft.) above grade;

(c) may project a maximum of 1.52 m (5 ft.) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(d) may project a maximum of 0.61 m (2 ft.) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

(3) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be classified as an accessory structure, meet the minimum required setbacks in the land use district, and processed subject to the applicable land use district and the following additional standards:

(a) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must not exceed 1.83 m (6 ft.) in height above existing grade; and

(iii) in all land use districts must not be located in the front, secondary front or side yard of the principal building or dwelling

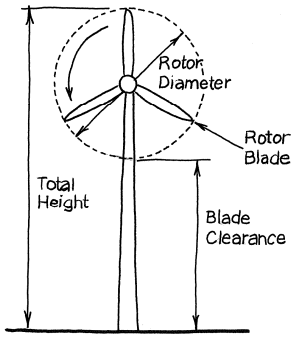
(iv) shall only be approved where the proposed size and scale of the development is consistent with the purpose of the land use district.~~.~~

## 13. SMALL WIND ENERGY SYSTEMS

This Section establishes standards for the siting and operation of Small Wind Energy Systems. This Section is intended to implement the necessary requirements while protecting the scenic and natural resources of the Town of Cardston and the health, safety and welfare of its residents.

**Definitions**

(1) The following definitions apply to this Schedule:




**Blade** means an element of a wind energy system rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

**Blade clearance** means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

**Rotor's arc** means the largest circumferential path travelled by a blade.

**Small Wind Energy System (SWES)** means a wind energy conversion system consisting of a wind turbine (rotor and blades), a tower, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power and is CSA approved.

**Total height** means the height from grade to the highest vertical extension of a SWES. In the case of a SWES with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

**Tower** means the structure which supports the rotor above grade.

**Permit Requirements**

(2) Small Wind Energy Systems shall require a development permit depending on their location, as provided in the regulations for the land use districts in which they are allowed.

**Type A Small Wind Energy System**: This use is defined as a Small Wind Energy System that is either roof mounted or has a tower which does not exceed 12.19 m (40 ft.) in height.

**Type B Small Wind Energy System**: This use is defined as a Small Wind Energy System that has a tower which is greater than 12.19 m (40 ft.) in height but does not exceed 24.38 m (80 ft.) in height.

**Information Requirements**

(3) Applications for Small Wind Energy Systems shall include the following information where applicable:

(a) all proposed Small Wind Energy Systems shall be commercially manufactured and applications shall include the manufacturers make and model number;

(b) the manufacturer's specifications indicating:

(i) the SWES rated output in kilowatts;

(ii) safety features and sound characteristics;

(iii) type of material used in tower, blade, and/or rotor construction;

(c) potential for electromagnetic interference;

(d) nature and function of over speed controls which are provided;

(e) specifications on the foundations and/or anchor design, including location and anchoring of any guide wires;

(f) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;

(g) location of existing buildings or improvements.

**Referrals**

(4) Prior to making a decision on a development application for a Small Wind Energy System, the Development Authority may refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) Navigation Canada.

**Setbacks**

(5) A Small Wind Energy System shall comply with all the setbacks that govern the principal use in the district in which it is located.

(6) No part of the wind system structure, including guy wire anchors, may extend closer than 3.05 m (10 ft.) to the property boundaries of the installation site.

(7) The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines, and a minimum distance of 3.0 m (9.8 ft.) from any other structure on the parcel on which the system is located. On parcels 4.05 ha (10 acres) or more, the parcel line setback may be reduced if the applicant demonstrates that:

(a) because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback; and

(b) the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.

**Development Standards**

Small Wind Energy Systems shall comply with the following standards:

(8) There shall be a limit of one (1) Small Wind Energy System per parcel.

(9) Subject to the allocation of use (Type A or Type B) in the particular land use district, the system's tower shall not exceed a maximum height of 12.19 m (40 ft.) on a parcel of less than 0.40 ha (1 acre), a maximum of 19.81 m (65 ft.) on a parcel of 0.40 ha (1 acre) to less than 2.02 ha (5 acres), and maximum height of 24.38 m (80 ft.) on a parcel 2.02 ha (5 acres) or more. Notwithstanding the above, in no case shall a Type A system exceed 12.19 m (40 ft.) in height and in no case shall a Type B system exceed 24.38 m (80 ft.).

(10) The system's tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and public roads, public trails and other public areas.

(11) The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments.

(12) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

(13) The system's tower-climbing apparatus and blade tips shall be no closer than 4.57 m (15 ft.) from ground level unless the system is enclosed by a 1.83 m (6 ft.) high fence.

(14) The system's utility lines shall be underground where economically practical.

(15) The system shall be operated such that no electro-magnetic interference is caused.

(16) The system shall be located in the rear yard.

(17) Small wind turbines shall not exceed 50 dB(A), or in excess of 5 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.

(18) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

(19) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

## 14. ALTERNATIVE/RENEWABLE ENERGY, INDIVIDUAL ACCESSORY SOURCES

The Development Authority is authorized to issue development approvals for minor alternative energy sources that are accessory to an approved principal use, in addition to the structures for which specific standards are provided, including but not limited to, heat exchange systems, generators, turbines, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.

## 15. COMMERCIAL/INDUSTRIAL ALTERNATIVE/RENEWABLE ENERGY DEVELOPMENTS

*See Schedule 11: Commercial / Industrial Alternative Renewable Energy Developments.*

## 16. TEMPORARY OUTDOOR SWIMMING POOLS AND HOT TUBS

(1) Portable, temporary, or above-ground outdoor hot tubs that are designed to be easily removed do not require a development permit but must be setback a minimum of 1.83 m (6 ft.) from a side or rear property line and shall not be located in a front yard.

(2) In-ground swimming pools shall:

(a) require a development permit;

(b) be considered an accessory structure;

(c) meet the minimum required setbacks for accessory structures in the applicable land use district or 1.83 m (6 ft.) from a side or rear property line, whichever is greater,

(i) a greater setback may be imposed where one is necessary, in the opinion of the Development Authority, to ensure the privacy and quiet enjoyment of adjacent properties or to prevent against seepage or sloughing;

(d) not be calculated in the total maximum site coverage for accessory buildings and structures.

## 17. KENNELS (ANIMAL BOARDING)

Any development undertaken pursuant to an approved development permit for a kennel or animal boarding use shall be in accordance with the *Town of Cardston's Dog Bylaw* and the following provisions:

(1) All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building.

(2) The Development Authority may determine the maximum number of adult dogs that may be kept at any one time by the operator of a private or commercial kennel.

(3) All pens, rooms, exercise runs, and holding stalls shall be soundproofed if deemed necessary by the Development Authority which shall base its decision on the number of animals to be kept at the kennel, the proximity of the kennel to other uses and/or other kennels, and possibility that the noise from the kennel may adversely affect the amenities of the area.

(4) In addition to soundproofing requirements, the times at which the animals are allowed outdoors may be regulated.

(5) All kennel facilities shall be screened by both a visual and sound barrier, by fences and/or landscaping, from existing dwellings on adjacent parcels to the satisfaction of the Development Authority.

(6) Kenneling facilities shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.

(7) Compliance with the Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations.

## 18. SATELLITE DISHES AND TELECOMMUNICATION ANTENNAS

In all residential land use districts:

(a) satellite dishes greater than 1 m (3 ft.) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard;

(b) satellite dishes greater than 1 m (3 ft.) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

Radio and television antennas, which are not regulated by Industry Canada, are classified as an accessory structure.

## 19. TELECOMMUNICATION ANTENNA SITING PROTOCOLS

Telecommunication, radio communication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radio communication or broadcast antenna system within the Town, which does not meet the exclusion criteria in Appendix A shall be subject to the following siting protocols:

**Co-utilization**

(1) The applicant shall be requested to identify any other similar antenna systems within a radius of 500 m (1,640 ft.) of the proposed location and to provide documentary evidence that co-utilization of the existing antenna systems is not a viable alternative to the proposed antenna.

**Siting Options**

(2) The applicant shall be requested to identify siting options and any alternative locations considered.

**Appearance**

(3) Antenna systems which are visible from residential areas are encouraged to employ innovative design measures to mitigate the visual impact of the antenna system.

**Landscaping**

(4) The landscaping requirements of the land use district in which the development is proposed should be integrated into the site design, except where existing site vegetation is deemed comparable by the Development Authority to the land use district requirements.

**Lighting and Signage**

(5) Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it meets the requirements of the applicable land use district.

(6) Only signage that is required by applicable federal agencies is permitted. No advertising signage shall be permitted.

**Municipal Concurrence**

(7) The applicant shall be required to present the proposed development to the Development Authority at a public meeting in accordance with the Administration Section and submit the following plans at least two weeks before the scheduled meeting:

(a) site plan identifying the location of the proposed development, access, distance from property lines, easements, rights-of-way or any other development constraint on the property, proposed fencing or other security measures, and landscaping plan; and

(b) antenna height, type, design, material, appearance and lighting.

(8) Upon conclusion of the public consultation process, the Development Authority will issue a response to the applicant in writing indicating either concurrence of the proposed development or specific concerns or comments relating to the antenna system.

**Public Consultation**

(9) The applicant shall be required to hold a public meeting before the Development Authority at the Town office or another location approved by the Town administration to explain all aspects of the proposed development, including but not limited to siting, technology and appearance of the structure.

(10) The Town may notify all land owners within a distance of 500 m (1640 ft.) of the proposed structure at the expense of the applicant.

## 20. WAREHOUSING STANDARDS FOR OUTDOOR STORAGE

Sites for outdoor storage of goods, machinery, vehicles, building materials, scrap metal, junk, other waste materials and other items, at the discretion of the Development Authority may be permitted if kept in a neat and orderly manner and/or suitably enclosed by a fence or wall or screened with landscaping to the satisfaction of the Development Authority.

## 21. DRIVE-IN/DRIVE-THROUGH RESTAURANTS

(1) Areas required for parking or circulation of vehicles shall be hard-surfaced to the satisfaction of the Development Authority.

(2) The Development Authority shall, where necessary to mitigate the effect on adjacent residential properties, regulate the hours of operation of the drive-thru portion of a restaurant.

(3) Exits and entrances shall be as approved by the Development Authority, and circulation within the lot shall be directional and adequately signed.

(4) When drive-through service is provided, a minimum length for vehicle stacking shall be provided before the service window/point, and within the lot as per Schedule 10, Section 6.

(5) Front, side and rear yards abutting on parking or circulation areas shall be adequately landscaped to the satisfaction of the Development Authority.

## 22. RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH AN APPROVED COMMERCIAL OR INDUSTRIAL USE

Residential accommodation in conjunction with an approved commercial or industrial use may be approved where in the opinion of the Development Authority:

(1) It is not inappropriate, from a health and safety perspective, for the dwelling unit(s) to be housed within the same building or located on the same site as the approved commercial or industrial use; and

(2) Where the principal use of the property for commercial or industrial purposes is maintained;

And provided that:

(3) The front facade of the building is maintained as a commercial or industrial premise; and

(4) The dwelling unit(s) will be a size/extent limited to only what is reasonably necessary for habitation purposes, so as not to preclude the development and/or expansion of adjacent commercial or industrial uses.

## 23. CANNABIS RETAIL SALES

(1) A Cannabis Retail Sales use may only be located on lands designated Direct Control (DC).

(2) A Cannabis Retail Sales use must be a separate use from any other uses or business activities unless it is a use or activity expressly authorized by the Alberta Gaming & Liquor Commission (AGLC).

(3) A Cannabis Retail Sales use must obtain the necessary license from the AGLC and proof of license shall be required as a condition of development permit approval.

(4) If at any time an approved Cannabis Retail Sales use has its AGLC license revoked or the license expires, the development permit issued to the Cannabis Retail Sales use shall be null and void.

(5) The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(6) A development permit for a Cannabis Retail Sales use shall not be approved if the premises (measured from the nearest outside wall of the Cannabis Retail Sales use) is located within a 300 m separation distance of any of the following:

(a) the boundary of a parcel of land on which a School is located;

(b) the boundary of a parcel of land on which a Hospital is located;

(c) the boundary of a parcel designated as school reserve (SR) or municipal and school reserve (MSR) is located;

(d) the boundary of a parcel of land on which another Cannabis Retail Sales is located;

(e) the boundary of a parcel of land containing one of the following uses: Child Care Facility, Religious Assembly, Educational Institution, Indoor Recreation, Institutional Facility or Use, Outdoor Recreation Facility, Outdoor Recreation and Sports Fields, Park or Playground, or any other land use

(unless specifically dealt with otherwise in this Section), where, in the opinion of the Development Authority, persons under the age of 18 are likely to congregate on a regular basis.

(f) the above noted separation distances are reciprocal and are illustrated (for information purposes only) in Appendix E.

(7) The specified separation distances in subsection (6) above are not eligible to be varied (waived) by the Development Authority or the Subdivision and Development Appeal Board.

(8) The hours of operation for a Cannabis Retail Sales shall be limited to 9 a.m. to 9 p.m. daily.

(9) Application requirements for a Cannabis Retail Sales use are as follows:

(a) prior to applying for a municipal development permit for a Cannabis Retail Store, the applicant is required to apply to the AGLC for a determination of eligibility to obtain a licence, and submit verification of the AGLC eligibility as part of the development application;

(b) a detailed business plan including hours of operation, number of employees and any other relevant matters;

(c) documentation demonstrating how the cannabis retail store complies with the Conditions Governing Cannabis Store Premises under the *Alberta Gaming, Liquor and Cannabis Regulation*;

(d) proposed exterior business signage and information demonstrating compliance with the Alberta Gaming and Liquor Commission store names;

(e) a site plan including details of the proposed store and a detailed listing of surrounding land uses, both on adjacent (contiguous) parcels and within 300 m from the site subject of the application (drawn on a high quality and clearly legible site plan with text descriptions).

## 24. USES INVOLVING LIQUOR SERVICE

The following standards apply to any land use involving the service of liquor.

1) This bylaw regulates the service of liquor where associated with land uses that are regulated by this bylaw and does not pertain to special events or other activities not regulated by this bylaw but that may be dealt with by a separate bylaw of the Town.

**Licensed Restaurants**

2) The inclusion of liquor service within a restaurant shall only be allowed where a development permit for a "Restaurant, Licensed" is approved by the Development Authority, and shall be restricted to a "Class A – Minors Allowed" license issued by the Alberta Gaming & Liquor Commission (AGLC).

3) The hours of liquor service for a "Restaurant, Licensed" shall be restricted to between 10:00 a.m. to 1:00 a.m.

**Licensed Recreational Uses**

4) The inclusion of liquor service as part of a recreational use shall only be allowed where a development permit for a "Recreational use, Licensed" is approved by the Development Authority, and shall be restricted to a "Class A – Minors Allowed" and / or a "Class B" license issued by the Alberta Gaming & Liquor Commission (AGLC).

5) The Development Authority may regulate the hours of liquor service for a "Recreational use, Licensed."

**Application Requirements and Conditions of Approval**

6) A detailed business plan including hours of operation, number of employees, exterior signage related to liquor and any other relevant matters.

7) New or existing developments proposing a licensed recreational use shall be required to complete a crime prevention through environmental design (CPTED) analysis and, where required by the Development Authority, incorporate CPTED design principles into the design of the development.

**Prohibited Liquor Uses**

8) This bylaw defines various uses involving liquor including "Lounges/Beverage Rooms," Nightclub," and "Liquor Store." These uses are not listed in any land use district and therefore are prohibited uses.

# SCHEDULE 6: MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS

# SCHEDULE 6: MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS

Single-detached prefabricated dwellings (modular, ready-to-move, panelized) are exempt from this Schedule and shall comply with Schedule 7: Prefabricated Dwelling Regulations of this Bylaw. Single-detached manufactured dwellings are exempt from this Schedule and shall comply with the regulations of the R2C or R2S Land Use District.



**MOVED-IN DWELLING** means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site with a different legal description for use as a residence. Prefabricated dwelling (modular, ready-to-move, panelized, etc.) and manufactured dwelling are separate uses.

## 1. MOVED-IN DWELLINGS AND MOVED-IN BUILDINGS

The following standards shall apply to **moved-in dwellings** and **moved-in buildings**:

(1) The dwelling/building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

(2) The dwelling/building, when completed, shall meet or exceed provincial building requirements.

(3) The dwelling/building should comply with all provincial and municipal health and fire regulations.

(4) The quality of the completed dwelling/building shall be equal to or better than the quality of the other dwelling/buildings in the area. The Development Authority shall only issue a development permit for a dwelling/building if it is of a quality equal to or better than the quality of other buildings in the surrounding area, or if it is demonstrable that upgrades to the dwelling/building are achievable in order to provide the required quality.

(5) As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit, including the requirement that the developer provides landscaping, fencing, address drainage issues, or other such matters they consider necessary if, in their opinion, the conditions are necessary and would serve to improve the quality or compatibility of a proposed development.

(6) The Development Authority shall place conditions on a development permit requiring upgrades and enhancements to a dwelling/building and/or site (i.e. fencing, landscaping) if deemed necessary.

(7) All entrances and exits (doors) to a moved-in dwelling or building shall be furnished with a landing/staircase.

(8) A current report by a certified building inspector regarding confirmation that the dwelling/building meets, or can be made to meet the current building requirements for each application shall be filed before any such application shall be considered.

(9) A timeframe for completion and full compliance with all stipulated requirements shall be established by the Development Authority at the time of the approval of the application.

(10) The applicant shall provide a minimum of four recent colour photographs showing the exterior of the proposed dwelling/building.

(11) The Development Authority may require a bond or irrevocable letter of credit a minimum of $2,000.00 or up to 50 percent of the estimated value of the structure to ensure the conditions of the development permit are met and municipal infrastructure is not damaged in the process.

(12) Return of the posted bond or irrevocable letter of credit is contingent upon the Development Authority verifying the completion of all the conditions of this Schedule and the development permit.

# SCHEDULE 7: PREFABRICATED DWELLING REGULATIONS

# SCHEDULE 7: PREFABRICATED DWELLING REGULATIONS



**SINGLE-DETACHED PREFABRICATED DWELLING** means a previously unoccupied dwelling unit (new) or portions of a dwelling unit that are built at an off-site manufacturing facility or location other than the lot intended for occupancy. The units are built in conformance with CSA standards and/or Alberta Safety Codes and do not have an integrated frame, hitch, wheels, or chassis or other device allowing for transport of the unit. Single-detached prefabricated dwelling includes **modular**, **ready-to-move (RTM)** and **panelized**. This definition does not include: single-detached manufactured dwelling, moved-in dwelling, moved-in building or single-detached dwelling.

## 1. PREFABRICATED DWELLINGS

(1) The Development Authority shall issue a development permit for a prefabricated dwelling (modular, RTM and panelized) provided that:

(a) the unit is CSA certified (meet CSA A-277 Standards) and will meet all safety code requirements;

(b) the dwelling is securely fastened and must be placed on a permanent, Safety Codes approved, foundation;

(c) the minimum roof pitch shall not be less than a 4/12 pitch;

(d) the minimum floor area of the dwelling shall be no less than 79.89 $m^2$ (860 $ft^2$) or the minimum established in a particular land use district;

(e) the dwelling shall be a minimum 7.32 m (24 ft.) in width; the design, character, and appearance (including roof lines/material and exterior finish) of modular dwellings shall be consistent with the purpose of the district in which the building is located and shall take into account any other buildings existing in the vicinity;

(f) at the discretion of the Development Authority, the exterior finish, colour and roofing material may be stipulated as a condition of approval;

(g) all entrances and exits (doors) shall be furnished with a landing/staircase;

(h) the dwelling shall conform to any architectural controls that may apply.

(2) Prefabricated dwellings located in any land use district other than the R2C or R2S shall not be of a rectangular shape similar to a typical single-detached manufactured dwelling.

(3) As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit, including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters they consider necessary if, in their opinion, the conditions are necessary and would serve to improve the quality or compatibility of a proposed development.

(4) The dwelling and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in the Land Use Bylaw.

(5) The applicant/developer must submit professional building plans illustrating the exterior design, floor plan, elevations and setbacks.

(6) The quality of the completed dwelling shall be at least equal to the quality of the other dwellings in the area.

# SCHEDULE 8: HOME OCCUPATIONS

# SCHEDULE 8: HOME OCCUPATIONS

**HOME OCCUPATION** means the ancillary use of a dwelling unit (and/or its accessory buildings or lands) by any trade, profession or craft for, or in the pursuit of, gainful employment involving the manufacture, processing, provision or sale of goods and/or services.

## 1. HOME OCCUPATION 1

A development permit is not required for a Home Occupation 1 only if:

(a) the use involves phone and office only;

(b) the use involves no outdoor storage;

(c) there is no display of goods on the exterior ~~interior~~ of the residence;

(d) all sales and/or customer interaction occur off the premises; and

(e) the use complies with the general standards found in Section 3 of this Schedule.

If there is a doubt as to whether a proposed home occupation is a Home Occupation 1, then the Development Officer may refer the application to the Municipal Planning Commission for a decision.

## 2. HOME OCCUPATION 2

The Municipal Planning Commission is to decide upon any of the home occupations listed below as Home Occupation 2 only if:

(a) there are no more than six (6) business related trips to the residence per day;

(b) the proposed storage is not exposed to public view;

(c) there is a limited display proposed for the inside of the building; and

(d) the use complies with the general standards found in Section 3 of this Schedule.

## 3. GENERAL STANDARDS

Home occupations may be permitted subject to the following conditions:

(1) Except with the approval of the Development Authority, no person other than the applicant shall be engaged in such home occupations on the premises.

(2) The applicant shall be a permanent resident of the dwelling.

(3) No variation from the external appearance and residential character of land or building shall be permitted.

(4) Home occupations shall be operated as a secondary or subordinate use to the principal use of the lot/site within a dwelling unit.

(5) Home occupations shall not be permitted in any residential land use district if, in the opinion of the Development Authority, the use would be more appropriately located in a commercial or industrial land use district.

(6) No use requiring electrical or mechanical equipment shall cause a fire rating change in the structure or the district in which the home occupation is located.

(7) One (1) sign may be approved as part of a Home Occupation development permit application and shall be limited to 0.72 m² (8 sq. ft.) in size and attached to a window, wall or fence, or as a standalone structure not exceeding 1.5 m (5 ft.) in height.

~~Advertising may only be allowed in compliance with Schedule 12: Sign Regulations~~.

(8) Home occupations shall not generate vehicular traffic or parking in excess of that which is characteristic of the district within which it is located.

(9) The Development Authority may regulate any aspect of the home occupation including but not limited to the number and size of vehicles associated with the use, type and extent of screening of outdoor storage, hours of operation or any other dimension of the use to ensure the amenities of the neighbourhood are not negatively affected and the principal residential character of the neighbourhood is upheld.

(10) On-site parking stalls shall be provided and utilized for all business vehicles associated with a home occupation. Any and all business vehicles associated with the home occupation shall comply with all requirements and regulations of the relevant and applicable Town of Cardston Traffic Safety Bylaw(s). The Development Authority may regulate the type and number of business vehicles associated with a home occupation.

(11) The Development Authority may require additional parking spaces due to the type of Home Occupation 2 proposed as they determine to be necessary.

(12) Traffic shall be controlled by and conform to the Town of Cardston Traffic Safety Bylaw.

(13) No offensive noise, vibration, smoke, dust, odours, heat or glare discernible beyond the property lines shall be produced by the use.

(14) The development permit shall be applicable only for the period of time the property is occupied by the applicant. Any permit issued is non-transferable.

(15) A development permit may be issued temporarily in accordance Section 42 of the Administration Section.

(16) Home occupations shall **not** include:

(a) activities that use or store hazardous materials;

(b) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment or value of neighbouring properties.

(17) The applicant shall be responsible for compliance with the Alberta Health Standards and Guidelines and the Alberta Building Code requirements.

(18) The issuance of a development permit in no way exempts the applicant from obtaining a business license from the Town and any other Provincial approvals that may be required.

# SCHEDULE 9: LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES

# SCHEDULE 9: LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES

**LANDSCAPING** means the modification, beautification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials and this may include xeriscaping or xerigardening;

(b) hard landscaping consisting of non-vegetative materials such as brick, rock, stone, decorative concrete, tile and wood, excluding monolithic concrete and asphalt; and

(c) excludes all areas utilized for driveways and parking.

## 1. PURPOSE AND INTENT

(1) To create and provide for an attractive, aesthetic and high quality urban environment in all land use districts.

(2) To create and provide for environmental buffers or transition areas between incompatible land uses and sensitive environmental interfaces.

(3) To provide minimum regulations, standards and/or requirements in recognizing the important linkage between landscaping and the associated economic, social and environmental benefits to the greater community.

## 2. APPLICABILITY

The standards and requirements established in this schedule shall apply to all new developments. Minor redevelopments (i.e. addition of buildings or structures) on existing developed properties shall require the Development Authority to consider imposing realistic landscaping improvements as a condition of development permit where the property does not meet the requirements of this schedule. Changes of ownership, tenancy or use, where redevelopment is not taking place, shall not be required to comply with this schedule.

## 3. GENERAL STANDARDS AND REQUIREMENTS FOR ALL DISTRICTS

(1) The quality and extent of landscaping established on a lot (or site) shall be the minimum standard to be maintained on the lot (or site) for the life of the development.

(2) Any area not constructed upon shall be developed or landscaped to the satisfaction of the Development Authority at the time of development permit.

(3) The Development Authority may impose landscaping requirements as a condition of approval for permitted and discretionary uses if, in their opinion, it is necessary to improve the quality and/or compatibility of any proposed development with adjacent uses and the immediate neighbourhood area.

(4) The Development Authority may require as a condition of approval screening for permitted and discretionary uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials and other items.

(5) Vegetation and other landscaping features shall be placed in a manner which will not obstruct access to any fire hydrant, utility or appurtenance thereto. Vegetation, especially trees, hedges or shrubs must be

located in a manner such that it will not obstruct or impede vision of traffic on roadways or intersecting streets. See Schedule 4, Section 7 – Clear Vision Triangle For Corner Lots.

(6) The majority of any required landscaping shall be concentrated in those yards adjacent to streets/roads unless the developer can show reasonable cause why this cannot occur, to the satisfaction of the Development Authority.

(7) A landscaping plan (i.e. site plan showing landscaping locations and materials) shall be required by the Development Authority at the time of the submission of a development permit application or placed as a condition of a development permit approval, unless otherwise specified in this Land Use Bylaw. The Development Authority may require a landscaping plan to be professionally prepared.

(8) Existing vegetation should be preserved and protected unless the need for removal is demonstrated to the satisfaction of the Development Authority.

(9) Selection of plant varieties shall be based on regional climatic conditions, constraints of location, effectiveness in screening adjacent properties, resistance to disease and insect attack, cleanliness, appearance and ease of maintenance.

(10) All natural landscaping shall be planted in accordance with good horticultural practice.

(11) At the time of planting, the minimum calliper width for all trees required as part of a specific development project shall be 20 millimetres (0.79 in.).

(12) Landscaping shall consist of the following materials:

(a) vegetation (trees, shrubs, lawn, flowers);

(b) ground cover such as large feature rocks, bark chip, field stone, crushed rock, or other similar features;

(c) berming, terracing;

(d) innovative landscaping features;

(e) landscape ornaments;

(f) other features that may include, but not limited to, front walkways and steps.

## 4. MINIMUM STANDARDS AND REQUIREMENTS FOR COMMERCIAL / INDUSTRIAL

(1) Except for lands located within the Commercial (C1) Land Use District, an area of a size appropriately proportional to the size of the building, and located directly adjacent to the front or secondary front orientation of the principal building shall be landscaped. The size and location of required landscaping shall be determined by the Development Authority with the aim of providing an appreciable area that serves to beautify the site.

(2) Landscaping in addition to the landscaping required in Section 1 may be required where the Development Authority finds it necessary to improve the appearance, screening or compatibility of the site, or as a trade-off for a waiver of a separate measurable standard in this bylaw subject to Administrative Section ~~subsection~~ 35(1) or 36(3), or where otherwise directed in Section 4 of this Schedule.

(3) Except for lands located within the Commercial (C1) Land Use District, a minimum 3.05 m (10 ft.) landscape buffer is required (except for those areas occupied by sidewalks and driveways) for all commercial and industrial projects located adjacent to municipal roadways, to the satisfaction of the Development Authority:

(a) for land or property located within the Commercial (C1) Land Use District, where a principal structure is not developed to the front property boundary, the front setback shall be comprehensively landscaped to the satisfaction of the Development Authority.

(4) All lots or sites abutting a residential district shall be buffered and/or screened to the satisfaction of the Development Authority.

(5) Parking lots shall be landscaped to the satisfaction of the Development Authority.

(6) Parking or storing of vehicles is not permitted on required landscaping areas unless approved specifically by the Development Authority as an outside display area as part of an approved development permit.

(7) In all commercial land use districts, trees are required as part of an overall landscape plan and shall be planted at the overall minimum ratio of one (1) tree per 27.87 $m^2$ (300 $ft^2$) of landscaped area provided.

(8) In all industrial land use districts, trees are required as part of an overall landscape plan and shall be planted at the overall minimum ratio of one (1) tree per 46.45 $m^2$ (500 $ft^2$) of landscaped area provided.

(9) Wherever space permits and where acceptable to the Town of Cardston, trees shall be planted in groups.

(10) To ensure the continued care of lawns and other vegetation, developers may be required to install underground watering/irrigation systems as a condition of development permit approval.

(11) The required landscaping shall be clearly attached as a condition of development permit. All required landscaping must be completed within 24 months from the date of approval of the development permit.

## 5. MINIMUM STANDARDS AND REQUIREMENTS FOR RESIDENTIAL

(1) For all single-detached and semi-detached dwelling development projects a minimum of 25 percent of the front yard area of the principal building/use shall be required to contain landscaping.

(2) For all major multi-unit dwelling development projects (i.e. ~~town~~ rowhouses, apartments or similar multi-unit dwelling projects that contemplate three (3) or more dwelling units on a lot), a minimum of 40 percent of the total lot area shall be provided as landscaping.

(3) Parking or storing of vehicles is not permitted on any required landscaping area.

(4) The required landscaping shall be clearly attached as a condition of development permit. All required landscaping must be completed within 24 months from the date of approval of the development permit.

## 6. MINIMUM STANDARDS AND REQUIREMENTS FOR ALL OTHER DISTRICTS

Any minimum requirements for landscaping shall be required at the discretion of the Development Authority.

## 7. LANDSCAPING SECURITY AND IMPLEMENTATION

(1) A refundable security fee may be required as a condition of any development permit approval.

(2) A refundable security fee of $1,000.00 may be required to ensure compliance with any and all landscaping requirements to the satisfaction of the Development Authority.

(3) If the costs for implementation of the required and approved landscaping for a commercial, industrial, major multi-unit residential dwelling or institutional project exceed the abovementioned refundable security fee of $1,000.00, the Municipal Planning Commission or Development Officer may require the applicant and/or landowner to provide an estimate of the cost of landscaping (including all site work and/or irrigation) and may secure up to 100 percent of the cost of such landscaping (re: letter of credit) until such time that it has been determined that all landscaping has been provided and is healthy/viable, to the satisfaction of the Municipal Planning Commission or Development Officer.

(4) Landscaping shall be completed within 24 months of occupancy unless otherwise specified on a development permit.

(5) If the landscaping requirements are not completed to the satisfaction of the Development Authority within 24 months of occupancy the refundable security fee shall be forfeited by the applicant/landowner or the security held in trust (i.e. letter of credit) may be collected by the Town of Cardston and used to complete the landscaping.

(6) As part of all new development projects, landscaping shall be successfully maintained for two consecutive growing seasons. Partial refund (re: refundable security fee or security deposit) may be considered after one successful growing season, at the discretion of the Development Authority.

# SCHEDULE 10: OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS

# SCHEDULE 10: OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS

## 1. APPLICABILITY

(1) The off-street parking and loading requirements and design standards apply to:

(a) all new buildings, and

(b) the expansion or enlargement of existing buildings or uses.

(2) In the case of redevelopment (i.e. expansion or enlargement of an existing building or use), additional off-street parking spaces will be required to serve the expanded or enlarged area only, not the entire building or use.

(3) These standards do not apply to change of use developments provided the gross floor area of the building is not increased or an additional dwelling unit is not added and the number of existing off-street parking spaces is not reduced.

## 2. MINIMUM REQUIRED OFF-STREET PARKING

(1) The minimum required off-street parking for a development shall be calculated in accordance with Table 1 (Minimum Required Off-street Parking) of this Schedule.

(2) All required off-street parking shall be provided at the time of construction and prior to occupancy.

(3) The applicant must provide a site plan and/or parking plan (and in some cases an alternative parking plan) showing the location and dimensions of all off-street parking requirements.

(4) Off-street parking requirements based on floor area are to be computed on the gross floor area (GFA) of the building, unless otherwise stipulated in this Bylaw.

(5) Calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of 0.49 or less.

(6) A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority. An alternative parking plan shall be submitted in proposing a shared parking scenario and is based upon the proposed sharing of parking spaces between two or more uses on a lot and/or utilization of lot area on a lot other than that in which the use is proposed and must include a written agreement between the owners on record. Where such off-site parking is approved, a caveat may be registered against the lot(s) to guarantee the continuous use of the site for parking for the life of the development.

(7) Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Table 1.

(8) All required parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may approve an alternative parking plan in permitting off-site parking spaces to be provided on a lot within 152.40 m (500 ft.) of the building or use if, in the Development Authority opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat may be registered against the lot(s) to guarantee the continuous use of the site for parking for the life of the development.

**Table 1 – Minimum Required Off-Street Parking**

| USE | MINIMUM PARKING SPACES |
|---|---|
| **COMMERCIAL/INDUSTRIAL** | |
| Assisted living facility | 1 space per 2.5 dwelling units |
| Autobody repair/paint shop | 1 space/46.45 $m^2$ (500 $ft^2$) of GFA |
| Automotive sales and/or service | 1 space/46.45 $m^2$ (500 $ft^2$) of GFA |
| Building - trade contractors/building supplies | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |
| Car/truck wash | 1 space per employee |
| Child care/day care facility | 1 space per employee plus 1 space for every 7 children |
| Convenience store | 1 space/27.87 $m^2$ (300 $ft^2$) of GFA |
| Drive-in/drive-through use | 1 space/5.11 $m^2$ (55 $ft^2$) of seating area plus 1 space per employee |
| Equipment sales, rental and service | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |
| Farm/industrial machinery sales and service | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |
| Financial institution | 1 space/37.16 $m^2$ (400 $ft^2$) of GFA |
| Funeral facility | 1 space/5 seating spaces plus 1 space per employee |
| Garden centres and horticulture operations and facilities | 1 space/65.03 $m^2$ (700$ft^2$) of GFA |
| Grocery store | 1 space/37.16 $m^2$ (400 $ft^2$) of GFA |
| Hotel/motel | 1 space per guest room |
| Kennel | 1 space/46.45 $m^2$ (500 $ft^2$) of GFA |
| Light industry/manufacturing/fabrication | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |
| Machinery and equipment rental | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |
| Medical/health facility | 1 space/18.58 $m^2$ (200 $ft^2$) of GFA plus 1 space per employee |
| Office | 1 space/46.45 $m^2$ (500 $ft^2$) of GFA |
| Personal service | 1 space/37.16 $m^2$ (400 $ft^2$) of GFA |
| Pet care services | 1 space/46.45 $m^2$ (500 $ft^2$) of GFA plus 1 space per employee |
| Restaurant | 1 space per 4 seats plus 1 space per employee |
| Retail store | 1 space/37.16 $m^2$ (400 $ft^2$) of GFA |
| Service station/gas bar | 1 space/37.16 $m^2$ (400 $ft^2$) of GFA |
| Shopping centre | 1 space/23.23 $m^2$ (250 $ft^2$) of GFA |
| Truck transportation/dispatch depot | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |
| Veterinary clinics (large or small animal) | 1 space/46.45 $m^2$ (500 $ft^2$) of GFA |
| Warehousing | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |
| Wholesale trade | 1 space/65.03 $m^2$ (700 $ft^2$) of GFA |

| RESIDENTIAL | |
|---|---|
| ~~Bed and breakfast~~ Short-Term Rental 1 | 1 per guest room or per 3 guests, whichever is greater (in addition to parking space for the principal dwelling) ~~1 space per guest room~~ |
| ~~Boarding/lodging houses~~ Short-Term Rental 2 | 1 per guest room or per 3 guests, whichever is greater ~~1 space per bedroom~~ |
| Dwellings: | |
| – Apartment | 1.5 spaces per dwelling unit plus 0.5 space per unit for visitor parking |
| – Duplex/semi-detached/rowhouse | 2 spaces per dwelling unit |
| – Multi-unit | 2 spaces per dwelling unit plus 0.5 space per unit for visitor parking |
| – Single-detached dwellings (site built, manufactured, prefabricated, moved-in) | 2 spaces per dwelling unit |
| – Garage or garden suite | 1 space for 1 bedroom unit, 2 spaces for 2-3 bedroom unit |
| – Secondary suite | 1 space for 1 bedroom unit, 2 spaces for 2-3 bedroom unit |
| Home occupation 1 | N/A |
| Home occupation 2 | 1 space |
| Senior citizen housing | 1 space per 2.5 dwelling units |
| **PUBLIC & INSTITUTIONAL** | |
| Clubs and organizations | 1 space/9.29 $m^2$ (100 $ft^2$) plus 1 space per employee |
| Community hall/cultural facility | 1 space/9.29 $m^2$ (100 $ft^2$) plus 1 space per employee |
| Educational institutions/schools | 3 spaces per classroom |
| Group care facility | 1 space per employee |
| Hospital | 1 space per 2 beds |
| Religious assembly | 1 space/4 seating spaces |

## 3. BARRIER-FREE PARKING

(1) The minimum number of barrier-free parking spaces to be provided for the disabled shall be a portion of the total number of off-street parking spaces required, in accordance with Table 2, Barrier-Free Parking Spaces.

(2) Each barrier-free parking space for the disabled shall be:

(a) at least 3.66 m (12 ft.) wide,

(b) have a firm, slip-resistant and level surface,

(c) be clearly marked as being for the use of persons with disabilities only.

(3) Where there are two or more adjacent barrier-free parking stalls, a 1.52 m (5 ft.) wide access aisle shall be provided between the stalls.

(4) Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.

(5) There must be a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance.

(6) It is recommended that an additional number of spaces be considered when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical services and restaurants.

| Table 2 - Barrier-Free Parking Spaces | |
|---|---|
| Number of parking spaces required for a use | Number of barrier-free spaces required for use by persons with disabilities |
| 0-10 | 0* |
| 11-25 | 1 |
| 26-50 | 2 |
| 51-100 | 3 |
| for each additional increment of 100 or part thereof | one additional stall |

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities.

## 4. LOADING SPACE REQUIREMENTS

(1) One loading space shall be provided for each loading door.

(2) There shall be a minimum of one off-street loading space per building in the *C-1, C-2, C-3, I-1, I-2* land use districts.

(3) The Development Authority may require that off-street loading areas be provided in any land use district.

(4) The minimum dimensions for a loading space shall be 3.05 m (10 ft.) by 9.14 m (30 ft.) with an overhead clearance of 3.96 m (13 ft.).

(5) Each loading area shall provide a doorway into the building sufficient to meet the needs of the use within the building.

(6) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow or parking.

(7) The Development Authority may require additional loading areas or doors if, in the Development Authority's opinion, such additional areas or doors are deemed necessary.

(8) The Development Authority may consider a joint loading area for two or more uses if, in the Development Authority's opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

## 5. STACKING SPACES FOR DRIVE-THROUGH USES

(1) In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces:

(a) Restaurant use: 30.48 m (100 ft.) from order box to pick-up window

(b) Gas station: 9.14 m (30 ft.) from each end on pump island

(c) Bank machine: 22.86 m (75 ft.) from bank machine window

(d) Car wash: 15.24 m (50 ft.) from car wash entrance

(e) Other: As determined by the Development Authority

(2) The minimum stacking space requirements in (a) above may be varied by the Development Authority depending upon the intensity of the proposed development.

## 6. OFF-STREET PARKING DESIGN STANDARDS

(1) Off-street parking areas shall be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions in Figure 10.1, Parking Layout Alternatives.

(2) Parking space designs proposing tandem or stacked parking to a maximum of 2 vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only.

(3) The stall width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed to accommodate compact vehicle parking.

(4) Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

(5) Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

(6) Off-street parking spaces adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

(7) The Development Authority may require that off-street parking areas or portions thereof be hard-surfaced (pavement, cement, etc.) as a condition of approval, prior to occupancy or an alternative timeframe as agreed to between the Town and the applicant. A security deposit for completion of this condition may be required.

## 7. ACCESS AND LANES

See Schedule 4, Section 4.

## 8. BICYCLE PARKING

(1) Major commercial and public developments shall be required, at the discretion of the Development Authority, to provide bicycle parking of an amount sufficient to facilitate bicycle parking for employees and patrons at peak use hours.

(2) Bicycle parking shall be located in a conspicuous area and designed so to facilitate ease of use and security.

## 9. GENERAL DRIVEWAY STANDARDS

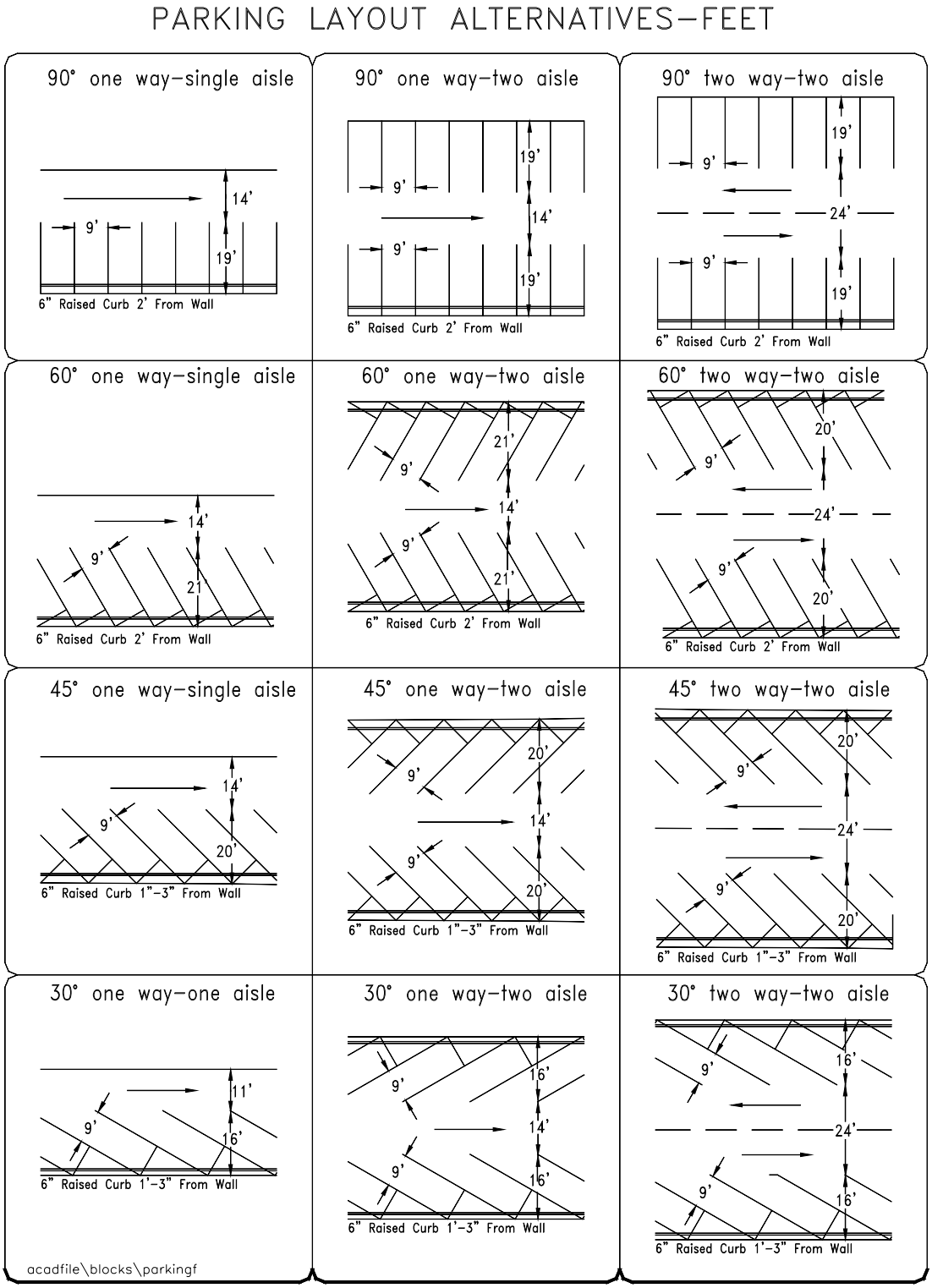
(1) Driveway and lot access location, width and configuration shall be to the satisfaction of the Development Authority. The Development Authority may regulate driveways where necessary to ensure traffic safety and nuisance mitigation.

(2) Vehicular access for corner lots will be limited to locations along the minor street unless site specific considerations require otherwise.

(3) Driveways and manoeuvring aisles serving as fire lanes shall be at least 6.10 m (20 ft.) wide.

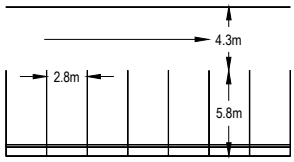
(4) In all land use districts the Development Authority may require that driveways be hard-surfaced (paved, concrete, or similar equivalent) as a condition of approval.

**Figure 10.1**


PARKING LAYOUT ALTERNATIVES–FEET
90° one way–single aisle
14'
9'
19'
6" Raised Curb 2' From Wall
90° one way–two aisle
19'
9'
14'
9'
19'
6" Raised Curb 2' From Wall
90° two way–two aisle
19'
9'
24'
9'
19'
6" Raised Curb 2' From Wall
60° one way–single aisle
14'
9'
21'
6" Raised Curb 2' From Wall
60° one way–two aisle
21'
9'
14'
9'
21'
6" Raised Curb 2' From Wall
60° two way–two aisle
20'
9'
24'
9'
20'
6" Raised Curb 2' From Wall
45° one way–single aisle
14'
9'
20'
6" Raised Curb 1"–3" From Wall
45° one way–two aisle
20'
9'
14'
9'
20'
6" Raised Curb 1"–3" From Wall
45° two way–two aisle
20'
9'
24'
9'
20'
6" Raised Curb 1"–3" From Wall
30° one way–one aisle
11'
9'
16'
6" Raised Curb 1'–3" From Wall
acadfile\blocks\parkingf
30° one way–two aisle
16'
9'
14'
9'
16'
6" Raised Curb 1'–3" From Wall
30° two way–two aisle
16'
9'
24'
9'
16'
6" Raised Curb 1'–3" From Wall

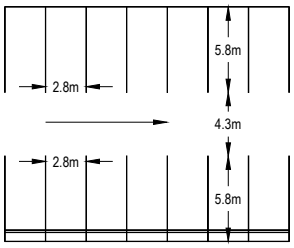
# PARKING LAYOUT ALTERNATIVES-METRES

90° one way-single aisle



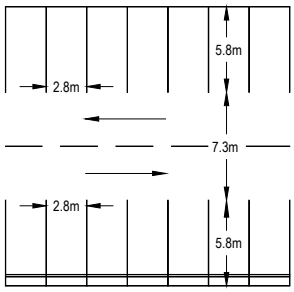

0.15m Raised Curb 0.6m From Wall

90° one way-two aisle



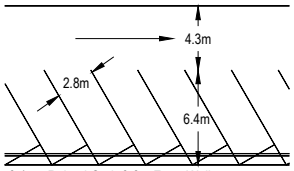

0.15m Raised Curb 0.6m From Wall

90° two way-two aisle



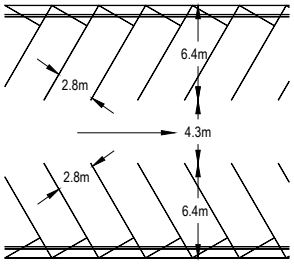

0.15m Raised Curb 0.6m From Wall

60° one way-single aisle



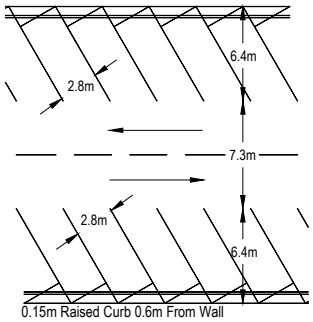

0.15m Raised Curb 0.6m From Wall

60° one way-two aisle



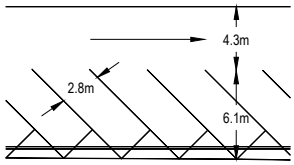

0.15m Raised Curb 0.6m From Wall

60° two way-two aisle



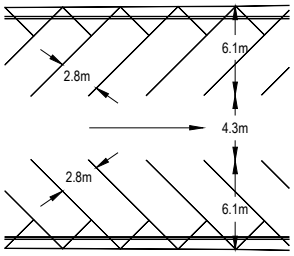

0.15m Raised Curb 0.6m From Wall

45° one way-single aisle



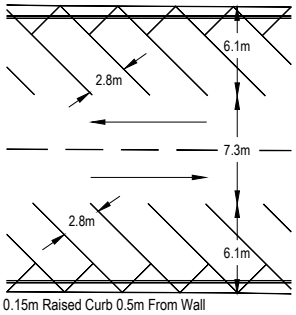

0.15m Raised Curb 0.5m From Wall

45° one way-two aisle



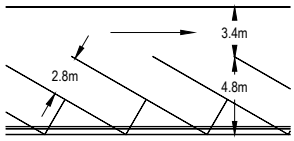

0.15m Raised Curb 0.5m From Wall

45° two way-two aisle




0.15m Raised Curb 0.5m From Wall

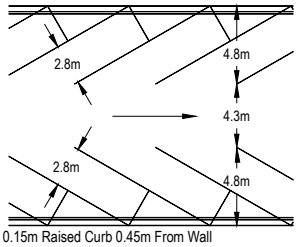
30° one way-one aisle




0.15m Raised Curb 0.45m From Wall

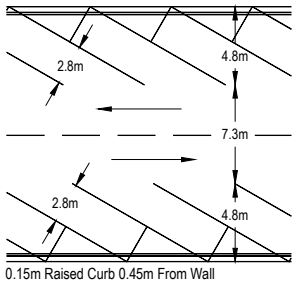
acadfile\blocks\parkingm

30° one way-two aisle




0.15m Raised Curb 0.45m From Wall

30° two way-two aisle




0.15m Raised Curb 0.45m From Wall

# SCHEDULE 11: COMMERCIAL / INDUSTRIAL ALTERNATIVE RENEWABLE ENERGY DEVELOPMENTS

# SCHEDULE 11: COMMERCIAL / INDUSTRIAL ALTERNATIVE RENEWABLE ENERGY DEVELOPMENTS

## 1. DEFINITIONS

In addition to the definitions in Schedule 13 of this Bylaw, the following definitions apply to this Schedule:

**Alternative/Renewable Energy, Commercial/Industria**l means a use that produces energy (and in some cases other marketable by-products depending on the process utilized) fuelled in ways that do not use up natural resources or harm the environment. Energy may be derived from natural and/or non-traditional sources (e.g. geothermal, solar, water, wind, waste, etc.) and once produced is sold and distributed off-site (commercially) to the marketplace.

**Anaerobic digestion** is a series of processes in which microorganisms break down biodegradable material in the absence of oxygen. It is used for industrial or domestic purposes to manage waste and/or to release energy.

**Anaerobic digester** means a facility or system designed to process animal manure, organic or septic waste, and typically converts what used to be waste, into biogas. The biogas can be used to heat water or create electricity, and may also provide a source of organic fertilizer.

**Biodiesel** means a clean burning alternative fuel, produced from domestic, renewable resources, such as soy oil and other feedstocks. Biodiesel is made through a chemical process called transesterification whereby the glycerin is separated from the fat or vegetable oil.

**Bioenergy** means the energy stored in organic matter to generate electricity. This organic matter can include agricultural residues, animal manure, waste wood, wood chips and bark. Bioenergy can be generated in a variety of ways such as Thermal treatment, Anaerobic digestion, Biofuel or Landfill gas.

**Biofuel** means a fuel derived from biological raw materials or biomass (recently living organisms or their metabolic byproducts, such as manure from cows). It is a renewable energy source and typically, it is considered a fuel with an 80% minimum content by volume of materials derived from living organisms harvested within ten years preceding its manufacture.

**Fermentation** is the process of extracting energy from the oxidation of organic compounds.

**Gasification** is a process that converts organic or fossil based carbonaceous materials into carbon monoxide, hydrogen and carbon dioxide. This is achieved by reacting the material at high temperatures (>700 °C), without combustion, with a controlled amount of oxygen and/or steam.

**Geothermal energy** means thermal energy that is generated and stored in the Earth.

**Mechanical biological treatment** system is a type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.

**Micro-hydro** means a type of hydroelectric power that typically produces up to 100 kW of electricity using the natural flow of water. These installations can provide power to an isolated home or small community, or are sometimes connected to electric power networks.

**Pyrolysis** is a thermochemical decomposition of organic material at elevated temperatures without the participation of oxygen. It involves the simultaneous change of chemical composition and physical phase, and is irreversible.

**Thermal depolymerization (TDP)** is a depolymerization process using hydrous pyrolysis for the reduction of complex organic materials (usually waste products of various sorts, often biomass and plastic) into light crude oil. It mimics the natural geological processes thought to be involved in the production of fossil fuels.

**Waste-to-Energy (WtE)** or energy-from-waste (EfW) is the process of creating energy, typically in the form of electricity or heat, from the incineration of a waste source. Most WtE processes produce electricity directly through combustion, or produce a combustible fuel commodity, such as methane, methanol, ethanol or synthetic fuels. Besides incineration, other WtE technologies may include: gasification, thermal depolymerization, pyrolysis, plasma gasification, anaerobic digestion, fermentation, and mechanical biological treatment.

## 2. ALTERNATIVE/RENEWABLE ENERGY COMMERCIAL/INDUSTRIAL PROJECTS

All major commercial or industrial alternative/renewable energy development projects, such as but not limited to, solar photovoltaic, solar thermal, geo-exchange, micro-hydro, carbon capture and storage, geothermal, waste-to-energy, anaerobic digesters, biodiesel, biofuel or fuel cells, require a development permit. This Section is specific and applicable to those commercial/industrial development projects whose primary intent and purpose is to sell and/or export energy (or any other by-product of a particular process) off-site.

**Information Requirements**

(1) A development permit application shall be accompanied by the following information:

(a) an accurate site plan showing and labelling the proposed development and the location of overhead utilities on or abutting the subject lot or parcel, and identification of any sensitive, environmental or topographical features which may be present on the parcel;

(b) detailed information on the type of facility, structure or system and the energy process involved;

(c) the manufacturer's specifications indicating (if applicable):

(d) the rated output in megawatts;

(e) safety features and sound characteristics;

(f) any information regarding general public safety;

(g) identification of any impacts to the local road system having regard to Town standards;

(h) information regarding setbacks from property lines and the proximity to structures or uses on both the site and adjacent parcels of land;

(i) information or verification of the proposed source of water and required capacity if required for the type of facility such as an ethanol plant;

(j) a plan outlining how the site will be decommissioned and reclaimed if the use is ever discontinued;

(k) large commercial/industrial facilities shall submit studies identifying noise, odour and pollutant impacts and how these impacts will be addressed;

(l) an emergency response plan;

(m) a summary report of any and all public consultation that was undertaken by the applicant;

(n) any or all information as deemed relevant to a proposed project; and

(o) any other information as required by the Development Authority.

**Setbacks**

(2) The buildings or structures of a commercial or industrial energy project shall comply with all the property line and public roadway setbacks as established in the district in which the project is proposed.

(3) In addition to the requirements of subsection (2)~~(a)~~ above, structures or facilities related to waste-to-energy, anaerobic digesters, biodiesel, or biofuels developments shall not be located within:

(a) a minimum of 250 m (820 ft.) from any residential dwelling, food establishment or public use facility or building;

(b) a minimum of 120 m (394 ft.) from the boundary or right-of-way of an irrigation district canal, creek, stream, river, or water body;

(c) the parts of the project related to the transmission lines and associated structures and to the roads, docks, water crossings, culverts, etc. associated with the facility may be allowed within 30 m (100 ft.) of a water body or within the water body itself (to the satisfaction of the Town and/or all other federal and provincial departments that may have jurisdiction with respect to a proposed project).

(4) The Development Authority may require a larger minimum setback than required as per the above and in the applicable land use district having regard for the location of the development, potential environmental impacts (e.g. air, water – surface and subsurface, soil, etc.), adjacent land uses and any determined natural, scenic or ecologically significant features of the landscape.

**Development Application Referrals**

(5) Prior to making a decision on a development application for an alternative/renewable energy commercial/industrial project, the Development Authority may refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) NavCanada,

(d) Industry Canada

(e) Alberta Culture and Community Spirit,

(f) Alberta Environment,

(g) Alberta Agriculture, Food and Rural Development

(h) AESO (Alberta Energy Systems Operator),

(i) Alberta Sustainable Resource Development,

(j) Alberta Transportation (within prescribed distances to provincial roadways),

(k) any other federal or provincial agencies or departments, as deemed necessary.

(6) The Development Authority shall also refer a development application for an Alternative/ Renewable Energy, Commercial/Industrial project to:

(a) the adjacent municipal jurisdiction if it is deemed by the development authority that the project may have a noxious, hazardous, negative or otherwise detrimental impact on lands located within the adjacent municipal jurisdiction; and

(b) landowners located within 800 m (0.5 mile) of the proposed alternative/renewable energy, commercial/industrial project.

**Development Standards**

Depending on the type of alternative/renewable energy project proposed, the Development Authority may require that the applicant comply with any or all of the following standards or requirements:

(7) All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off.

(8) The applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment, if applicable.

(9) Any biodiesel waste or water contaminated with biodiesel, is prohibited to be discharged directly into any sewers or surface waters.

(10) All feedstock and materials are to be stored and contained within buildings, and no outside storage is permitted.

(11) That the semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as agreed to or specified by the Town.

(12) The preferred location of alternative/renewable energy commercial or industrial developments is on parcels designated for industrial land use and located in proximity to highways or railway corridors. The Development Authority may require a parcel redesignation to an industrial or direct control land use district or be required to appropriately amend the text in the Land Use Bylaw (as the case may be) to potentially accommodate such a development proposal, prior to accepting a development application.

(13) The applicant is responsible to apply for any Alberta Environment, AUC, ERCB or other applicable provincial approvals or permits that may be required, and must provide the municipality with a copy to be kept on file.

(14) The Development Authority may stipulate any or all of the subsection (4) criteria listed above to be addressed by the applicant as a condition of a development permit application approval.

(15) Any license, permit, approval or other authorization granted by AUC or ERCB shall prevail over any land use bylaw requirements or development permit decisions or conditions if there is a perceived conflict.

(16) All energy transmission lines on the site of the energy generating facility to the substation or grid shall be underground unless otherwise approved by the Development Authority.

(17) The Development Authority may attach conditions to a development permit for any alternative/ renewable energy generating facility based on any other standards that are provided for in the Land Use Bylaw, including but not limited to:

(a) a condition to enter into a development agreement with the Town (in compliance with the relevant section(s) of the *Municipal Government Act*);

(b) a condition to enter into a road use agreement with the Town to address road maintenance and repairs that may arise from the development;

(c) a condition to post security with the Town; and

(d) a condition to allow the developer to register the approved project in phases.

**Site Specific Energy Generating Facilities**

(18) Energy generating facilities whose energy is not distributed off of the lot upon which the energy generating facility is located may be approved on a case-by-case basis by the Development Authority taking into regard the applicable standards of this Bylaw.

# SCHEDULE 12: SIGN REGULATIONS

# SCHEDULE 12: SIGN REGULATIONS

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## 1. PERMITS REQUIRED

Except as stated below in Section 5 (Signs Not Requiring A Permit), no sign shall be erected on land or affixed to any exterior surface of a building or structure unless a development permit for this purpose has been issued by the Development Authority.

## 2. DEFINITIONS

It should be noted that the definitions contain reference locators (i.e. *see Section 1)* that have been italicized for ease of reference. These references should not be interpreted as part of the definition and may be subject to change.

For the purpose of the Land Use Bylaw and this Schedule, the following definitions apply:




**A-BOARD** means a temporary sign which is set on the ground, built of 2 similar pieces of material and attached at the top by a hinge(s) so as to be self supporting when the bottom edges are separated from each other and designed and built to be easily carried by 1 person. *See ~~subsection~~ Section 8(2) Temporary Signs.*

**ABANDONED SIGN** means a sign which advertises or identifies an activity, business, owner, product, lessee or service which no longer exists or a sign for which no legal owner can be found.

**ANIMATION** means a projection style where action or motion is used to project sign content, including lighting changes, special effects or pictures, but does not include changeable content.

**AWNING** means an adjustable or temporary roof-like covering fitted over windows and doors and used for either shelter, advertising or decoration.




**BALLOON SIGN** means any inflatable device used or employed as a sign, that is anchored to the ground or to a building or structure. *See ~~subsection~~ Section 8(2) Temporary Signs.*

**BANNER SIGN** means a temporary sign that is made of lightweight material intended to be secured to the flat surface of a building or structure, at the top and the bottom on all corners, excluding official flags and emblems. *See ~~subsection~~ Section 8(2) Temporary Signs.*

**BENCH SIGN** means a sign that is painted on or affixed flat to a bench.




**BILLBOARD SIGN** means a freestanding structure constructed to provide a medium for advertising where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located and where the copy can be periodically replaced. *See ~~subsection~~ Section 8(7) Billboard Signs.*

**CANOPY** means a permanent fixture fitted over windows and doors and used for either shelter, advertising or decoration.

**CANOPY SIGN** means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee. *See ~~subsection~~ Section 8(3) Canopy Signs*.

**CHANGEABLE CONTENT** means sign content which changes automatically through electronic and/or mechanical means and may include typical features such as an electronic message centre or time and temperature unit.



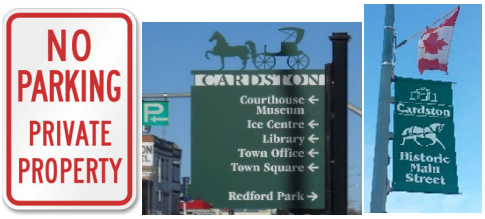
Mechanical changeable copy



Electronic/digital changeable content

**CONSTRUCTION SIGN** means a temporary sign which is placed on a site to advertise items such as the provision of labour, services, materials or financing on a construction project. *See ~~subsection~~ Section 8(2) Temporary Signs.*

**DIRECTIONAL AND INFORMATION SIGN** means a sign the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.




**ELECTRONIC SIGN CONENT** see Section 7 for SIGN CONENT and PROJECTION STYLES.

**FASCIA SIGN** means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.30 m (1 ft.) from the building. *See ~~subsection~~ Section 8(6) Fascia Signs.*

**FREESTANDING SIGN** means a sign supported independently of a building, wall, or other structure by way of columns, uprights, braces, masts or poles mounted in or upon grade. *See ~~subsection~~ Section 8(5) Freestanding Signs.*

**FRONTAGE** means the front lot line and the side of a lot abutting a public roadway. Frontage does not include any side of a lot abutting a lane unless the lane is the only means of physical access.

**HOME OCCUPATION SIGN** means a sign advertising a home occupation approved under the provisions of the Land Use Bylaw.

**LUMINOSITY** means the measurement of brightness.

**MESSAGE DURATION** means the time during which a single message is displayed.

**MULTI-TENANT SIGN** means any type of sign that may contain sign content that advertises more than one tenant and/or business. See Section 8 below for applicable sign type: e.g. freestanding sign, billboard sign, portable sign, etc.

**MURAL SIGN** means any picture, scene, graphic or diagram displayed on the exterior wall of a building for the primary purpose of decoration or artistic expression and not created to solely display a commercial message or depiction. *See ~~subsection~~ Section 8(8) Mural Signs.*

**OFF-PREMISES SIGN** means **a**ny type of sign that may contain sign content that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located. See Section 7 (Sign Content, Projection Styles, and Illumination) and Section 8 (Sign Types) for additional regulations for any and all signs containing off-premises sign content.

**OFF-PREMISES SIGN CONTENT** means sign content which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

**ON-PREMISES SIGN CONTENT** means sign content which advertises a service, product or activity conducted, sold or offered on the property that the sign is located.

**OVERHANGING** means that which projects over any part of any street, lane or other municipally owned property.

**PARAPET** means the extension of a false front wall above a roof line.

**POLITICAL POSTER SIGN** means a temporary sign announcing or supporting candidates or issues in any election or plebiscite. *See ~~subsection~~ Section 8(2) Temporary Signs.*

**PORTABLE SIGN** means a sign that is not permanently affixed to a building, structure, or the ground and does not include A-Board signs as defined in this Bylaw.

**PROJECTING SIGN** means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.30 m (1 ft.) horizontally from a structure or building face. For the purposes of this Bylaw shingle signs are considered projecting signs. *See ~~subsection~~ Section 8(9) Projecting Signs.*

**PUBLIC TRANSPORTATION VEHICLE** means publicly owned, operated and/or funded transit and transportation facilities.

**REAL ESTATE SIGN** means a sign advertising real estate (i.e. property) that is for sale, for lease, or for rent or for real estate that has been sold.

**RESIDENCY IDENTIFICATION SIGN** means a sign located on a lot in a residential district that provides for the name and/or address of the owner or occupant of a dwelling.

**ROTATING SIGN** means a sign or portion of a sign which moves in a revolving manner. See Section 8 for applicable sign type requirements: e.g. freestanding sign, billboard sign, portable sign.

**ROOF SIGN** means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

**SHINGLE SIGN** means a small sign which is suspended from a mounting attached directly to the building wall. Shingle signs are generally placed perpendicular to the face of a building and are typically found in pedestrian

oriented environments such as a downtown and/or historic district. *See ~~subsection~~ Section 8(9) Projecting Signs.*




**Examples of shingle signs**

**SIGN** means a lettered board and/or other public display intended for the advertising or calling attention to any person, business, matter, message, object or event.

**SIGN ALTERATION** means the structural and/or projection style modification of a sign but does not include the routine maintenance, painting or change in face, content, copy or lettering.

**SIGN AREA** means the entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. See figure below.

**SIGN CONTENT** means the wording/lettering, message, graphics or content displayed on a sign.

**SIGN CONTENT AREA** means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.




**Sign area = length of A x length of B**
**Sign content area = length of C x length of D**

**SIGN HEIGHT** means the vertical distance measured from the highest point of the sign or sign structure to the finished grade.

**SIGN ILLUMINATION** means the lighting or exposure of a sign to artificial lighting either by lights on or in the sign or directed toward the sign.

**SIGN PROJECTION STYLE** means the method by which the sign content is conveyed to the viewer (e.g. lettering/logo, animation, changeable content, movement/motion).

**SIGN TYPE** means the type of structure of a sign (e.g. billboard, freestanding, portable, etc.) used to convey sign content.

**TEMPORARY SIGN** means any sign permitted, designed or intended to be displayed for a short period of time (not to exceed 30 days), not including portable signs, however including balloon signs, developer marketing

signs, land use classification signs, construction signs, political poster signs, window signs, banner signs, A-board signs or any other sign that is not permanently attached to a building, structure or the ground.

**UNDER-CANOPY SIGN** means a sign that is suspended from or below the ceiling or roof of an awning, canopy or marquee.

**VEHICLE SIGN** means a sign attached to, painted on or installed on a vehicle other than a public transportation vehicle, handi-bus, taxi cab or school bus.

**WINDOW SIGN** means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises. *See ~~subsection~~ Section 8(4) Window Signs.*

## 3. PROHIBITED SIGNS

(1) In all districts: signs which employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting but does not include changeable content, sign projection styles or animation.

(2) In all districts: signs which emit amplified sounds or music.

(3) In any residential district: signs that employ animation or changeable content as the projection style.

(4) In any non-residential district: signs that employ changeable content, animation or pictorial scenes at a luminosity, intensity and/or interval which may create a public hazard or nuisance.

(5) Any signs located within the public right-of-way or on public property, except for signs *approved* by the Town of Cardston, which may include: canopy signs, projecting signs and temporary signs or signs approved by the Province of Alberta or Federal Government.

(6) Signs that are attached to or appearing on any vehicle or trailer which is parked on a public right of way or any other public lands or on private land that is located adjacent to a public right of way with the intent/purpose of displaying the sign to motorists and the public for any period of time excepting thereout signs for special events organized by a non-profit association, group or organization for a display time period not to exceed seven (7) days ~~forty-eight (48) hours~~.

(7) Any sign which has not obtained a development permit or any sign which has not been deemed exempt from the requirement of obtaining a development permit as per this sign schedule [see Section 5 (Signs Not Requiring A Permit)].

## 4. GENERAL STANDARDS AND REGULATIONS FOR ALL SIGNS

The following regulations shall be applied to all signs:

(1) Unless otherwise specified, a development permit application is required for all signs. Application is made using Form A, Appendix B ~~A~~, unless specifically exempt under Section 5 (Signs Not Requiring A Permit).

(2) All signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

(3) All signs shall be of quality construction and of a design suitable for public display.

(4) All signs shall be maintained in good repair and a safe and tidy manner.

(5) No sign shall be placed in a public road or laneway or sited in such a manner that the sign causes confusion with or obstructs the vision of any information sign or a traffic control sign, signal, light or other traffic device.

(6) No sign shall be located or placed in such a manner that it will create a potential hazard or conflict with rights-of-way, easements or the routing of any public utility, and will not create a traffic hazard or obstruct the public's view of any other signage.

(7) The size, location, illumination and materials of all signs and outdoor advertising structures and features shall not detract from the design of existing and proposed buildings and structures and the surrounding properties.

(8) Any sign which creates a traffic or a pedestrian hazard either due to its design or location shall not be permitted.

(9) A sign shall be located entirely within the subject lot unless prior written approval granting permission for the sign to overhang another property is submitted to the Town by the affected property owner.

(10) A sign shall not be erected on any property unless permission is granted in writing from the registered property owner.

(11) Sign alterations (e.g. change in size, shape, type, illumination, sign projection style, etc.) shall not be made without first obtaining the required development permit.

(12) Any signs that rotate, employ animation or changeable content require approval of the Development Authority.

(13) In all cases, the required distance from overhead power and service lines, as set forth in the *Alberta Electrical Utility Code*, shall be maintained.

(14) A sign shall not be attached to a public bench, light standard, utility pole or any other publicly owned structure or building without prior written authorization from the Development Authority.

(15) The source of light for all sign illumination shall be steady and suitably shielded.

(16) Subsequent to approval from the Development Authority, signs may be permitted to locate within the setback requirement of a land use district if it does not interfere with visibility at an intersection and complies with other requirements of this sign schedule.

(17) The following rules apply to all types of signs on municipal property:

(a) no signs shall be located on, erected on, or attached to municipal property, buildings or structures unless permission is granted in writing from the Town;

(b) if permission is granted for a sign to be located on, erected on, or attached to municipal property, buildings or structures, the sign type shall comply with all applicable sign regulations contained within this Land Use Bylaw;

(c) any sign located on, erected on, or attached to municipal property without authorization from the Town, may be removed without notice.

(18) Any abandoned sign shall be removed at the property owner's expense. If abandoned signs are not removed the Town may remove the sign.

(19) Any sign overhanging public or Town-owned property shall be required to provide proof of insurance and may be required to enter into a save harmless agreement with the Town.

(20) The Town shall not be held liable for any injury, loss or damage suffered by any person or corporate body which is caused by any sign located in the Town whether or not the sign is in accordance with the requirements of this Bylaw.

## 5. SIGNS NOT REQUIRING A PERMIT

The following signs do not require a sign permit, but shall otherwise comply with this Bylaw and be suitably maintained to the satisfaction of the Development Authority.

(1) Construction signs which do not exceed 3 $m^2$ (32 $ft^2$) in area provided such signs are removed within 14 days of the completion of construction;

(2) Fascia signs on a shipping container that are placed temporarily on a construction site in compliance with Schedule 3, ~~subsection~~ Section 4(d);

(3) Banner signs which are displayed for a period of time not exceeding 30 days;

(4) Signs, notices, placards, or bulletins required to be displayed:

  (a) in accordance with the provisions of federal, provincial, or municipal legislation;

  (b) by or on behalf of the federal, provincial, or municipal government;

  (c) on behalf of a department, a commission, a board, a committee, or an official of the federal, provincial, or municipal government;

(5) Signs located on public transportation vehicles or taxi-cabs;

(6) Signs located inside a building and not intended to be viewed from the outside;

(7) The name and address of a building when it forms an integral part of the architectural finish of that building;

(8) Street numbers or letters displayed on a premises where together the total sign content area is less than 1 $m^2$ (10.8 $ft^2$);

(9) Residency identification signs which state no more than the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.37 $m^2$ (4 $ft^2$) in area;

(10) Signs placed on premises for the guidance, warning, or restraint of persons and/or vehicles;

(11) Municipal road signs used for street name identification or traffic direction and control;

(12) Vehicle signs except as prohibited in Section 3 (Prohibited Signs);

(13) Entrance or exit signs used for the purpose of directing traffic providing:

  (a) those signs do not display any advertising message, other than a business logo, and

  (b) the sign area does not exceed 1 $m^2$ (10.8 $ft^2$) in area, and

  (c) the sign height does not exceed 1.22 m (4 ft.);

(14) Any and all signs where all relevant details of the subject sign(s) have been submitted, evaluated and approved as part of a separate development permit application;

(15) A-board signs which do not interfere with pedestrian or vehicular traffic where the owner of the sign submits written authorization from the owner of the land where the sign is to be located and where the sign is removed from that location on a daily basis, or where the Town is the owner of the land (e.g. roadway or sidewalk) the sign may be allowed during normal business hours;

(16) The alteration of a sign which only includes routine maintenance, painting or change in face, content or lettering and does not include modification to the sign structure or projection style;

(17) Freestanding signs for community / neighbourhood / subdivision identification purposes where all relevant details and design drawings have been submitted, evaluated and approved as part of a subdivision application process;

(18) All signs for public buildings except for freestanding signs, and any signs that contain movement/motion (i.e. rotate, etc.), or employ animation or changeable content, which shall require the approval of the Development Authority;

(19) Real estate signs, provided all such signage is removed within 30 days after the sale or lease of the premises upon which the sign is located and these signs shall not be placed in a road;

(20) Garage sale signs which do not exceed 1 $m^2$ (10.8 $ft^2$) in area, provided the owner of the property upon which the sign is located has approved its placement and the sign is removed immediately upon the conclusion of the sale. These signs shall not be displayed for more than 48 hours in a seven-day period;

(21) On-premises directional and informational signage and incidental signs 0.37 $m^2$ (4 $ft^2$) or less in area;

(22) Any traffic or directional and informational signage erected by the Town, Province of Alberta or Federal government;

(23) Any community service bulletin board erected by the Town and any notices posted on the bulletin board;

(24) Any window sign painted on, attached to or installed on a window provided that no more than 50 percent of the subject window area is covered;

(25) Any sign appearing on street furniture, such as benches or garbage containers, that are located on private property;

(26) Any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate the street furniture has been reached with the Town;

(27) Under-Canopy signs that are not illuminated and/or do not overhang pubic property and meet the regulations for under-canopy signs as per this sign schedule;

(28) Political poster signs provided all such signage is removed within 5 days after the closing of the polling stations for the relevant election or plebiscite and comply with the following requirements:

(a) signs cannot emit sound, use video features or be illuminated;

(b) signs shall be maintained in a condition that is neat and shall not be unsightly or dangerous;

(c) signs shall not interfere with or be confused with a traffic control device;

(d) signs shall not interfere with the safe and orderly movement of pedestrians or vehicles, or restrict the sight lines for pedestrians or motorists;

(e) signs shall not exceed 1.11 $m^2$ (12 $ft^2$) in area, 1.22 m (4 ft.) in height, and be self supporting;

(f) signs shall not be posted for more than 60 days;

(g) signs shall not be posted within the property boundaries of any existing Town owned land or facility or any sidewalks or road right of way adjacent to Town owned land or facilities but, may be posted on boulevards and road rights of way adjoining parks and playing fields; and

(h) signs shall be a minimum of 3.05 m (10 ft.) from any road access and a minimum of 4.88 m (16 ft.) from any intersection;

(29) Portable and temporary signs used for traffic, construction, event promotion, emergency or other public purposes by the Town of Cardston.

(30) Portable Sign Type A signs for no more than seven (7) days on any parcel or location once in a calendar year.

## 6. SIGN PERMIT APPLICATION REQUIREMENTS

(1) An application for a development permit for a sign shall be made to the Development Authority by an applicant, a landowner, or someone that has been authorized by the landowner (i.e. agent) to submit a development permit application, on a completed application form.

(2) An application for a development permit to erect, place, alter or relocate a sign shall also be accompanied by:

(a) the name and address of:

(i) the sign manufacturer or company, and

(ii) the lawful sign owner;

(b) a letter of authorization from the affected registered property and/or building owner (if the applicant in not the landowner).

(3) The Development Authority may require any additional information deemed necessary to evaluate a development permit application for a sign, but generally, an application for a permit to erect, place, alter or relocate a sign shall be made to the Development Authority and shall be accompanied by photographs and/or drawings, to an appropriate scale, showing where applicable:

(a) the location of all existing and proposed sign(s);

(b) the setback distance(s) from the proposed sign(s) to all existing freestanding and billboard signs;

(c) the size, height, and area of the proposed sign(s), including any supporting structures;

(d) details with respect to the sign content (i.e. wording/lettering, text, message, graphics, etc.);

(e) the colour and design scheme;

(f) materials specifications;

(g) location of the property boundaries of the parcel upon which the proposed sign(s) is to be located;

(h) utility rights-of-way, access easements and any other related encumbrances;

(i) location of existing building(s) on the site;

(j) the type of illumination, animation and/or changeable content, if any, and details with respect to the proposed luminosity intensity and/or interval;

(k) If a sign is to be attached to a building, the details regarding the extent of the projection.

## 7. SIGN CONTENT, PROJECTION STYLES AND ILLUMINATION

### 1. OFF-PREMISES SIGN CONTENT

**Off-premises sign content** means any sign content, which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the parcel on which the sign is located. Off-premises sign content typically applies to freestanding or portable signs.

(1) Except for billboards, signs containing off-premises sign content shall only identify businesses or services licensed to operate in the Town of Cardston, charitable organizations or service clubs.

(2) All signs containing off-premises sign content shall comply with all other provisions and regulations of this Bylaw and sign schedule, unless specifically exempted.

(3) A separation distance for freestanding signs containing off-premises sign content shall comply with Section 8 (Sign Types), ~~subsection~~ Section 5(5) of this Schedule.

(4) A separation distance for billboards containing off-premises sign content shall comply with Section 8 (Sign Types), ~~subsection~~ Section 5(7) of this Schedule.

## 2. PROJECTION STYLES

(1) The content of any sign type (i.e. portable, freestanding, billboard, etc.) may be projected, at the discretion of the Development Authority, using one or a combination of more than one of the following projection styles.

(a) *Lettering/*Logo: means the sign content contains simple wording, lettering. logo or graphics that are not animated, moving or cannot be changed automatically.




(b) *Animation:* means the sign content or a portion of the sign content contains action or motion, including lighting changes, special effects or pictures, but does not mean changeable content.



(c) *Changeable content:* means the sign content or a portion of the sign content changes automatically through electronic and/or mechanical means.




Mechanical changeable content




Electronic/digital changeable content

(d) *Movement/motion:* means the sign, sign content or a portion of the sign conveys its message to the public through the movement or motion of its mechanical parts. Typical signs using this projection style include rotating signs.




Any change in projection style requires the submission of a new development permit application.

### 3. ILLUMINATION

Any sign may be considered illuminated if it is lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign. The Development Authority may regulate the type, direction and luminosity of the illumination. See Section 8 of this Schedule for specific regulations pertaining to the illumination of various sign types (e.g. portable, freestanding, billboard, etc.).

### 4. ANIMATED/ELECTRONIC MESSAGE DURATION STANDARDS

Any sign employing non-static (moving or animated) content that is readily in view from a roadway shall be subject to a condition that the message shall be completely static for a minimum of 4.0 seconds. After 4.0 seconds the message may change or a new message may appear. Animated scrolling, flashing or other movements may occur for a maximum of 2.0 seconds between messages at the discretion of the Development Authority. A sign that uses non-static content that is limited only to text may be exempted from the above requirement.

## 8. SIGN TYPES

### 1. PORTABLE SIGNS

**PORTABLE SIGN** means a sign that is not permanently affixed to a building, structure, or the ground and does not include A-Board signs as defined in this Bylaw.

**1A – PORTABLE SIGN TYPE A** means a portable sign not projected by using electronic content or animation.







**1B–- PORTABLE SIGN TYPE B** means a portable sign projected by using electronic content or animation.



(1) All portable signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) Portable signs projected using animation, digital or electronic changeable copy shall be at the discretion of the Development Authority.

(3) Portable signs shall be allowed for the announcement of special events, sales, or circumstances where a sign is needed for short specified time periods.

(4) A development permit for a portable sign will be valid for a period of no longer than **60 days**.

(5) Once the permit has expired for a portable sign at a location address, application for another portable sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the portable sign is removed, whichever is the later of the two dates.

(6) Portable signs shall not be allowed in any residential land use district unless placed on Town boulevards and permission has been obtained from the Town of Cardston.

(7) The sign area of a portable sign shall not exceed 5.57 $m^2$ (60 $ft^2$).

(8) Permits for portable signs shall not be issued for locations where damage to municipal infrastructure may be caused.

(9) No more than one portable sign per business frontage or where there are two (2) or more frontages, a total of two (2) portable signs may be located on a single lot or premises, except in a designated tourism signage area where more than two (2) portable signs may be located at the discretion of the Development Authority.

(10) No portable sign (including electrical cords) shall be placed on or extend over or project into any municipal property or beyond the boundaries of the private lot or premises upon which it is sited without the written authorization of the Development Authority.

(11) All portable signs shall be located within the property lines of the location address shown on the development permit application.

(12) The proposed advertising copy and/or business shall be indicated at the time of the development permit application.

(13) The Development Authority may require the posting of a security with the Town to ensure compliance with any and all conditions of approval and the removal of the sign on or before the date of expiry of the permit.

(14) A portable sign shall not be allowed to locate or remain on a site without a development permit, whether the sign displays any advertising or not.

(15) Portable signs may contain off-premises sign content as defined in Section 2 (Off-Premises Sign Content) of this Schedule.

(16) The Development Authority must only approve the location of the portable sign on the premises after having given due consideration for the location of power supply, sight lines visibility, parking pattern on the site and/or any other site specific development constraints that the Development Authority considers relevant.

## 2. TEMPORARY SIGNS

**TEMPORARY SIGN** means any sign permitted, designed or intended to be displayed for a short period of time, not including portable signs, however including balloon signs, construction signs, political poster signs, banner signs, A-board signs or any other sign that is not permanently attached to a supporting structure or building.

(1) All temporary signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) A development permit for a temporary sign will be valid for a period of no longer than **60 days.**

(3) Once the permit has expired for a temporary sign at a location address, application for another temporary sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the temporary sign is removed, whichever is the later of the two dates.

(4) No temporary signs shall be suspended on or between support columns of any permanent sign such as a freestanding sign or billboard sign, notwithstanding any other sign that may be considered as permanent by the Development Authority.

(5) The maximum sign area of a temporary sign shall be no greater than 5.57 $m^2$ (60 $ft^2$).

(6) No posters or signs shall be placed on any public utility such as a power pole.

(7) No posters or signs shall be placed on municipal, provincial or federal signage.

## 3. CANOPY SIGNS

**CANOPY SIGN** means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.









**Examples of canopy signs**

(1) All canopy signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) No part of a canopy sign shall project more than 1.22 m (4 ft.) over a public sidewalk or within 1 m (3.3 ft.) of a curb adjoining a public roadway.

(3) A canopy sign shall be mounted no less than 2.44 m (8 ft.) above grade.

(4) A canopy sign or any physical supports for the sign shall not extend beyond the lateral or vertical dimensions of the canopy or its apron.

(5) A canopy sign shall not be clad with wood, metal, or solid fibre glass.

(6) Approval of any canopy signage overhanging public land under the sign regulations is conditional upon the owners and/or occupiers of the premises upon which said sign is located providing proof of liability insurance, and entering into an encroachment and hold harmless agreement with the Town of Cardston. The agreement may be registered on title.

## 4. WINDOW SIGNS

**WINDOW SIGN** means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.




**Examples of window signs**

(1) All window signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) In any residential district, one per lot not to exceed 0.37 $m^2$ (4 $ft^2$) in area may be permitted.

(3) In all other districts, one or more window signs painted on, attached to or installed on a window may cumulatively occupy no more than 50 percent of the subject window area.

## 5. FREESTANDING SIGNS

**FREESTANDING SIGN** means a sign supported independently of a building, wall, or other structure by way of columns, concrete foundation, uprights, braces, masts, or poles mounted in or upon grade.




**Examples of freestanding signs**

(1) All freestanding signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) No more than one freestanding sign per business frontage may be erected.

(3) The sign area of a freestanding sign shall not exceed 6.50 $m^2$ (70 $ft^2$) per face.

(4) Freestanding signs shall have a minimum separation distance of 30 m (98 ft.) for those signs located on the same side of a roadway.

(5) Freestanding signs with off-premises sign content shall have a separation distance of 152 m (500 ft.).

(6) All freestanding signs shall be completely located on the same lot as the use being advertised, with the exception of off-premises sign content approved in accordance with the provisions of this sign schedule.

(7) No temporary signs shall be suspended on or between support columns of any freestanding sign.

(8) Freestanding signs that may be proposed within a clear vision triangle area of a corner lot shall meet the requirements of Schedule 4, Section 7 (Clear Vision Triangle for Corner Lots).

(9) In residential districts freestanding signs shall not be permitted except for the following purposes:




(a) community / neighbourhood / subdivision identification purposes;

(b) approved multi-unit residential development projects; and

(c) institutional facilities and uses, and child care facilities.

(10) Freestanding signs shall be subject to the following maximum height and area restrictions:

(a) in the C1 and C3 districts, the maximum height shall be 7.62 m (25 ft.) and the maximum sign area shall be 7 $m^2$ (75 $ft^2$) on each of a multiple-sided sign.

(b) in the C2, I1, I2 districts, the maximum height shall be 9.14 m (30 ft.) and the maximum sign area shall be 15 $m^2$ (161 $ft^2$) on each side of a multiple-sided sign.

## 6. FASCIA SIGNS

**FASCIA SIGN** means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.30 m (1 ft.) from the building.









**Examples of fascia signs**

(1) All fascia signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) The total maximum sign area permitted for fascia signs is 11.15 $m^2$ (120 $ft^2$) or 15 percent of the area formed by each building face or bay.

(3) A fascia sign shall not project more than 0.30 m (1 ft.) from the face of a building.

(4) Whenever there is a band of several fascia signs, they should be of a consistent size and located near the same level as other similar signage on the premises and adjacent buildings.

(5) A fascia sign shall not be located above any portion of a street, or project over public property, unless the fascia sign maintains a minimum clearance from grade of 2.44 m (8 ft.) and the maximum projection shall be no greater than 0.30 m.

## 7. BILLBOARD SIGNS

**BILLBOARD SIGN** means a freestanding structure constructed to provide a medium for advertising where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located and where the copy can be periodically replaced.




(1) All billboard signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) Billboard signs shall be limited to lots immediately adjacent to Highway 2 and 5 within Town limits.

(3) There shall be a 300 m (984 ft.) separation distance between billboard signs on the same side of the highway.

(4) There shall be a 300 m (984 ft.) separation distance between billboard signs on opposite sides of the highway.

(5) The permitted maximum sign area shall be restricted to 18.58 $m^2$ (200 $ft^2$).

(6) Signs shall be located so as to not become a visual obstruction or other traffic hazard.

(7) No billboard sign shall be illuminated unless the source of light is steady and suitably shielded.

(8) Any electrical power supply to billboard signs shall be located underground.

(9) Billboard signs shall not have animation, electronic changeable copy or any moving or rotating parts.

(10) A billboard sign shall not conflict with the prevailing character of the surrounding streetscape or the architecture of any nearby buildings and adjacent land uses.

(11) Billboards shall be constructed of high-quality construction materials and be maintained in a satisfactory state of repair.

(12) The Development Officer shall refer any billboard sign applications to Alberta Transportation for comment.

(13) The applicant shall be responsible for obtaining any other necessary municipal, provincial or federal permits.

(14) Billboard signs shall be removed by their owner once development commences on the subject site.

## 8. MURAL SIGNS

**MURAL SIGN** means a painting or other decorative work applied to and made integral with an outside wall surface of a building.






**Mural Sign Examples**

(1) All mural signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) No more than one mural sign shall be allowed per commercial building unless specifically authorized by the Development Authority.

(3) The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Development Authority.

(4) The mural must be a painting or other decorative work (artistic rendering/scene) and no mural shall be created to solely display a commercial message or depiction.

(5) The Development Authority may require that the mural content be reflective of the Town's history and/or heritage.

(6) Display of text, including a business name or commercial message, within a mural shall not exceed 10 percent coverage of the wall surface area, up to a maximum coverage size of 9.29 $m^2$ (100 $ft^2$).

## 9. PROJECTING SIGNS

**PROJECTING SIGN** means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.30 m (1 ft.) horizontally, from a structure or building face. For the purposes of this Bylaw shingle signs are considered projecting signs and are referenced in subsection ~~9~~(9) below.









**Examples of projecting signs**

(1) All projecting signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) Projecting signs shall be placed:

(a) at right angles to the building face to which they will be attached; or

(b) in the case of corner sites, placed at equal angles to the building faces that form the corner.

(3) Approval of any projecting signage overhanging public land under the sign regulations is conditional upon the owners and/or occupiers of the premises upon which said sign is located providing proof of liability insurance, and hold harmless agreement with the Town of Cardston. The agreement may be registered on title.

(4) Projecting signs shall have a minimum vertical clearance of 2.44 m (8 ft.) measured between the lower sign edge and grade.

(5) A projecting sign shall not extend horizontally more than 2 m (6.5 ft.) from a structure or building face.

(6) A part of a projecting sign shall not project or extend within 1.52 m (5 ft.) horizontally of the edge of a curb or roadway.

(7) The maximum allowable height for a projecting sign, measured from the top of the sign to grade, shall not exceed the lesser of:

(a) the height of the eave line or roof line,

(b) 6 m (20 ft.),

(c) or to the satisfaction of the Municipal Planning Commission.

(8) One projecting sign per business area may be allowed provided the maximum sign content area does not exceed 5 $m^2$ (54 $ft^2$) in area.

(9) Shingle signs are part of a specialized and narrow class of projecting signage typically found in pedestrian oriented environments such as downtowns and/or historic districts and are subject to the following limitations:

(a) they may not be attached to a structure other than a building;

(b) they may not project more than 0.91 m (3 ft.) from the surface of the building to which it is attached;

(c) they may not contain more than a total of 0.46 $m^2$ (5 $ft^2$) of display surface, excluding the supporting structure;

(d) they may be only as high as the eave line of the building surface to which it is attached or 3.35 m (11 ft.) above grade, whichever is lower;

(e) they may not be lower than 2.29 m (7.5 ft.);

(f) they may not be internally illuminated;

(g) they may not be more than four inches or less than one-half inch thick, except as reasonably required in connection with some graphic element of the sign;

(h) the total fascia sign display area otherwise permitted shall be reduced by the sign content area, excluding the supporting structure, of the shingle sign approved;

(i) only one shingle sign may be approved for installation on a single frontage of a premises; and

(j) no shingle sign may be approved for a premises for which a freestanding sign permit is outstanding.

## 10. UNDER CANOPY SIGNS

**UNDER-CANOPY SIGN** means a sign that is suspended from or below the ceiling or roof of an awning, canopy or marquee.




**Examples of under canopy signs**

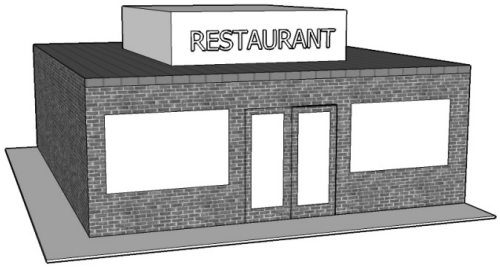
(1) All under canopy signs that are illuminated or overhang public property require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) The maximum vertical dimension of an under-canopy sign shall be 0.30 m (1 ft.).

(3) The minimum vertical distance between grade and the lowest part of the sign shall be 2.44 m (8 ft.).

## 11. ROOF SIGNS

**ROOF SIGN** means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.







(1) All roof signs require a development permit except those signs exempted in Schedule 12, Section 5 (Signs Not Requiring A Permit).

(2) No more than one roof sign per building shall be permitted.

(3) A roof sign shall not project more than 2 m (6.5 ft.) above the highest point of the roof.

(4) A roof sign shall not utilize animation, electronic changeable content and/or movement/motion as the chosen projection style(s).

(5) Where the roof sign display surfaces are back-to-back in a common structure, it shall be construed to be a single sign.

(6) Every roof sign shall be erected in such a manner that the support structure, guy wires, braces, and all other secondary supports are not visible, so that the roof sign appears to be an architectural component of the building, unless otherwise directed by the Municipal Planning Commission.

(7) No roof sign shall extend beyond the ends or sides of the building.

(8) The maximum sign area of a roof sign shall be no greater than 5.57 $m^2$ (60 $ft^2$).

(9) Roof signs shall not contain off-premise sign content.

## 12. OTHER SIGNS

When a sign cannot be clearly categorized as one of the sign types as defined in this Bylaw, the Development Authority shall determine the sign type and any and all applicable controls.

# SCHEDULE 13: DEFINITIONS

# SCHEDULE 13: DEFINITIONS

## I N D E X


A

*Abattoir*
*Accessory Building*
*Accessory Housing*
*Accessory Structure*
*Accessory Use*
*Addition*
*Adjacent Land (Site) or Adjacent*
*Adult Entertainment Facility*
*Affordable Housing*
*Agricultural Related Business*
*Alter or Alteration*
*Alternative/Renewable Energy, Commercial/ Industrial*
*Amenity Space, Private Outdoor*
*Amusement Facility*
*Anhydrous Ammonia Storage*
*Apartment*
*Appeal*
*Applicant*
*Area Structure Plan*
*Assisted Living Facility*
*Attached Garage*
*Auto Body Repair and Paint Shop*
*Automotive Repair and Service Shop*
*Automotive Sales and Service*
*Awning*

B

*Balcony*
*Bay*
*Bay Window*
*Basement*
*Bed and Breakfast*
*Belt Course*
*Berm*
~~*Boarding or Lodging House*~~
*Building*
*Building Form*
*Building Height*
*Building Inspector*
*Building Massing*
*Building Permit*
*Building Scale*
*Building Supplies Store*
*Building and Trade Contractor*
*Buffer*
*Bulk Fuel Storage and Sales*
*Bulk Oil Depot*
*Business*
*Business Support Service*

C

*Campground, Institutional*
*Campground, Tourist*
*Cannabis*
*Cannabis Accessory*
*Cannabis Production Facility*
*Cannabis Retail Sales*
*Canopy*
*Cantilever*
*Car Wash*
*C-Container*
*Cemetery*
*Certificate of Compliance*
*Change of Use*
*Child Care Facility*
*Clear Vision Triangle*
*Club/Fraternal Organization*
*Common Wall*
*Comprehensive Development*
*Comprehensive Plan*
*Community Garden*
*Concrete Batch Plant*
*Condominium*
*Contractor, Building and Trade*
*Contractor, Heavy Duty Equipment*
*Convenience Store*
*Corner Lot*
*Cornice*
*Council*

*Coverage*
*Cultivation of Land*



*Day Care Services*
*Day Home*
*Deck*
*Deck, Uncovered*
*Demolition*
*Detached Garage*
*Developable Area*
*Development Officer*
*Developer*
*Development*
*Development Agreement*
*Development Area*
*Development Authority*
*Development Permit*
*Discontinued Use*
*Discretionary Use*
*District*
*Drive-in/Drive-through Restaurant*
*Drive-through*
*Dwelling*
*Dwelling, Apartment*
*Dwelling, Duplex*
*Dwelling, Moved-in*
*Dwelling, Multi-unit*
*Dwelling, Row*
*Dwelling, Secondary Suite*
*Dwelling, Semi-detached*
*Dwelling, Semi-detached, Isolated*
*Dwelling, Semi-detached, Pre-planned*
*Dwelling, Single-detached, Site-built*
*Dwelling, Single-detached, Site-built (Existing)*
*Dwelling, Single-detached Manufactured*
*Dwelling, Single-detached Manufactured, Double-wide*
*Dwelling, Single-detached Manufactured, Single-wide*
*Dwelling, Single-detached Prefabricated*
*Dwelling, Single-detached Prefabricated, Modular*
*Dwelling, Single-detached Prefabricated, Ready-to-move*
*Dwelling, Single-detached Prefabricated, Panelized*
*~~Dwelling, Townhouse~~*
*Dwelling, Pre-planned*
*Dwelling Unit*



*Easement*
*Eave Line*
*Eaves*
*Educational Institution*
*Enclosed*
*Encroachment*
*Equipment Sales, Rental and Service*
*Existing*
*Extensive Agriculture*



*Farm Building and Structure*
*Farmer's Market*
*Farm/Industrial Machinery Sales, Rental and Service*
*Feed Mill/Grain Elevator*
*Fence*
*Fertilizer Storage and Sales*
*Filling*
*Financial Institution*
*Fireplace Chase*
*Fitness Centre*
*Flood Elevation, 1:100 Year*
*Flood Proofing*
*Flood Risk Area*
*Floor Area*
*Floor Area, Gross*
*Floor Area, Net*
*Floor Area Ratio*
*Food Processing Facility*
*Form, Building*
*Foundation*
*Front Yard*
*Front Yard, Secondary*
*Frontage*
*Frontage, Business*
*Funeral Home*

## G

*Garage*
*Garden Centre/Greenhouse, Commercial*
*Garden Shed*
*Gas Bar*
*Golf Course*
*Government Services*
*Grade, Building*
*Grade, Landscaped*
*Grain Elevator*
*Greenhouse, Commercial*
*Greenhouse, Residential*

## H

*Health Care Services*
*Heavy Duty Equipment Contractor*
*Heavy Machinery Excavation*
*Highway Commercial Building*
*Home Occupation*
*Horticulture Operations or Facilities*
*Hospital*
*Hotel*

## I

*Indoor Recreation, Private*
*Indoor Recreation, Public*
*Industry with a Heavy Utility Demand*
*Infill Development*
*Issuance*

## K

*Kennel*

## L

*Landing*
*Landowner*
*Landscaped Area*
*Landscaping*
*Land Use District*
*Lane*
*Laundromat*
*Light Fabrication Shop*
*Liquor Store*
*Livestock Confinement Operation or Facility*
*Livestock Sales Yard*
*Loading Area*
*Lodging House*
*Lot*
*Lot Area*
*Lot, Corner*
*Lot Coverage*
*Lot, Double Fronting*
*Lot Frontage*
*Lot, Interior*
*Lot Length*
*Lot Line*
*Lot, Vacant*
*Lot Width*
*Lounges/Beverage Rooms*

## M

*Machinery and Equipment Rental*
*Maintenance/Utility Uses*
*Manufactured Double-wide*
*Manufactured Dwelling*
*Manufactured Home Area*
*Manufactured Home Park*
*Manufactured Single-wide*
*Manufacturing, Heavy*
*Manufacturing, Light*
*Market Garden*
*Massing*
*Measureable Standard*
*Medical/Health Facility*
*Minimum Yard Dimension*
*Mobile Home*
*Mobile Home Park*
*Modular Dwelling*
*Motel*
*Motor Vehicle Repair Shop*
*Moved-in Building*
*Moved-in Dwelling*
*Multi-unit Dwelling*
*Municipal Development Plan*
*Municipal Government Act*
*Municipal Planning Commission*
*Municipal Reserve*

*Municipal/School Reserve*
*Municipality*
*Museum*

## N

*Natural Resource Extraction*
*Net Floor Area*
*Nightclub*
*Non-Compliance*
*Non-Conforming Building*
*Non-Conforming Use*
*Noxious and Hazardous Use*
*Nudity*
*Nursing Home (Extended Care Facility)*

## O

*Office*
*Off-Site Levy*
*Orientation*
*Outdoor Recreation Facility*
*Outdoor Recreation and Sports Fields*
*Outside Display*
*Outside Storage*
*Owner of Land*

## P

*Parcel*
*Park Maintenance/Storage Uses*
*Park Model Trailer*
*Parking Facility*
*Parks and Playgrounds*
*Patio*
*Permitted Use*
*Personal Services*
*Pet Care Services*
*Plan of Subdivision*
*Planning Advisor*
*Porch*
*Portico*
*Pre-Planned Development*
*Principal Building*
*Principal Use*
*Privacy Wall*
*Private Utility*
*Prohibited Use*
*Public Area*
*Public Assembly*
*Public Open Space*
*Public Place*
*Public Roadway*
*Public Utility*

## R

*Railway and Railway Related Uses*
*Ready-to-move Dwelling*
*Real Property Report (RPR)*
*Rear Yard*
*Recreation, Passive*
*Recreational Use, Licensed*
*Recreational Vehicle*
*Recycling Facility*
*Registered Owner*
*Religious Assembly*
*Residential Accommodation in Conjunction with an Approved Commercial Use*
*Residential Care Facility*
*Restaurant*
*Restaurant, Licensed*
*Retail*
*Retail – Large-scale*
*Right-of-Way*
*Road*

## S

*Safety Codes*
*Sales and/or Rentals*
*Salvage Yard*
*Sand Blasting Facility*
*Satellite Dish*
*Scale, Building*
*School*
*School (Private)*
*School Reserve*
*Screening*
*Seasonal Sales*
*Secondary Front Yard*
*Secondary Suite*
*Seed Cleaners and Storage*
*Semi-Detached Dwelling*

*Semi-Detached Dwelling-– Isolated*
*Semi-Detached Dwelling – Pre-Planned*
*Senior Citizen Housing*
*Service Station*
*Setback*
*Setback, Secondary Front*
*Shall*
*Shared Parking*
*Shipping Container*
*Shooting/Rifle Range*
*Shopping Centre*
*Should*
*Short-Term Rental 1*
*Short-Term Rental 2*
*Shrub*
*Side Yard*
*Signs (Refer To Schedule 12: Sign Regulations)*
*Sill*
*Similar Use*
*Single-Detached Dwelling Site-Built*
*Site*
*Site Coverage*
*Site Depth*
*Site Plan*
*Site Servicing Plan*
*Site Width*
*Small Wind Energy System – See Schedule 5*
*Sod Farm*
*Solar Collector*
*South Saskatchewan Regional Plan*
*Special Care Facility*
*Staff Residence*
*Stake Out of the Site*
*Stop Order*
*Storey*
*Storm Water Management Facilities*
*Street*
*Street Minor Line*
*Structural Alteration, Major*
*Structure*
*Studio Suite*
*Subdivision*
*Subdivision and Development Appeal Board*
*~~Subdivision and Development Regulation~~Matters Related to Subdivision and Development Regulation*
*Subdivision Approval*
*Subdivision Authority*
*Swimming Pool, Private*

## T

*Television or Radio Antennae Towers, Excluding Offices, Studios, etc.*
*Temporary*
*Temporary Structure*
*Terrace*
*Tourist Information Services and Facilities*
*Town*
*~~Townhouse Dwelling~~*
*Tree*
*Truck Transportation Depot*
*Truck Wash*

## U

*Uncovered Deck*
*Unenclosed*
*Unfinished Building*
*Utility*
*Utility, Private*
*Utility, Public*
*Utility Right-of-Way*

## V

*Vacant Lot*
*Variance*
*Veranda*
*Veterinary Clinic*
*Veterinary Clinic – Small Animal*

## W

*Waiver*
*Waiver, Minor*
*Warehouse*
*Warehouse, Retail*
*Warehouse, Wholesale*
*Warehouse Storage*
*Waste Disposal Facility*
*Water Treatment Plant*

## X

*Xeriscaping/Xerigardening*

## Y

*Yard*
*Yard, Front*
*Yard, Rear*
*Yard, Secondary Front*
*Yard, Side*

## Z

*Zero Lot Line Setback*

# A

ABATTOIR means premises where livestock is slaughtered and the meat is cut, cured, smoked, aged, wrapped, or frozen for sale or distribution.

ACCESSORY BUILDING means any detached building which is separate from the principal building on the lot on which both are located, and the use of which is subordinate and incidental to that of the principal building in the opinion of the Development Authority. The accessory building shall not include a dwelling. A principal building or use must be approved and legally established before an accessory building can be approved.

ACCESSORY HOUSING means a permanent dwelling that is secondary to an established principal form of housing located on the same property and includes Secondary Suites, Garage Suites and Garden Suites.

ACCESSORY STRUCTURE means any structure that is incidental or subordinate to and located on the same lot as a principal building, structure, or use. A principal structure or use must be approved and legally established or approved before an accessory structure can be approved. When a building or structure is attached to the principal building by a roof, floor or foundation above or below grade, it is considered to be part of the principal building.

ACCESSORY USE means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building. A principal use must be legally established or approved before an accessory use can be approved.

ADDITION means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

ADJACENT LAND (SITE) or ADJACENT means land/site that is contiguous, or would be continuous, if not for a highway, road, river, or steam, in accordance with the *Municipal Government Act*.

ADULT ENTERTAINMENT FACILITY means

(a) an adult public venue or establishment where, either as a principal activity or an activity ancillary to some other activity which is conducted on the premises,
    (i) live performances take place, or
    (ii) motion pictures, video tapes, digital video discs, slides or other electronic productions are shown, involving or depicting the nudity of any person;
(b) a night club, lounge/beverage room, restaurant, or other similar establishment where, either as a principal activity or an activity ancillary to some other activity which is conducted on the premises,
    (i) live performances or displays by a person (e.g. exotic dancing, etc.) take place, or
    (ii) competitions are engaged in, involving the nudity of any person;
(c) a development that the Development Authority considers to be similar to any of those described in clauses (a) and (b).

AFFORDABLE HOUSING means housing that costs less than 30% of a household's pre-tax income.

AGRICULTURAL RELATED BUSINESS means a development used for the retail sale, repair and maintenance of new or used agricultural equipment or other agricultural supply businesses.

ALTER OR ALTERATION means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this Bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

ALTERNATIVE/RENEWABLE ENERGY, COMMERICAL/INDUSTRIAL means a use that produces energy (and in some cases other marketable by-products depending on the process utilized) ~~fuelled~~fueled in ways that do not use up natural resources or harm the environment. Energy may be derived from natural and/or non-traditional sources (e.g. geothermal, solar, water, wind, waste, etc.) and once produced is sold and distributed off-site (commercially) to the marketplace. See Schedule 11: Commercial / Industrial Alternative Renewable Energy Developments.

AMENITY SPACE, PRIVATE OUTDOOR means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular dwelling and which is immediately adjacent to and directly accessible from the dwelling it is to serve.

AMUSEMENT FACILITY means development for amusement pastimes, and may incorporate eating and drinking facilities as an accessory use. This use includes amusement arcades, billiard parlours, bingo halls, bowling alleys and dance, or martial arts facilities and any such use as the Development Authority considers similar to any of these uses.

ANHYDROUS AMMONIA STORAGE means a facility used for the purpose of storing anhydrous ammonia.

APARTMENT – see DWELLING, APARTMENT

APPEAL means to challenge the decision, or the condition(s) of a decision made by a governing authority regarding development and subdivisions applications.

APPLICANT means the registered owner of the land or his or her representative or agent certified or authorized as such to act on their behalf.

AREA STRUCTURE PLAN means a statutory plan in accordance with the *Municipal Government Act* and the Municipal Development Plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

ASSISTED LIVING FACILITY means the use of building for living arrangements that may contain individual rooms having a washroom, bedroom, and sitting area that accommodates residents; where there is one or more communal kitchens and dining rooms, where meals may be cooked in a communal kitchen and delivered to resident for consumption, where there may be limited on-site health care facilities for the exclusive use of the residents, where residents may receive limited human health services from on-site health care providers, where communal social and recreation activities are provided within the building or outside and may include a manager's suite and administration office. This does not include ~~LODGING HOUSE,~~ HOTEL, MOTEL, SPECIAL CARE FACILITY, or SENIOR CITIZEN HOUSING~~, or BOARDING / LODGING HOUSE~~.

ATTACHED GARAGE means a building or portion of a building that is used for the storage of motor vehicles, which is attached to the principal building by sharing a common wall with the dwelling, and usually contains an access doorway into the principal building. For the purpose of calculating yard setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

AUTO BODY REPAIR AND PAINT SHOP means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted. Auto detailing may be included as this use.

AUTOMOTIVE REPAIR AND SERVICE SHOP means a development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This land use class includes, among other uses, transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This use class does not include auto body and paint shops.

AUTOMOTIVE SALES AND SERVICE means a development used for the retail sale, lease, and rental of new or used automobiles and/or recreation vehicles together with incidental repair and maintenance services and sales of parts.

AWNING a light-weight metal or cloth shelter projecting from and supported entirely by the exterior wall of a building.

## B



BALCONY means a platform, attached to and projecting from the face of a principal building with or without a supporting structure above the first storey, normally surrounded by a baluster railing and used as an outdoor porch or sundeck with access only from within the building.

BAY means a self-contained unit or part of a building which can be sold or leased for individual occupancy.

BAY WINDOW means a window or series of windows projecting from the outer wall of a building and forming a recess within.

BASEMENT means the portion of a building or structure, which is partially or wholly below grade and having its floor below grade by a distance greater than one-half the distance from floor to ceiling.

BED AND BREAKFAST means an accessory use carried on within an owner-occupied dwelling unit where temporary accommodation is provided for remuneration, and where meals for guests shall be prepared in the common kitchen of the principal residence. See SHORT-TERM RENTAL 1.

BELT COURSE means a continuous row or layer of stones, tile, brick, shingles, etc. in a wall.

BERM means a dike-like form used to separate areas or functions or constructed to protect a site or district from traffic or other noise.

~~BOARDING OR LODGING HOUSE means a dwelling unit in which persons rent room(s) for one or more nights. The common parts of the dwelling unit, such as bathroom(s), kitchen, and living areas are maintained by the private owner. Meals, laundry and/or cleaning may be provided as part of the occupancy agreement. This does not include HOTEL, MOTEL, SPECIAL CARE FACILITY, SENIOR CITIZEN HOUSING, or ASSISTED LIVING FACILITY.~~

BUILDING means a structure that is, in most cases, permanent in nature, usually consisting of a roof and walls, for the occupancy of people, animals, or things, includes, but is not limited to, any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING FORM means the shape and axis of a building.

BUILDING HEIGHT means the vertical distance between average grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device but structurally essential to the building. See GRADE, BUILDING.

BUILDING INSPECTOR means the person or persons appointed by the municipality to be the chief building inspector or building inspectors in and for the Town.

BUILDING MASSING means the volume, height, location and orientation of a building.

BUILDING PERMIT means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

BUILDING SCALE refers to building elements and details as they proportionally relate to each other and to humans.

BUILDING SUPPLIES STORE means a commercial retail store where lumber, building materials, hardware, household accessories and other related goods are stored and/or offered for sale and may include outside storage.

BUILDING AND TRADE CONTRACTOR – see CONTRACTOR, BUILDING AND TRADE CONTRACTOR

BUFFER means a row of trees, hedges, shrubs or berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

BULK FUEL STORAGE AND SALES means a development for the purpose of storing natural gas and petroleum products for distribution to customers.

BULK OIL DEPOT means a facility used for the purpose of storing oil in large quantities, typically for sale or commercial use.

BUSINESS means a commercial, merchandising, or industrial activity or undertaking, a profession, trade, occupation, calling or employment or an activity providing goods or services, whether or not for profit and however organized or formed, including a cooperative or association of persons.

BUSINESS SUPPORT SERVICE means an establishment primarily engaged in providing services for other business establishments such as advertising, copying, equipment, financial services, employment services, and other similar services.




CAMPGROUND, INSTITUTIONAL means a group camp having joint use facilities such as dormitories and kitchens and operated by not-for-profit organizations.

CAMPGROUND, TOURIST means development of land for the use of holiday trailers, motor homes, tents, campers, and similar vehicles, recreation, and is not normally used as year-round storage, or accommodation for residential uses.

CANNABIS means a Cannabis plant, as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

CANNABIS ACCESSORY means cannabis accessory items as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

CANNABIS PRODUCTION FACILITY means a building where federally approved cannabis plants, for either medical or recreational use, are grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all applicable federal and provincial requirements.

CANNABIS RETAIL SALES means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises and for which any product sales are expressly authorized by the Alberta Gaming and Liquor Commission (ALGC). This use shall be a standalone use and not in conjunction with any other use.

CANOPY means a non-retractable solid projection extending from the wall of a building, or freestanding, which is intended to be used as protection against weather, other than normal architectural features such as lintels, sills, mouldings, architraves and pediments and includes the structure known as a theatre marquee.

CANTILEVER means a structural portion of a building floor, excluding eaves and roof projections, bay windows and fireplace chases, which extends beyond the foundation wall and is not structurally supported from below.

CAR WASH means the use of a structure or area providing for the cleaning of motor vehicles but does not include TRUCK WASHES or SERVICE STATIONS/GAS BARS.

C-CONTAINER – see SHIPPING CONTAINER

CEMETERY means land used or dedicated to the burial of the dead, and may include crematoriums, mausoleums, cineraria and columbaria, memorial gardens, and related security and maintenance facilities.

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority, certifying that a development complies with this Bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyors' Real Property Report.

CHANGE OF USE means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the Permitted or Discretionary Uses as listed in each land use district.

CHILD CARE FACILITY means the use of a building, or portion of a building, for the provision of care, instruction, maintenance, or supervision of 7 or more children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home, for periods not exceeding 24 consecutive hours. This definition does not include the use as a *DAY HOME*.

CLEAR VISION TRIANGLE means a triangular area formed on the corner site by the two (2) street property lines and a straight line, which intersects them 7.62 m (25 ft.) from the corner where the property lines meet.

CLUB/FRATERNAL ORGANIZATION means a development for the assembly or members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business, religious or fraternal organizations. This use may include eating, entertainment, sports, recreation and amusement facilities as part of the use.

COMMON WALL means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two (2) parties, one or both of whom is entitled to such use by prior arrangement.

COMPREHENSIVE DEVELOPMENT means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provision.

COMPREHENSIVE PLAN means a detailed site plan for a single lot or two or more adjacent lots which:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Development Authority.

COMMUNITY GARDEN means a private or public facility for the cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or family.

CONCRETE BATCH PLANT means a manufacturing plant where concrete is mixed before being transported to a construction site ready to be poured.

CONDOMINIUM means:

(a) in the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, walls and ceiling within the building; and

(b) in the case other than that of a building, land that is situated within a lot and described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the *Surveys Act* respecting subdivision surveys.

CONTRACTOR, BUILDING AND TRADE means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

CONTRACTOR, HEAVY DUTY EQUIPMENT means a contractor or builder engaged in heavy-duty construction activities such as paving, highway construction, and utility construction.

CONVENIENCE STORE means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis from business premises, which do not exceed 200 $m^2$ (2,153 $ft^2$) in gross floor area.

CORNER LOT – see LOT, CORNER

CORNICE means any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

COUNCIL means the Council of the Town of Cardston of the Province of Alberta.

COVERAGE – see LOT, COVERAGE

CULTIVATION OF LAND means the preparation and working of the land required to grow crops for agricultural production.

# D

DAY CARE SERVICES – see CHILD CARE FACILITY

DAY HOME means a private dwelling unit where temporary care, development and supervision for periods not exceeding 24 consecutive hours is provided to a maximum of six (6) children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home.

DECK means an uncovered horizontal structure with a surface height greater than 0.61 m (2 ft.) above grade at any point, but generally no higher than the first storey floor level, and intended for use as a private outdoor amenity space.



**Figure 1: Deck example.**

DECK, UNCOVERED means any DECK, as defined in this Bylaw, which has no structural shelter, including supportive walls or roofing of any material or design. Deck railings that are required to meet safety codes are not considered to be supportive walls unless they are over 0.91 m (3 ft.) in height.

DEMOLITION means the pulling down, tearing down or razing of a building or structure.

DETACHED GARAGE means an accessory building designed and use primarily for the storage of motor vehicles that is not attached or is separate from the principal building.

DEVELOPABLE AREA means the portion of a lot that is suitable for the development of buildings or for use as enjoyable open space and does not include those areas that contain steep slopes, contamination, hazards, drainage courses, protected historical or environmental areas or any other encumbrance that the Development Authority finds reasonable and including any necessary buffers.

DEVELOPMENT OFFICER means a person authorized by Council to act as a Development Authority pursuant to section 624(2)(a) of the *Municipal Government Act* and in accordance with the municipality's Development Authority Bylaw.

DEVELOPER means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and change the use of the property from its existing use.

DEVELOPMENT has the same meaning as it has in the *Municipal Government Act*.

DEVELOPMENT AGREEMENT means a contractual agreement completed between the municipality and an applicant for a Development Permit which specifies the public roadways, utilities and other services to be provided by the Permit holder as a condition of Development approval or subdivision approval, provided the agreement is in accordance with sections 648, 650, 654 and 655 of the *Municipal Government Act*, as amended.

DEVELOPMENT AREA means the area to be occupied by a building plus the reasonable area required for excavation and construction.

DEVELOPMENT AUTHORITY means the body established by bylaw to act as the Development Authority in accordance with sections 623(b) or (c) and 624 of the *Municipal Government Act*. *(NOTE: This term is defined in the Town of Cardston Municipal Development Authority Bylaw.)*

DEVELOPMENT PERMIT means a document issued pursuant to this Bylaw by the Town of Cardston authorizing a Development that has been approved by the Development Officer, Development Authority, or Subdivision and Development Appeal Board.

DISCONTINUED USE means a use of land of buildings that has been, for all material purposes and efforts, entirely abandoned or indefinitely interrupted.

DISCRETIONARY USE means the one or more uses of land or buildings provided for in this Bylaw for which a Development Permit may be issued upon a Development Permit Application having been made and subject to the enabling conditions for each Discretionary Use being satisfied.

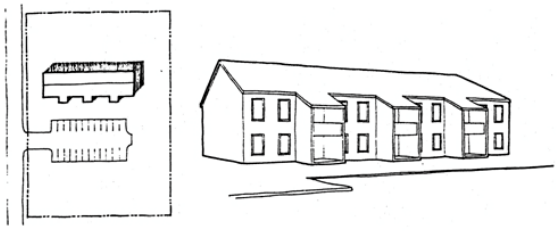
DISTRICT – see LAND USE DISTRICT

DRIVE-IN/DRIVE-THROUGH RESTAURANT means an establishment where food is prepared and served on the premise for sale to the public and includes car attendant and/or drive-through, pick-up service.

DRIVE-THROUGH means a use where services are provided to patrons who are in a motor vehicle and may have outdoor speakers provided. This use will be an accessory use to a principal use.

DWELLING means any building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, ~~boarding house~~, or similar accommodation. Dwelling includes the following:

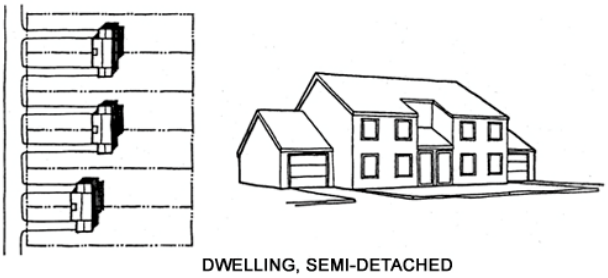
- APARTMENT means a building containing three or more dwelling units with shared services, facilities and outside entrances.
- DUPLEX means a building containing two dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.
- MOVED-IN means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site with a different legal description for use as a residence. Modular dwelling, prefabricated dwelling and manufactured dwelling are separate uses and defined as single-detached prefabricated and single-detached manufactured.
- MULTI-UNIT means a building other than an apartment that contains two or more dwelling units.
- ROW means development consisting of a building containing a row of three or more dwelling units each sharing a common wall extending from the first floor to the roof, at the side only with no dwelling being place over another in whole or in part. Each dwelling unit shall have separate, individual, and direct access to the building at grade.



DWELLING, MULTI-UNIT

- SECONDARY SUITE means a facility containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is physically separate from those of the principal dwelling within the structure. A secondary suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use does not include ~~BOARDING or LODGING HOUSE,~~ DUPLEX DWELLING, SEMI-DETACHED DWELLING, MULTI-UNIT DWELLING, ROW DWELLING or APARTMENT.

- SEMI-DETACHED means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwellings units.



DWELLING, SEMI-DETACHED

    - ISOLATED means a semi-detached dwelling or proposed semi-detached dwelling that would be located on a site *not* designated for that purpose in an adopted Statutory Plan.
    - PRE-PLANNED means a semi-detached dwelling or a proposed semi-detached dwelling that *would* be located on a site designated for that purpose in an adopted Statutory Plan, such as a Land Use Bylaw or an Area Structure Plan.

- SINGLE-DETACHED, SITE BUILT means a building constructed on the lot intended for occupancy containing a single dwelling unit which is not attached to any other dwelling by any means.

- SINGLE-DETACHED, SITE BUILT (EXISTING) means a single-detached site-built dwelling constructed and completed prior to the adoption of this Bylaw or any amendments to the Bylaw and is currently being used (legally) for residential occupancy. Note: This definition is not meant to be used to permit a change in use or occupancy to a "single-detached dwelling, site-built (existing)" from any other use in the land use bylaw. The intent of this use is to allow the Development Authority to use their discretion in evaluating development permit applications for minor additions and/or structural renovations for maintenance purposes to a "single-detached dwelling, site-built (existing)" in the applicable land use district.

- SINGLE-DETACHED MANUFACTURED means a residential building containing one dwelling unit built in a factory and designed to be transported in one or more sections to a suitable site. The homes are typically built with an integrated frame that allows them to be placed on a surface-mount foundation (i.e. a home built to the CSA-Z240 standard). The home shall meet the requirements of a single-detached dwelling as defined in the Land Use Bylaw, but does not include a MODULAR, READY-TO-MOVE-IN, MOVED-IN, or SINGLE-DETACHED DWELLING.
    - DOUBLE-WIDE MANUFACTURED means a single-detached manufactured dwelling unit consisting of two sections, moved separately, that are joined together into one integrated dwelling unit on site.
    - SINGLE-WIDE MANUFACTURED means a single-detached manufactured dwelling unit designed to stand alone as a single dwelling unit.

- SINGLE-DETACHED PREFABRICATED means a previously unoccupied dwelling unit (new) or portions of a dwelling unit that are built at an off-site manufacturing facility or location other than the lot intended for occupancy. The units are built in conformance with CSA standards and/or Alberta Safety Codes and do not have an integrated frame, hitch, wheels, or chassis or other device allowing for transport of the unit. Single-detached prefabricated dwelling includes the following:
    - MODULAR or modular construction means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled over a conventional, permanent concrete foundation (a basement foundation, slab-on-grad or crawl space) or other approved foundation, but does not include a MANUFACTURED, READY-TO-MOVE, MOVED-IN, or SINGLE-DETACHED DWELLING.

- READY-TO-MOVE (RTM) means a dwelling unit built to the current Alberta Building Code that would normally be constructed on the site intended for occupancy, but for various reasons, is constructed at an off-site manufacturing facility, construction site, plant site or building yard. It is then loaded and transported as one unit onto the proper moving equipment and delivered to the site intended for occupancy and placed on a concrete slab or basement or other approved foundation, but does not include a MODULAR, MANUFACTURED, MOVED-IN, or SINGLE-DETACHED DWELLING.
- PANELLIZED means a dwelling unit constructed at the site intended for occupancy using pre-built exterior/interior wall panels and building components that are delivered to the site as a package ready for assembly over a conventional, permanent concrete foundation (basement foundation, slab-on-grade, or crawl space) or other approved foundation, but does not include a MODULAR, READY-TO-MOVE, MANUFACTURED, MOVED-IN, or SINGLE-DETACHED DWELLING.

- ~~TOWNHOUSE means a single building comprised of three or more dwelling units separated one from another by common party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, linked, patio, garden court or other housing which meet such criteria.~~



DWELLING, TOWNHOUSE

DWELLING, PRE-PLANNED means a dwelling that has been allocated for or designated in an approved area structure plan or area redevelopment plan. A DWELLING, PRE-PLANNED is subject to the requirements of the application statutory plan including any setbacks from future lot lines in order to provide for the subdivision design established in the statutory plan.

DWELLING UNIT means a use that contains one or more self-contained rooms designed to be used as a dwelling and that includes sleeping, cooking, living, and sanitary facilities and having an independent entrance either directly from the outside of the building or through a common area within the building.

## E

EASEMENT is the right to use the real property owned by another for a specific purpose.

EAVE LINE means the horizontal line on a building that marks the extreme edge of the overhang of a roof and where there is no overhang, the eave line shall be the horizontal line at the intersection of the wall and roof.

EAVES means the extension or overhang of a roof line beyond the vertical wall of a building.

EDUCATIONAL INSTITUTION means a place of instruction offering continuing education or specialized courses of study. Included in the category may be public, private, and commercial institutions.

ENCLOSED means a space or structure surrounded by two or more walls, plus a roof or beam structure or other enclosing device above 1.2 m ( 3.9 ft.) in height as measured from the floor.

ENCROACHMENT means to advance or extend beyond one's property line.

EQUIPMENT SALES, RENTAL AND SERVICE means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

EXISTING means in place as of the date of adoption of this Bylaw or any amendments to the Bylaw.

EXTENSIVE AGRICULTURE means the production of crops or livestock or both by expansive cultivation or open grazing only. Barns, quonsets and other similar buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or structures.




FARM BUILDING AND STRUCTURE means building(s) or development commonly or normally contained in a farmstead that is associated with a farming operation or an "extensive agriculture" use. Examples include barns, granaries, implement machinery and equipment sheds, dugouts, corrals, fences and haystacks but this use does not include "intensive horticultural facility", "intensive livestock operation", or any "dwelling unit."

FARMER'S MARKET means a use of land or buildings primarily for the sale of fresh or processed farm or garden produce. This use may also include entertainment, crafts sales and sales of other similar products.

FARM/INDUSTRIAL MACHINERY SALES, RENTAL AND SERVICE means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

FEED MILL/GRAIN ELEVATOR means building(s) in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared.

FENCE means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or provide sound abatement and may include confinement of livestock, protection of livestock from wind.

FERTILIZER STORAGE AND SALES means a development used to store bulk fertilizer for distribution. This use class does not include the sales of bagged fertilizer in a retail shop.

FILLING means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.

FINANCIAL INSTITUTION means a development or use primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

FIREPLACE CHASE means a vertical flue that provides a path through which smoke from a fire is carried from the interior to the exterior of a building.

FITNESS CENTRE means the use of premises for the development of physical health or fitness, including, but not limited to, health centres, gymnasiums, racquet and ball courts, spas and reducing salons.

FLOOD ELEVATION, 1:100 YEAR means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

FLOOD PROOFING means any combination of structural or non-structural additions or modifications to structures or pre-development design (including the establishment of minimum elevations for building openings) and construction measures that prevents or attempts to prevent flood damage to the building or its contents.

FLOOD RISK AREA means the area of land bordering a water course or water body that would be inundated by 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year) as determined by Alberta Environment in consultation with the Town and may include both flood fringe and floodway.

FLOOR AREA means the sum of the gross horizontal area of the several floors and passageways of a building, but not including basements, attached garages, and open porches. All dimensions shall be external dimensions.

FLOOR AREA, GROSS means the total floor area of each floor of a building measured from the outside surface of the exterior walls, and includes all floors totally or partially above grade level except parking levels.

FLOOR AREA, NET means the gross floor area define by the inside dimensions for each floor minus the horizontal floor are on each floor used for corridors, elevators, stairways, mechanical rooms, workrooms, washrooms, lobbies, and other non-rentable areas.

FLOOR AREA RATIO means the net floor area divided by the gross lot area.

FOOD PROCESSING FACILITY means a development that consists of the processing of raw materials into a semi-finished or finished food and/or beverage product that may be stored on site prior to the distribution of the product. Any indoor display, office or administrative support area shall be deemed an accessory use.

FORM, BUILDING – see BUILDING FORM

FOUNDATION means the supporting base structure of a building.

FRONT YARD – see YARD, FRONT

FRONT YARD, SECONDARY – see YARD, FRONT SECONDARY

FRONTAGE means the linear distance measure along the front property line parallel to and along a street, but does not include a lane.

FRONTAGE, BUSINESS means the length of the property line of any one business use, parallel to and along each legally accessible public street, excluding a lame that it borders.

FUNERAL HOME means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

# G

GARAGE means an accessory private building or part of the principal building, designed and used primarily for the storage of motor vehicles. See also ATTACHED GARAGE and DETACHED GARAGE.

GARDEN CENTRE/GREENHOUSE, COMMERCIAL means a building specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale. The use may include accessory retail uses on the premises.

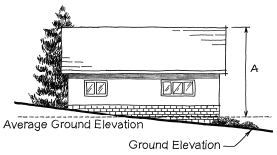
GARDEN SHED means an accessory structure to store household and/or garden equipment and supplies and is typically less than 9.29 $m^2$ (100 $ft^2$) in area.

GAS BAR means a development used for the sale of gasoline, liquefied petroleum gas, lubrication oils and associated automotive fluids or limited retail goods only.

GOLF COURSE means an outdoor use/establishment of varying size where the land is developed primarily to accommodate the game of golf. Accessory uses include a pro shop, driving range and/or proactive facility, food service, and other commercial uses typically associated with a golf course clubhouse facility.

GOVERNMENT SERVICES means development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

GRADE, BUILDING (as applied to the determination of building height) means the average ground elevation as measured by averaging a minimum of four (4) corner points and two (2) mid-points of a lot.




GRADE, LANDSCAPED (as applied to the determination of height of balconies, decks and architectural features and landscape structures) means the average level of finished landscaped ground under the four principal corners of the balcony, deck, architectural feature or landscape structure.

GRAIN ELEVATOR means a facility for the collection, grading, sorting, storage, and transhipment of grains. This definition also includes 'inland grain terminals'.

GREENHOUSE, COMMERCIAL – see GARDEN CENTRE / GREENHOUSE, COMMERCIAL

GREENHOUSE, RESIDENTIAL means an accessory building to a residential dwelling specially designed and used for the growing of vegetables, flowers, or other plants for personal use and not for sale to the public.

# H

HEALTH CARE SERVICES – see MEDICAL/HEALTH FACILITY

HEAVY DUTY EQUIPMENT CONTRACTOR – see CONTRACTOR, HEAVY DUTY EQUIPMENT

HEAVY MACHINERY EXCAVATION means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling, breaking of ground, and/or stockpiling of topsoil but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a development permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

HIGHWAY COMMERCIAL BUILDING means a commercial building intended primarily for the use of the travelling public and which is located on a site adjacent to a major traffic route designated as a public highway.

HOME OCCUPATION means the ancillary use of a dwelling unit (and/or its accessory buildings or lands) by any trade, profession or craft for, or in the pursuit of, gainful employment involving the manufacture, processing, provision or sale of goods and/or services. (Refer to Schedule 8: Home Occupations)

HORTICULTURE OPERATIONS OR FACILITIES means the commercial production and sales, on or off site, of specialty crops grown by high-yield and high-density techniques. Examples include ~~greenhouses,~~ nurseries, hydroponic operations, market gardens and tree farms but exclude mushroom growing.

HOSPITAL means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

HOTEL means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms, which may contain bar/kitchen facilities. The building may also contain accessory uses such as, but not limited to parking facilities, licensed premises or dining room, room service or public convention facilities.

I

INDOOR RECREATION, PRIVATE means sports or recreational or retreat activities, use, facilities including associated eating and retail areas, provided by commercial for-profit and non-profit businesses where the public is admitted for a fee or where admission is limited to members of an organization or limited group. Such uses include, but are not limited to, gymnasiums, athletic/sport fields, paint-ball, go-cart tracks, golf courses and ranges, outdoor mini-golf, recreation centres, indoor/outdoor ice rinks, campgrounds, retreats and country clubs.

INDOOR RECREATION, PUBLIC means sports or recreational or retreat activities, uses or facilities, including associated eating and retail areas, for public use which are public-owned or operated (i.e. municipal, provincial, or federal including local boards, agencies or commissions of the Town). Such uses include, but are not limited to, gymnasiums, athletic/sports fields, golf courses and ranges, outdoor mini-golf, recreation centres indoor/outdoor ice rinks, campground, retreats, and country clubs.

INDUSTRY WITH A HEAVY UTILITY DEMAND means development used principally for one or more of the following:

(a) processing of raw materials;

(b) the manufacturing or assembling of semi-finished or finished goods, products or equipment, but not food products;

(c) the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, business or household use;

(d) terminals for the storage or transhipping of materials, goods and equipment;

(e) the distribution and sale of materials, bulk goods and equipment to institutions or commercial businesses for their direct use or to general retail stores or other use classes for resale to individual customers; or

(f) the training of personnel in general industrial operations.

Any indoor display, office, technical, administrative support, or retail sale operations shall be accessory to the general industrial uses listed above. The floor area developed for such accessory activities shall not exceed 25 percent of the gross floor area of the building(s) devoted to the heavy industrial use. This use includes only those developments which are utility intense and may have a significant detrimental effect on the safety, use, amenity, enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods.

INFILL DEVELOPMENT means the development or redevelopment of a vacant or partially developed parcel within an existing developed neighbourhood or in close proximity to areas that have been fully or substantially developed for a significant period of time.

ISSUANCE means the date a development permit or order is issued by the Development Officer or Development Authority.



KENNEL means the use of a building or portion of a building, the primary purpose of which is the boarding of small animals for periods greater than 24 hours for a fee and does not include VETERINARY CLINIC, VETERINARY CLINIC - SMALL ANIMAL, OR PET CARE SERVICE, and that may provide for the incidental sale of products relating to the services provided by the use and may include outside enclosures, pens, runs, or exercise areas. All animal facilities are subject to the Town Domestic Animal and Dog Regulation and Control Bylaws.



LANDING means an uncovered platform extending horizontal from a building adjacent to an entry door and providing direct access to grade or stairs.

LANDOWNER – see REGISTERED OWNER

LANDSCAPED AREA means that portion of a site which is required to be landscaped and may not be used for parking, storage, or display od items for sale.

LANDSCAPING means the modification, beautification and enhancement of a site or development through the use of the following elements:

(a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials and this may include xeriscaping or xerigardening;

(b) hard landscaping consisting of non-vegetative materials such as brick, rock, stone, decorative concrete, tile and wood, excluding monolithic concrete and asphalt; and

(c) excludes all areas utilized for driveways and parking.

LAND USE DISTRICT means a district as established under Schedule 2 of this Bylaw.

LANE means a public thoroughfare, which provides a secondary means of access to a lot or lots.

LAUNDROMAT means a facility for the cleaning of clothing or other fabric goods on a self-serve basis.

LIGHT FABRICATION SHOP means the assembly of metal parts, including blacksmith and welding shop, sheet metal shop, machine shop, and boiler shop, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

LIQUOR STORE means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off premises. Full walls must physically separate the premises from any other business.

LIVESTOCK CONFINEMENT OPERATION OR FACILITY means any land enclosed by buildings, shelters, fences, corrals or other structures which may, in the opinion of the Development Officer, be capable of confining, rearing, feeding, dairying or auctioning livestock.

LIVESTOCK SALES YARD means a commercial establishment wherein livestock is collected for sale or auctioning.

LOADING AREA means a space designated for parking a commercial vehicle while being loaded or unloaded.

~~LODGING HOUSE – see BOARDING OR LODGING HOUSE~~

LOT in accordance with the *Municipal Government Act*, means:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;

(c) a settlement lot shown on an official plan as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;

(d) a part of a parcel where the boundaries of the parcel are separately described in the certificate of title other than by reference to a legal subdivision; or

(e) 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.

(f) Where a certificate of title contains one or more lots described in a plan of subdivision that was registered in a land titles office before July 1, 1950, lot means parcel.

LOT AREA means the area contained within the boundaries of a lot as shown on a plan of subdivision or described in a certificate of title and is sometimes referred to GROSS LOT AREA.

LOT, CORNER means a lot located at the intersection of two or more streets (See Figure 13.1).

LOT COVERAGE means the combined area of all buildings or structures on a site including but not limited to the principal structure, accessory structures, decks, verandas, porches, and balconies but excluding eaves, cornices, and other similar projections.

LOT, DOUBLE FRONTING means a lot which abuts two parallel or approximately parallel streets (See Figure 13.1).

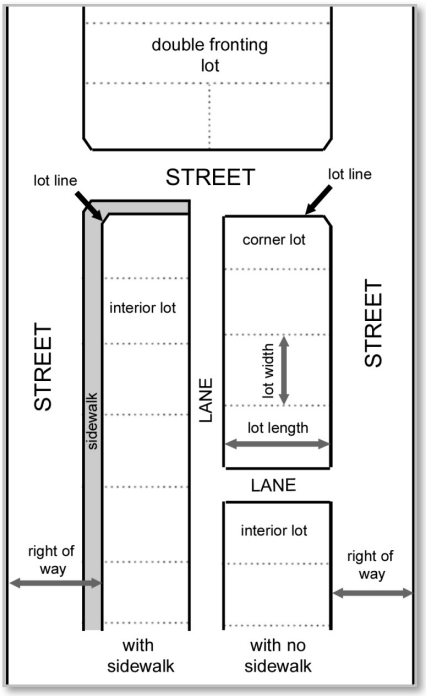



**Figure 13.1: Representation of defined lot characteristics**

LOT FRONTAGE means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot (See Figure 13.2).

LOT, INTERIOR means a lot situated between two lots or another lot and a lane and having access to not more than one street (See Figure 13.1).

LOT LENGTH, also referred to as SITE DEPTH means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines (See Figure 13.2).

LOT LINE means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning (See Figure 13.2).

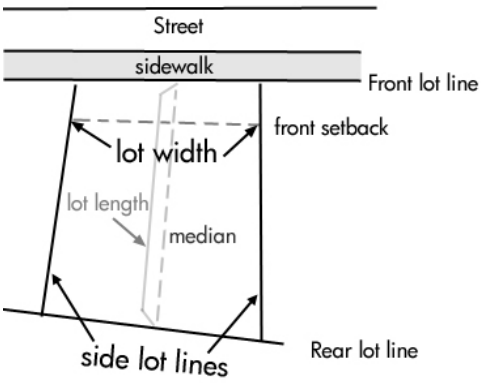



**Figure 13.2:**
**Lot Width and Lot Length**

LOT, VACANT means a lot with no existing development.

LOT WIDTH means the horizontal distance between the side lot lines measured at the front setback line [e.g. 7.62 m (25 ft.) from the front property line for residential lots] (See Figure 13.2).

LOUNGES/BEVERAGE ROOMS means an establishment licensed pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises.

## M

MACHINERY AND EQUIPMENT RENTAL means the use of land or buildings for the rental of hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

MAINTENANCE/UTILITY USES means the servicing, repairing or altering of any premises, appliance apparatus, or equipment to perpetuate the use or purpose for which such premises, appliance, apparatus, or equipment was originally intended.

MANUFACTURED DOUBLE-WIDE – see DWELLING, SINGLE-DETACHED MANUFACTURED

MANUFACTURED DWELLING – see DWELLING, SINGLE-DETACHED MANUFACTURED

MANUFACTURED HOME AREA means that part of a manufactured home park used primarily for installed individual manufactured homes, including permissible additions, and which is not used for buffer area, roadways, park operator's residential plot, the procuring and treatment of water, collective sewage treatment effluent disposal from a collective sewage treatment plant, garbage disposal, or ancillary buildings.

MANUFACTURED HOME PARK means a single site or title of land maintained and operated for the long-term parking and occupancy of manufactured dwellings, specifically double-wide and single-wide single-detached manufactured dwellings on designated sites together with ancillary facilities including recreation areas.

MANUFACTURED SINGLE-WIDE – see DWELLING, SINGLE-DETACHED MANUFACTURED

MANUFACTURING, HEAVY means a development for the manufacturing, fabricating, processing, production, assembly or packing of goods, products, materials or equipment, which may, in the opinion of the Development Authority:

(a) result in a significant impact on adjacent land uses due to appearance, noise, odour, emission of wastes, other nuisance or potential health or safety hazards; or

(b) require extensive space for storage.

MANUFACTURING, LIGHT means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

MARKET GARDEN means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

MASSING – see BUILDING MASSING

MEASURABLE STANDARD means a minimum or maximum dimensional (typically numeric) standard stipulated in this Bylaw.

MEDICAL/HEALTH FACILITY means a facility for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices.

MINIMUM YARD DIMENSION – see SETBACK

MOBLIE HOME – see DWELLING, SINGLE-DETACHED MANUFACTUED

MOBLIE HOME PARK – see MANUFACTURED HOME PARK

MODULAR DWELLING – see DWELLING, SINGLE-DETACHED PREFABRICATED (modular)

MOTEL means the use of a building or group of buildings on a site designed to provide separate sleeping units provided for a fee on a daily basis, usually accessible other than through a central lobby, with on-site parking; the building or group of buildings may also contain accessory uses such as, but not limited to parking facilities, licensed premises or dining room, room service or public convention facilities.

MOTOR VEHICLE REPAIR SHOP means the use of premises for the repairing of motor vehicles or motor vehicle parts including tires, or for the painting or repairing of motor vehicles bodies.

MOVED-IN BUILDING means a conventional, preconstructed, previously utilized, non-residential building which is physically removed from one site, transported and re-established on another site and does not include single-detached manufactured homes or other residential structures.

MOVED-IN DWELLING – see DWELLING, MOVED-IN

MULTI-UNIT DWELLING – see DWELLING, MULTI-UNIT

MUNICIPAL DEVELOPMENT PLAN means a Statutory Plan, formerly known as a General Municipal Plan, adopted by bylaw in accordance with section 632 of the *Municipal Government Act*.

MUNICIPAL GOVERNMENT ACT (MGA) means the *Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26*, as amended.

MUNICIPAL PLANNING COMMISSION (MPC) means a body/committee of Council where Council has delegated some or all of their decision making authority, as established under the confines of the legislation found in sections 623 and 624 of the *Municipal Government Act,* to make subdivision and/or development decisions on behalf of the municipality. The Town of Cardston MPC is further defined within the Town of Cardston Development and/or Subdivision Authority Bylaw(s), as the case may be.

MUNICIPAL RESERVE means the land specified to be municipal reserve by a subdivision approving authority pursuant to section 666 of the *Municipal Government Act*.

MUNICIPAL/SCHOOL RESERVE means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the *Municipal Government Act*.

MUNICIPALITY means the geographic area of the Town of Cardston in the Province of Alberta.

MUSEUM means a building or site used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period.




NATURAL RESOURCE EXTRACTION use means those uses of land or buildings which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are considered noxious or hazardous industries. Notwithstanding other uses not listed, natural resource extraction uses include: sand, gravel and quarry operations; and logging and forestry operations, including sawmills.

NET FLOOR AREA – see FLOOR AREA, NET

NIGHTCLUB means the use of a building where liquor is sold and consumed on the premises and a license for the sale of liquor, that prohibits minors on the premises at any time, is issued by the Alberta Gaming and Liquor Commission and where entertainment is provided to patrons, in the forms of a dance floor, live music stage, live performances, or recorded music, in a public area greater than 10 $m^2$ (108 $ft^2$) and where food may be prepared and sold for consumption on the premises.

NON-COMPLIANCE means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

NON-CONFORMING BUILDING in accordance with the *Municipal Government Act* means a building:

(a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

NON-CONFORMING USE means a lawful specific use:

(a) being made of land or a building, or intended to be made of a building lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective; and

(b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

NOXIOUS AND HAZARDOUS USE means an industry which is hazardous, noxious, unsightly or offensive and cannot, therefore, be compatibly located in an urban environment. Examples include, but are not limited to: anhydrous ammonia storage, abattoir, oil and gas plant, livestock sales yard, asphalt plant, concrete batch plant.

NUDITY means the complete or partial visibility of one or more parts of the human body that may be considered to be sexually explicit due to a lack of any covering of those parts of the body or the presence of covering that is other than opaque.

NURSING HOME (EXTENDED CARE FACILITY) – see ASSISTED LIVING FACILITY




OFFICE means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include but are not limited to the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This excludes government services, the servicing and repair of goods, the sale of goods to the customer on the site, and the manufacturing or handling of a product.

OFF-SITE LEVY means the rate established by the municipal Council that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the personal property. The revenues from the off-site levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

ORIENTATION means the arranging or facing of a building or other structure with respect to the points of the compass.

OUTDOOR RECREATION FACILITY means improvements to support activities operated out of doors and includes but is not limited to a ski resort, riding stable, water slide, ice skating, marina, or equestrian centre. This use is meant to capture those facilities that consist of more substantial improvements, and/or facilities that are often designed more for organized recreation (as opposed to more casual or passive recreation) than *OUTDOOR RECREATION AND SPORTS FIELDS.*

OUTDOOR RECREATION AND SPORTS FIELDS means development providing amenities that are available to the public at large for sports and active recreation conducted outdoors. Typical facilities would include driving ranges, sports fields, tennis courts, unenclosed ice surfaces or rinks, athletic fields, Scouts/Guide camps, religious outdoor retreat camps and parks, outdoor swimming pools, bowling greens, riding stables and fitness trails.

OUTSIDE DISPLAY means the open outdoor display of goods that shall be limited to examples of product, merchandise, equipment, and/or items sold by the business or industry on the lot(s) or development site.

OUTSIDE STORAGE means the open storage of goods, merchandise or equipment outside a building.

OWNER OF LAND – see REGISTERED OWNER




PARCEL in accordance with the *Municipal Government Act* 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. Means the aggregate of one or more areas of land described in a certificate of title by reference to a plan registered in a Land Titles Office.

PARK MAINTENANCE/STORAGE USES means a development or use related to the maintenance or operation of a manufactured home park and may include utility structures and/or maintenance or storage buildings or compounds.

PARK MODEL TRAILER means a recreational vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA-Z-240 standard for recreational vehicles; or

(b) a recreational vehicle intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA Z-241 standard for recreational vehicles.

PARKING FACILITY means development the principal use of which includes parking areas, parking spaces and/or parking structures, which are defined as follows:

(a) PARKING AREA means a portion of land or of a building or a combination of both, set aside for and capable of providing space for the parking of a number of motor vehicles.

(b) PARKING SPACE means a space set aside for and capable of being used for the parking of one motor vehicle.

(c) PARKING STRUCTURE means a building or other structure designed for parking automobiles in tiers on a number of levels above each other, whether or not above or below the ground.

PARKS AND PLAYGROUNDS means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. This may include public open space, which is not in private ownership and is open to use by the public.

PATIO means an outdoor area of a lot developed and used for leisure and/or recreation purposes. Means an uncovered horizontal structure with horizontal structure with a surface height no greater than 0.61 m (2 ft.) above grade to any point and which is adjacent to a residential dwelling and intended for use as a private outdoor amenity space.

PERMITTED USE means the one or more uses of land or buildings provided for in this Bylaw for which a Development Permit shall be issued with or without conditions by the Development Authority upon application having been made to the Development Authority.

PERSONAL SERVICES means uses that provide personal services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include but are not limited to barber shops, beauty salons, hairdressers, manicurists, aestheticians, fitness facility, tailors, dress makers, shoe repair shops, dry cleaning establishments, and laundries but does not include health services.

PET CARE SERVICES means the use of a building or portion of a building to wash, groom, or board small animals during the day and that may have the incidental sale of products relating to the services provided by the USE, must not board animals overnight; does not include KENNEL, VETERINARY CLINIC - SMALL ANIMAL, or VETERINARY CLINIC. All animal facilities are subject to the Town Domestic Animal and Dog Regulation and Control Bylaws.

PLAN OF SUBDIVISION means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

PLANNING ADVISOR means the person or organization retained by the Town of Cardston to provide planning-related advice and services.

PORCH means a covered, open structure (unenclosed) that is attached to the exterior of a building, often forming a covered entrance to a doorway. The structure does not have solid walls, but may be screened. Means an unenclosed, or covered structure forming an entry to a building; a porch shall be include in site coverage calculations.

PORTICO means a porch or entrance to a building consisting of a covered and often columned area.

PRE-PLANNED DEVELOPMENT – see COMPREHENSIVE DEVELOPMENT

PRINCIPAL BUILDING means a building which, in the opinion of the Development Officer:

(a) occupies the major or central portion of a site;

(b) is the chief or main building among one or more buildings for which the site is used;

(c) constitutes, by reason of its use, the primary purpose for which the site is used.

PRINCIPAL USE means the main purpose for which a lot, parcel, or building is used or intended to be used.

PRIMARY RESIDENCE means the residence where a person normally resides and has control and management of the property by ownership.

PRIVACY WALL means a structure that:

(a) is accessory to an approved principal use;

(b) provides visual screening;

(c) is located on a balcony, deck or patio;

(d) is no greater than 2 m (6.5 ft.) above the grade of a balcony, deck or patio; and

(e) does not include a railing.

PRIVATE UTILITY – see UTILITY, PRIVATE

PROHIBITED USE means a development that is not listed as permitted or discretionary, or is not considered similar within a land use district.

PUBLIC AREA means the floor area of a use that allows access to the public, but does not include washrooms, hallways accessing washrooms or entrance vestibules.

PUBLIC ASSEMBLY means a use or development used for public meetings or social activities, and includes meeting rooms and classrooms.

PUBLIC OPEN SPACE means land, which is not in private ownership and is open to use by the public.

PUBLIC PLACE – see PUBLIC OPEN SPACE

PUBLIC ROADWAY means a right-of-way maintained by the Town and is open to the public for the purpose of vehicular traffic.

PUBLIC UTILITY – see UTILITY, PUBLIC



RAILWAY AND RAILWAY RELATED USES means a railway line and any use connected with the direct operation or maintenance of a railway system and also includes any loading or unloading facilities, but excludes feed mills/grain elevators or bulk oil depots which are separate uses.

READY-TO-MOVE DWELLING – see DWELLING, READY-TO-MOVE

REAL PROPERTY REPORT (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

REAR YARD – see YARD, REAR

RECREATION, PASSIVE means activities in the pursuit of recreation or leisure that are not normally formally organized and don't require substantial facilities or equipment including but not limited to walking trails, hiking paths and picnicking.

RECREATIONAL USE, LICENSED means any allowable use within the RO (Recreation & Open Space) land use district which includes liquor service allowable under a liquor license issued by the AGLC but not including liquor off-sales or liquor delivery services.

RECREATIONAL VEHICLE means a vehicle primarily designed as temporary living quarters for recreational camping or travelling, which either has its own motor power or is mounted onto or drawn by another vehicle. Means a portable structure designed and built to provide temporary living accommodation and to be transported on its own wheels or carried by another vehicle or a vehicle designed and intend to be used for recreational purpose; examples include motor homes, campers, travel trailers, tent trailers, snowmobiles, jet skis, boats or similar types of vehicles but do not include manufactured homes.

RECYCLING FACILITY means development used for the buying, collection, sorting, and temporary storage of bottles, cans, newspapers, and similar household goods for reuse where all storage is contained within an enclosed building with limited outdoor storage. This use includes recycled materials drop-off centres.

REGISTERED 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:

  (i) the purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or

  (ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

RELIGIOUS ASSEMBLY means a use or development for religious meetings, worship and related religious activities and includes accessory rectories, manses, meeting rooms and classrooms. Typical uses would include churches, chapels, temples, mosques, synagogues, parish halls and convents.

RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH AN APPROVED COMMERCIAL USE means a residential unit that is part of a commercial building so that the dwelling unit is a supplementary use to that principal use. Typical uses include residential units on the second storey above a main floor commercial use.

RESIDENTIAL CARE FACILITY means the use of a building, or portion of a building, as a facility for which social, physical or mental care is provided to five (5) or more persons who live full time in the facility and has at least one (1) staff person at the facility at all times. The residential character of the development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This does not include ~~BOARDING HOUSE, LODGING HOUSE,~~ SPECIAL CARE FACILITY, SENIOR CITIZEN HOUSING, or ASSISTED LIVING FACILITY.

RESTAURANT means an establishment where food is prepared and served on the premises for sale to the public, and may include entertainment which is ancillary to the preparation and service of food and/or beverages but does not include liquor service, liquor off-sales or liquor delivery services.

RESTAURANT, LICENSED means an establishment where food is prepared and served on the premises for sale to the public, and may include entertainment which is ancillary to the preparation and service of food and includes liquor service allowable under a "Class A – Minors Allowed" liquor license issued by the AGLC but not including liquor off-sales or liquor delivery services.

RETAIL means premises where goods, merchandise, substances, articles, and other materials, are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to grocery, bakery, hardware, pharmaceutical, appliance, clothing, and sporting goods stores. These uses exclude retail large-scale uses, warehouse retail and the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or retail stores requiring outdoor storage. Minor government services, such as postal services, are permitted within retail stores.

RETAIL – LARGE-SCALE means stand alone retail stores that exceed 2,000 $m^2$ (21,529 $ft^2$) in size and may include retail outlets operated as part of a chain that locate on individual sites or that cluster on a large site, sometimes adjacent to each other. This use may include grocery stores or supermarkets, department stores, and specialty stores selling a single line of products such as: business and office supply stores, electronics, appliances, furniture, fashion and clothing, craft and hobby stores, book stores, sporting goods, home improvement, hardware stores, gardening materials or building supplies. This use does not include liquor stores, automotive related uses, farm or industrial sales or service.

RIGHT-OF-WAY means an area of land not on a lot that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines). In no case shall a right-of-way be construed to mean an EASEMENT.

ROAD – see PUBLIC ROADWAY




SAFETY CODES means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire

protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1*, as amended.

SALES AND/OR RENTALS means the sale or rental of various goods including but not limited to vehicles, construction equipment, farm equipment or machinery, or recreational vehicles.

SALVAGE YARD means land or buildings where motor vehicles and parts, used building products or other scrap material are disassembled, repaired, stored or resold.

SAND BLASTING FACILITY means the use of land and/or a building(s) where the primary source of activity involves the large scale sandblasting of agricultural, industrial or oilfield equipment. Sandblasting facilities may also include welding and painting facilities on-site.

SATELLITE DISH means a structure designed specifically to receive television signals.

SCALE, BUILDING – see BUILDING SCALE

SCHOOL means a place of instruction offering courses of study. Included in the category are public, private, and separate schools.

SCHOOL (PRIVATE) means a facility where students are instructed in accordance with government curriculum, but which may or may not be financially supported by the Province of Alberta. This use class does not include commercial schools.

SCHOOL RESERVE – see MUNICIPAL/SCHOOL RESERVE

SCREENING means a fence, wall, berm or hedge used to visually separate areas or functions that detract from the street or neighbouring land uses. Means the total or partial concealment of a building, structure or activity by a fence, wall, berm, soft landscaping, or other screening device.

SEASONAL SALES means a use where goods are displayed and offered for sale in an open area or partially contained within a building or temporary structure on a seasonal basis.

SECONDARY FRONT YARD – see YARD, SECONDARY FRONT

SECONDARY SUITE – see DWELLING, SECONDARY SUITE

SEED CLEANERS AND STORAGE means a building or facility used for the storage and preparation of seeds used in agriculture.

SEMI-DETACHED DWELLING – see DWELLING, SEMI-DETACHED

SEMI-DETACHED DWELLING - ISOLATED – see DWELLING, SEMI-DETACHED - ISOLATED

SEMI-DETACHED DWELLING - PRE-PLANNED – see DWELLING, SEMI-DETACHED - PRE-PLANNED

SENIOR CITIZEN HOUSING means a development which complies with the *Senior Citizens Housing Act*, as amended, and which is used as a residence designed for elderly persons not requiring constant or intensive medical care, and usually consists of multiple dwelling units.

SERVICE STATION means a building or portion thereof which is used for the servicing and minor repairing of motor vehicles and a portion for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

SETBACK – see YARD

SETBACK, SECONDARY FRONT – see YARD, SECONDARY FRONT

SHALL means that the action is mandatory.

SHARED PARKING means a site's parking supply may service more than one use on the site, the total supply being less than the sum of the Bylaw parking requirement for the total of all uses on the site and may occur through the proponent providing detailed information and analysis of one or more uses on the site having its peak demand at times other than the peak demand at times; employees/customers of one use on the site utilizing another us on the site; a customer coming to several different uses on the site.

SHIPPING CONTAINER means any container that was used for transport of goods by means of rail, truck, or by sea. These containers are rectangular in shape and are generally made of metal.

SHOOTING/RIFLE RANGE means a designated practice area designed for the purpose of controlled discharge of firearms or archery equipment.

SHOPPING CENTRE means a unified group of buildings with more than one commercial use being primarily retail and personal services and on a site comprehensively planned, developed and managed as a single commercial operating unit with shared on-site parking where the intended uses comply with the subject district.

SHORT-TERM RENTAL 1 means the operation of one (1) accommodation unit for a period not exceeding 30 days within all or a portion of a dwelling unit and the owner of the property is required to occupy the dwelling (or an adjacent dwelling on the same parcel in the case of a detached suite) as their primary residence and be present on the premises during the majority of the operation of the Short-Term Rental. For the purposes of this Bylaw a Short-Term Rental 1 includes a Bed & Breakfast.

SHORT-TERM RENTAL 2 means the operation of one (1) or more accommodation unit(s) for a period not exceeding 30 days within all or a portion of a dwelling unit, and the owner of the property is not required to occupy the dwelling unit as their primary residence.

SHOULD means that the action is recommended but is not mandatory.

SHRUB means a single or multi-stemmed woody plant under 5 m (16 ft.) at maturity.

SIDE YARD – see YARD, SIDE

SIGNS (refer to Schedule 12: Sign Regulations)

SILL means the lower horizontal piece along the frame of a window or door, which may be located on the interior or exterior and provides support to the structure and/or may direct water clear of the wall below.

SIMILAR USE – see Administration Section 35

SINGLE-DETACHED DWELLING SITE BUILT – see DWELLING, SINGLE-DETACHED SITE BUILT

SITE means that part of a parcel or a group of parcels on which a development exists or for which an application for a Development Permit is being made.

SITE COVERAGE means that portion of a site upon which covered buildings are located as measured from a point at grade directly below the outside surface of the exterior walls of the building at the first storey floor level, including any projections less than 2.4 m (7.9 ft.) above.

SITE DEPTH means the mean horizontal distance between the front and rear boundaries of the site.

SITE PLAN means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no building are situated, and showing fencing, screening, grassed areas, and the location, species and size of all existing and proposed shrubs and trees on site.

SITE SERVICING PLAN means a plan showing the legal description and dimensions of the site, the utilities, site drainage, existing and proposed site grades, the grades of streets and sewer servicing the property, elevations of top of curb or sidewalk and lot corners approved by the Town's Engineer.

SITE WIDTH means the average horizontal distance between the side boundaries of a site measured at 8 m (26.2 ft.) from the front property line.

SMALL WIND ENERGY SYSTEM (refer to Schedule 5: Use Specific Standards)

SOD FARM means the commercial growing of sod through seeding and stripping of topsoil to sell the final product.

SOLAR COLLECTOR means a device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy. For the purposes of the use allocation in Schedule 2, this use shall be considered as an accessory use and is allowable in all districts.

SOUTH SASKATCHEWAN REGIONAL PLAN means the regional plan and regulations established by order of the Lieutenant Governor in Council pursuant to the *Alberta Land Stewardship Act*.

SPECIAL CARE FACILITY means the use of a building or portion thereof which provides for the care or rehabilitation of one or more individuals, with or without the provision of overnight accommodation. This does not include HOTEL, MOTEL, ~~BOARDING or LODGING HOUSE,~~ SENIOR CITIZEN HOUSING, or ASSISTED LIVING FACILITY.

STAFF RESIDENCE means a dwelling unit for the occupancy of the owner, operator, caretaker, or other essential administrative and operational personnel and which is accessory to other development on the parcel.

STAKE OUT OF THE SITE means the process of measuring the site and designating the areas on the site where construction will occur.

STOP ORDER means an order issued by the Development Authority pursuant to section 645 of the *Municipal Government Act*.

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STORM WATER MANAGEMENT FACILITIES means facilities that manage the flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt.

STREET means a public thoroughfare affording the principal means of access to abutting parcels and includes the sidewalks and the land on each side of and contiguous to the prepared surface of the thoroughfare and owned by the municipality.

STREET MINOR LINE means the shortest property line in length of the one or more property lines which are adjacent to a street (excluding a lane).

STRUCTURAL ALTERATION, MAJOR means an alteration to an existing building of a structural (non-cosmetic) nature and of an extent whereby the majority of the existing structural components are being replaced or repaired.

STRUCTURE means anything constructed or erected that requires a location on the ground or attached to something having location on the ground. Among other things, structures include, building, walls, fences, and signs. Means anything constructed with a fixed location on the ground or attached to something having a fixed location on the ground, including, but not exclusive to walls, light standards, fences and signs.

STUDIO SUITE means a detached secondary dwelling unit situated on grade or above an enclosed parking structure or private garage that is located to the rear of the principal dwelling unit.

SUBDIVISION means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD means the tribunal established, by bylaw, to act as the municipal appeal body for Subdivision and Development.

~~SUBDIVISION AND DEVELOPMENT REGULATION~~MATTERS RELATED TO SUBDIVISION AND DEVELOPMENT REGULATION means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *Municipal Government Act*.

SUBDIVISION APPROVAL means the approval of a subdivision by a subdivision approving authority.

SUBDIVISION AUTHORITY means the body established by Bylaw to act as the subdivision authority in accordance with section 623 of the *Municipal Government Act*.

SWIMMING POOL, PRIVATE means an in-ground or above-ground structure containing an artificial body of water. Private swimming pools are classified as an accessory structure and regulated by the Town's Land Use Bylaw and any other relevant municipal bylaw.



TELEVISION OR RADIO ANTENNAE TOWERS, EXCLUDING OFFICES, STUDIOS, ETC. means a structure and any associated system, including all masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

TEMPORARY means a restricted period of time.

TEMPORARY STRUCTURE means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected and ceased.

TERRACE – see PATIO

TOURIST INFORMATION SERVICES AND FACILITIES means the use of a parcel of land or a building to provide information to the travelling public and may include washrooms and picnic facilities.

TOWN means the Town of Cardston.

~~TOWNHOUSE DWELLING – see DWELLING, TOWNHOUSE~~

TREE means any perennial woody plant with one or few main trunks, 5 m (16 ft.) or over in height at maturity.

TRUCK TRANSPORTATION DEPOT means a facility for the purpose of storing and dispatching trucks and tractor-trailers for transporting goods.

TRUCK WASH means a commercial vehicle washing facility associated with large vehicles such as truck tractor trailers.



UNCOVERED DECK – see DECK, UNCOVERED

UNENCLOSED means an outdoor space or structure which is surrounded by not more than two walls, nor roof, lattice, or other enclosing device whatsoever above 1.2 m (3.9 ft.) in height, as measured from the floor.

UNFINISHED BUILDING means a building or portion of a building which is, in the opinion of the Development Authority, incomplete as to structure finish, or which lacks the proper installation of any normal provisions.

UTILITY means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;
(b) facilities for the storage, transmission, treatment or supply of water;
(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
(d) storm sewage drainage facilities;
(e) telecommunications systems;
(f) systems for the distribution of artificial light or electric power;
(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure;
(h) any other things prescribed by the Lieutenant Governor in Council by regulation.

For the purposes of the use allocation in Schedule 2, a *Utility* for distribution purposes (i.e. buried service lines) is be considered as an accessory use and is allowable in all districts.

UTILITY, PRIVATE means a utility which is privately-owned or operated.

UTILITY, PUBLIC means a utility for public use and which is publicly-owned or operated by a municipal, provincial or federal government.

UTILITY RIGHT-OF-WAY – see RIGHT-OF-WAY

# V

VACANT LOT – see LOT, VACANT

VARIANCE – see WAIVER

VERANDA means a porch along the outside of a building which is sometimes partly enclosed (See Figure 13.3).



**Figure 13.3**

VETERINARY CLINIC means a facility for the medical treatment of small or large animals and includes provision for their overnight accommodation within the building only, and may include associated office space. All animal facilities are subject to the Town Domestic Animal and Dog Regulation and Control Bylaws.

VETERINARY CLINIC – SMALL ANIMAL means a facility for the medical care and treatment of small animals and household pets only and includes provision for their overnight accommodation within the building only, and may include associated office space. All animal facilities are subject to the Town Domestic Animal and Dog Regulation and Control Bylaws.

# W

WAIVER means the relaxation of a measurable standard of this Bylaw.

WAIVER, MINOR means a relaxation of one measurable standard of this Bylaw not to exceed 10 percent.

WAREHOUSE means a development used for the storage of materials, products, goods or merchandise. Limited product display, retail sales and offices accessory to the principal use may be allowed in this land use class.

WAREHOUSE, RETAIL means development for the retail sale of goods which are warehoused in bulk on the premises, displayed or catalogued for customer selection, and where the warehouse component occupies at least 50 percent of the gross floor area. This term refers to uses such as furniture, carpet, appliance, fabric and apparel warehouses and clearance centres.

WAREHOUSE, WHOLESALE means development for the storage and/or wholesale distribution of goods. "Hardware and building supplies" and "farm supplies, service" are separate uses.

WAREHOUSE STORAGE means a use or building for the storage of materials, products, goods and merchandise, and this may include commercial mini-storage facilities.

WASTE DISPOSAL FACILITY means a use of land or building for the storage, burial or transfer of garbage, spent or discarded materials, or hazardous materials and which do not meet the definition of RECYCLING FACILITY or SALVAGE YARD. Such uses include, but are not limited to, waste transfer stations and landfills.

WATER TREATMENT PLANT means the facility or facilities which can alter the physical, chemical, or bacteriological quality of the water.

# X

XERISCAPING/XERIGARDENING means landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation and includes plants whose natural requirements are appropriate to the local climate.

# Y

YARD means the area between a lot line and the nearest part of any building, structure, development, excavation or use on the lot (See Figure 13.4). *May be referred to as 'setback'.*

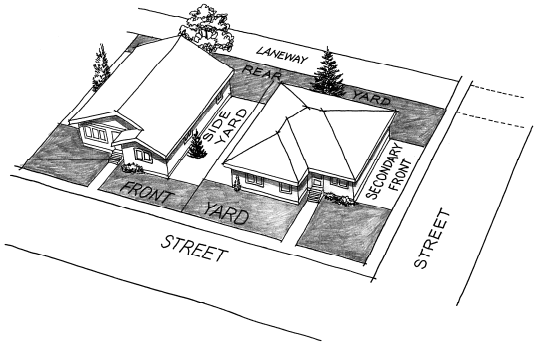
YARD, FRONT means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal buildings (See Figure 13.4).

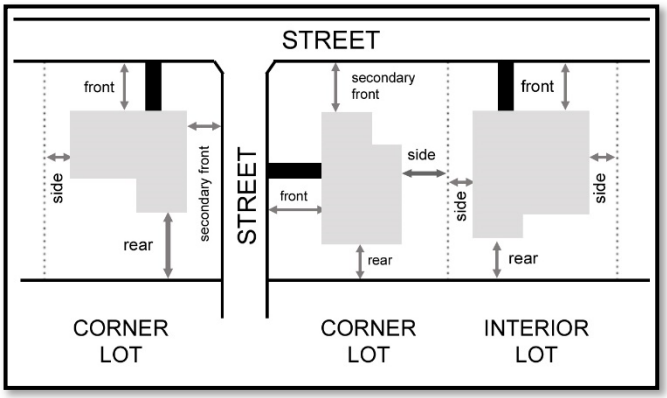
YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot lines and the nearest portion of the principal building (See Figure 13.4).

YARD, SECONDARY FRONT means a yard on a corner lot with street frontage but which is not the frontage where the main entrance to the building or development is oriented or is the yard which is designated the secondary front by the Development Authority (See Figure 13.4).

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building (See Figure 13.4).

**Figure 13.4**




# Z

ZERO LOT LINE means there is no minimum yard dimension for a building, structure, development, excavation or use on a parcel.

**All other words and expressions not otherwise defined in this Land Use Bylaw have the meaning assigned to them in the *Municipal Government Act*.**

# APPENDIX A: TELECOMMUNICATION ANTENNA SITING PROTOCOL EXCLUSION LIST

# TELECOMMUNICATION ANTENNA SITING PROTOCOL
# EXCLUSION LIST

Industry Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the Land Use Authority or the public. The following excerpt from Industry Canada's publication, "Radiocommunication and Broadcasting Antenna Systems CPC-2-0-03" lists the types of antenna installations exempted from the requirement to consult with the local land use authority and the public. The installations listed are therefore excluded from S*chedule 5, Section 19 (Telecommunication Antenna Siting Protocols)* in the Town of Cardston Land Use Bylaw.

## Schedule 5, Section 19 Exclusions

For the following types of installations, proponents are excluded from the requirement to consult with the land use authority and the public, but must still fulfill the General Requirements outlined in the Administration Section, subsection 7 [of CPC-2-0-03]:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25 percent of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 m above ground level.

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the Land Use Authority and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings; the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada marking and lighting requirements for the proposed structure.

Proponents who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

# APPENDIX B: FORMS

| | |
|---|---|
| FORM A | APPLICATION FOR A DEVELOPMENT PERMIT |
| FORM B | NOTICE OF DECISION ON APPLICATION FOR A DEVELOPMENT PERMIT |
| FORM C | DEVELOPMENT PERMIT |
| FORM D | NOTICE OF SUBDIVISION AND DEVELOPMENT AUTHORITY MEETING |
| FORM E | NOTICE OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING |
| FORM F | NOTICE OF DECISION OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD |
| FORM G | AGREEMENT FOR TIME EXTENSION |
| FORM H | STOP ORDER |
| FORM I | APPLICATION FOR A LAND USE BYLAW AMENDMENT |
| FORM J | CALCULATION FORM FOR DETERMINING EXISTING PERCENTAGE OF MULTI-UNIT DEVELOPMENT |
| FORM K | DEMOLITION PERMIT |
| FORM L | SERVICE CONNECTIONS APPROVALS FOR DEMOLITION PERMIT |
| FORM M | TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST |
| FORM N | VOLUNTARY WAIVER OF CLAIMS |

# APPENDIX C: FEES

# FEES

| Fee Schedule | Permitted Uses | Discretionary Use or Use Requesting Waiver Greater than 10% |
|---|---|---|
| **Residential:** | | |
| Dwellings | $50 | $150 |
| Additions | $50 | $150 |
| Accessory Buildings 100 sq. ft. or greater | $50 | $150 |
| Home Occupations | $50 | $150 |
| **Commercial:** | | |
| Change of Use | $50 | $150 |
| Commercial buildings | $50 | $150 |
| Commercial additions/accessory building | $50 | $150 |
| **Industrial:** | | |
| Change of Use | $50 | $150 |
| Industrial buildings | $50 | $150 |
| Industrial additions/accessory building | $50 | $150 |
| **Public/Institutional:** | | |
| All uses | $50 | $150 |
| **Sign Permit:** | $25 | $150 |
| **Temporary Shipping Container:** | $25 | |
| | | |
| **Letter of Compliance:** | $25 | |
| **Demolition Permit:** | $20 | |
| **Recirculation Fee:** | 50% of the original application fee | |
| **Land Use Bylaw Amendments:** | $500 | |
| **Other Statutory Plans and Amendments To:** | $500 | |
| **Time Extension (Development Permits)** | $25 | |
| **Appeal to the Subdivision and Development Appeal Board** ($150 of fee refundable upon successful appeal)**:** | $200 | |

**Additional fees will be required for building permits and inspections.**

Whenever an application is received for a development or use not listed in this schedule, the amount of the fee shall be determined by the Designated Officer or the Municipal Planning Commission and shall be consistent with those fees listed herein.

Fees are set by Council through policy and may be adjusted from time to time.

# APPENDIX D: BYLAWS

**SUBDIVISION AND DEVELOPMENT AUTHORITY BYLAW NO. 1478**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 1682**

# APPENDIX E: CANNABIS RETAIL SALES SETBACK BUFFER MAP

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647P

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

PORTION OF LOT 7, BLOCK 12, PLAN 2247G
WITHIN SE 1/4 SEC 9, TWP 3, RGE 25, W 4 M
containing ±0.104 ha (0.257 acres)

from "Residential – R1" to "Central Commercial – C1" to facilitate the use and development of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached hereto.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing,

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

1. The lands legally described above and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "Residential – R1" to "Central Commercial – C1".

2. Bylaw No. 1647 is hereby amended.

3. This bylaw shall come into effect upon third and final reading hereof.

Received First Reading this 26th day of March, 2024

Public Hearing held this 23rd day of April, 2024

Received Second Reading this 23rd day of April, 2024

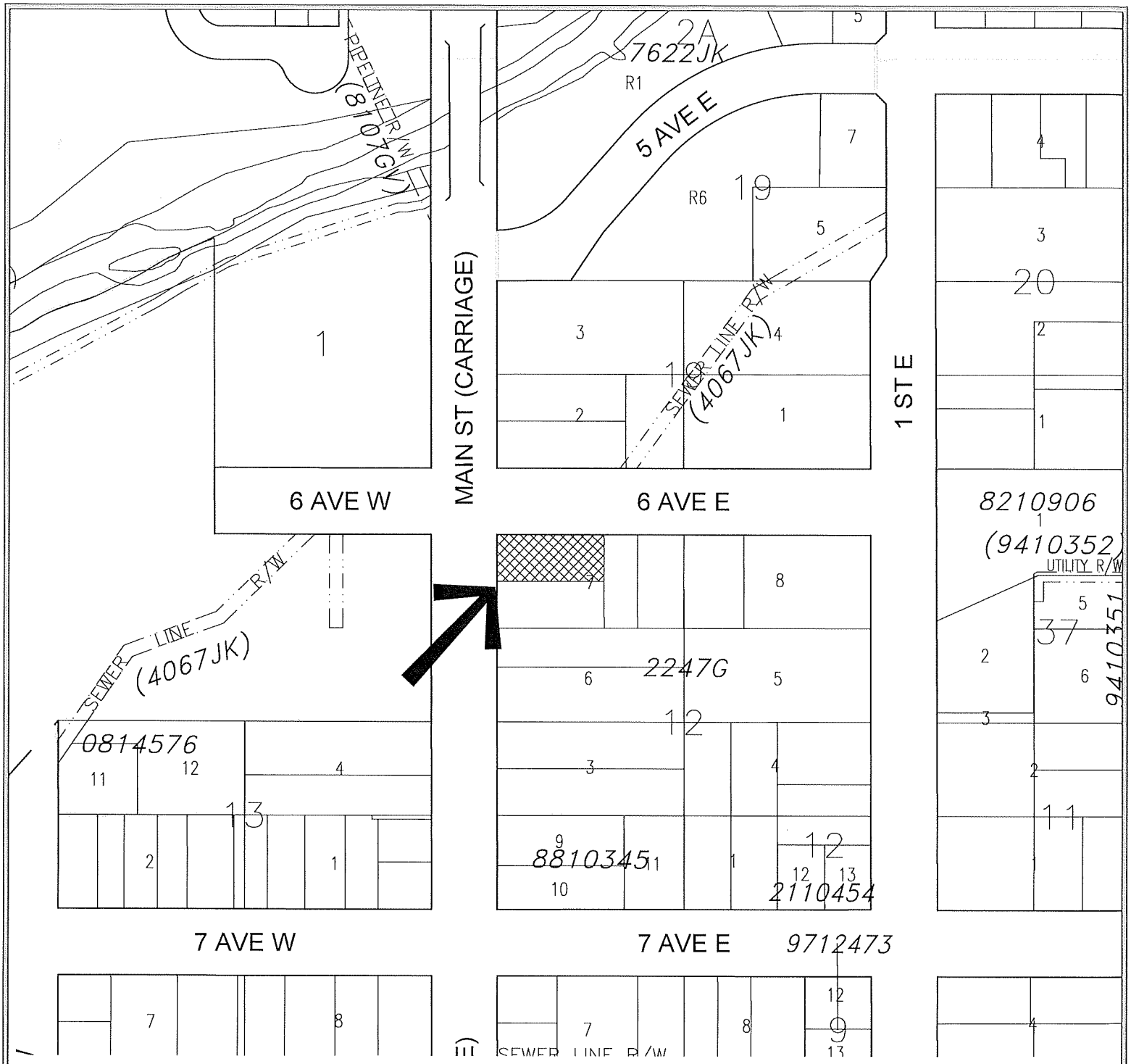
Received Third & Final Reading this 23rd day of April, 2024

Signed by the Mayor and the Chief Administrative Officer this 24th day of April, 2024

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*




# LAND USE DISTRICT REDESIGNATION
# SCHEDULE 'A'

FROM: RESIDENTIAL R1
TO: CENTRAL COMMERCIAL C1

PORTION OF LOT 7, BLOCK 12, PLAN 2247G
WITHIN SE 1/4 SEC 9, TWP 3, RGE 25, W 4 M
MUNICIPALITY: TOWN OF CARDSTON
DATE: FEBRUARY 27, 2024

Bylaw #: 1647O
Date: March 11, 2024

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200


*MAP PREPARED BY:*
*OLDMAN RIVER REGIONAL SERVICES COMMISSION*
*3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8*
*TEL. 403-329-1344*


*"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"*


February 27, 2024 N:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\Town of Cardston – Lot 7 – Block 12 – Plan 2247G.dwg

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

## BYLAW 1647Q

## LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

**WHEREAS,** Section 64 of the Municipal Government Act, Being Chapter M-26, Revised Statutes of Alberta, 2000 provides for the passing of bylaws to amend other bylaws; and,

**WHEREAS** the municipal council wishes to make an omnibus amendment to the Land Use Bylaw for the primary purpose of incorporating updated flood mapping as well as additional housekeeping items and corresponding typographical changes;

**AND WHEREAS** these matters include the incorporation of updated flood mapping under the Flood Hazard Identification Program; corresponding updates to the Flood Damage Reduction Overlay District (FDR); the establishment of associated definitions; the addition of new development permit requirements for Lots 1-32, Block 1, Plan 161 0008; and providing for the opportunity for permanent Shipping Containers in the Recreation & Open Space (RO) Land Use District;

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

**NOW THEREFORE**, the Council of the Town of Cardston, in the Province of Alberta, duly assembled, enacts as follows:

1. The revisions depicted in Schedule 'A' (text amendments), attached hereto and forming part of this bylaw, are hereby adopted.
2. The revisions depicted in Schedule 'B' (Schedule 1: Land Use Districts Map), attached hereto and forming part of this bylaw, are hereby adopted.
3. Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.
4. This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 27 day of May, 2025

Public Hearing held this 24 day of June, 2025

Received Second Reading this 8 day of July, 2025

Received Third & Final Reading this 8 day of July, 2025

Signed by the Mayor and the Chief Administrative Officer this 10 day of July, 2025

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

(a) does not have safe legal and physical access to a maintained road in accordance with the land use bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984 ft.) of a provincial highway or 800 m (2,625 ft.) from the centre point of an intersection of a controlled highway and a public road;

(b) has a high water table or soil conditions which make the site unsuitable for foundations and/or sewage disposal systems in accordance with the provincial regulations;

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) is located within the flood fringe and is not adequately flood proofed;

(f) is located within the flood way or the high hazard flood fringe;

(g) does not comply with the requirements of the South Saskatchewan Regional Plan, *Matters Related to Subdivision and Development Regulation* or any other applicable statutory plans;

(h) is situated on an active or abandoned coal mine or oil or gas well or pipeline;

(i) is unsafe due to contamination by previous land uses;

(j) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(k) does not meet the minimum setback requirements from an abandoned well site;

(l) does not have adequate water and sewer provisions;

(m) does not meet the lot dimensional requirements or setback requirements or any other applicable standards or requirements of the Town of Cardston Land Use Bylaw;

(n) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

(2) Nothing in this Section shall preclude the Subdivision Authority or Development Authority, as applicable, from issuing a subdivision or a development permit if the Authority is satisfied that there is no risk to persons or property or that these concerns will be mitigated by appropriate engineering measures or other mitigating measures and approvals from provincial and/or federal agencies have been obtained, as applicable.

## 23. MAXIMUM LOT SIZES

The maximum lot sizes established for certain residential land use districts may be waived, subject to Section 36 (for development) and section 654(2) of the *Municipal Government Act* (for subdivision), by the Development Authority in the following instances at the time of development or subdivision:

(1) where the developable area (see definition) of the lot is less than the maximum lot size established for the district; or

(2) where the approval would not interfere with or impede upon future resubdivision; or

(3) where resubdivision would not be feasible; or

(4) where a proposal is consistent with a design or concept expressed in a statutory plan.

(i) the location of all existing and proposed buildings and structures including a foundation outline of buildings and all cantilevers, decks and projections, registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale;

(ii) existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, surface drainage patterns and including any other features necessary (i.e. septic systems, water wells, culverts, trees etc.) to interpret or adjudicate the application;

(iii) the presence or absence of any and all abandoned wells; and, if abandoned wells are present, a professionally prepared plot plan that shows the actual well location(s) in relation to existing and/or proposed building sites in accordance with the Alberta Energy Regulator's Directive 079; and

(e) such other information as may be required by the Development Officer, which may also include:

(i) a minimum of two sets of professionally prepared building plans;

(ii) a copy of architectural controls approval if applicable to a parcel;

(iii) a copy of lot grade elevations;

(iv) any additional information as may be specified in any of the Schedules; and

(v) any additional information as per Section 28.

## 28. ADDITIONAL INFORMATION REQUIREMENTS IN SUPPORT OF DEVELOPMENT PERMIT APPLICATIONS

(1) The Development Authority may require a Real Property Report (RPR) or a sketch prepared by an Alberta Land Surveyor or a Professional Engineer as verification of the existing and/or proposed location of development on said land.

(2) The Development Authority may request other information to be provided in support of an application for a development permit, including but not limited to: professionally prepared site plans, landscaping plans, engineering studies, floodproofing measures, geotechnical reports, storm water management or drainage plans, soils analyses, grading or lot elevation plans, parking overlays, building plans, technical reports, population and demographic projections, traffic impact analysis, conceptual design schemes, and sun/shadow studies.

## 29. DETERMINING COMPLETENESS OF DEVELOPMENT PERMIT APPLICATIONS

(1) The Development Officer shall, within 20 days after the receipt of an application for a development permit in accordance with Section 27(2), determine whether the application is complete.

(2) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application, which includes but is not limited to: assessing land use impacts like odours, noise, glare, traffic generation; investigating environmental matters; addressing the type of servicing and appropriateness of the proposed method of servicing; and provided the quality of the information is adequate to properly evaluate the application.

(3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the Development Officer.

(4) If the Development Officer does not make a determination referred to in subsection (1) within the time required under subsection (1), the application is deemed to be complete.

(5) If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | n/a | | 1.52 | 5 | 1.52 | 5 |
| – laneless corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 2.29 | 7.5 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 1.52 | 5 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.91 m (3 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 1.52 m (5 ft.) from the side lot line.

## 14. SPECIAL REQUIREMENTS FOR LOTS 1-32, BLOCK 1, PLAN 161 0008 (ALSO SEE THE FLOOD DAMAGE REDUCTION OVERLAY DISTRICT)

(1) An application for development permit for any lot listed above (or a successor legal description) shall be required to submit a site plan prepared by an Alberta Land Surveyor that stakes out and certifies the

proposed location of the building (including dwellings, detached garages and other buildings at the discretion of the Development Authority but not including sheds and other small or portable structures) on the site in relation to the Town's flood mapping.

(2) As a condition of approval for a building described in subsection 2 above, the Development Authority may ~~shall~~ require a real property report to be submitted to the Development Authority within 6-months of the completion of the building.

(~~3~~1) An application for development permit for any lot listed above (or a successor legal description), where any portion of lot is shown as being within the flood fringe or the high hazard flood fringe, shall be required to incorporate flood proofing measures and evidence that these measures have been designed and calculated by a qualified professional in accordance with best practises and the most current flood data available.

(a) Any flood proofing measures required by a developer (i.e. as part of an architectural control or design review approval) shall not necessarily be construed as complete and the Development Authority may require additional information to be provided or measures to be undertaken.

(~~4~~2) The Development Authority shall attach any or all recommended flood proofing measures, and additional measures deemed necessary, as a condition of development permit.

(5) In accordance with the Flood Damage Reduction Overlay (FDR) District, where any portion of a lot is subject to the high hazard flood fringe or the flood way, no permitted uses exist, and all permitted uses listed in the applicable district are discretionary uses.

*See Schedule 13: Definitions – Flood Proofing.*

**15. STANDARDS OF DEVELOPMENT – Schedule 4**

**16. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**17. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**18. HOME OCCUPATIONS – Schedule 8**

**19. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**20. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**21. SIGN REGULATIONS – Schedule 12**

# RECREATION & OPEN SPACE – RO

**Purpose:**

To ensure the protection of public parks and open space, including municipal and environmental reserve areas in accordance with the relevant sections of the MGA, through the regulation of the following permitted and discretionary land uses.

## 1. (A) PERMITTED USES

- Accessory building, structure or use to an approved permitted use
- Indoor Recreation, Public
- Outdoor Recreation and Sports fields
- Parks and Playgrounds
- Recreation, Passive
- Shipping Container *(temporary)*
- Sign Types[1]: 1A, 2, 4
- Utility, Public

## (B) DISCRETIONARY USES – MPC

- Accessory building, structure or use to an approved discretionary use
- Club/Fraternal Organization
- Community Garden
- Golf Course
- Outdoor Recreation Facility
- Indoor Recreation, Private
- Recreational Use, Licensed
- ~~Shipping Container *(permanent)*~~
- Sign Types[1]: 1B, 3, 5, 6, 8, 9, 10, 11, 12
- Small Wind Energy System – Type A and B[2]
- Utility, Private

## (C) DISCRETIONARY USES – DO

- Shipping Container *(permanent)*

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.
2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

All Uses – 0.5 acre (0.2 ha).

## 3. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

As required by the Development Authority.

## 4. MAXIMUM SITE COVERAGE

As required by the Development Authority.

## 5. MAXIMUM HEIGHT OF BUILDINGS

As required by the Development Authority.

# FLOOD DAMAGE REDUCTION OVERLAY DISTRICT – FDR

**Purpose:**

The purpose of this overlay district is to establish regulatory control over lands with a risk of flooding. The Lee Creek channel extends through the Town of Cardston over a length of approximately 3.75 km. The creek's channel has a significant meander as it enters the town, followed by a mostly straight course with slight meanders. Lee Creek has a relatively small catchment but can produce flash floods in high-intensity rainstorm events. Updated flood mapping from 2019 under the Province's Flood Hazard Identification Program is based on a new survey and corresponding analysis of the creek. While the 1:100 year flood event remains the basis of regulatory application, this study methodology includes a category for "High Hazard Flood Fringe," in accordance with the Province's new approach to mapping flood hazard areas, as well as 1:200 year and 1:500 year depictions (not depicted on Schedule 1 but available). This increased analysis corresponds with the heightened awareness of flooding that brought about the Flood Recovery & Reconstruction Act (2013) which included amendment to the Municipal Government Act to establish the ability for regulations to be made (s. 693.1). The updated flood mapping is illustrated in Schedule 1.

~~The purpose of this overlay district is to implement the "Canada-Alberta Flood Damage Reduction Program" prepared for land uses in proximity to Lee Creek through the regulation of the following permitted, discretionary and prohibited uses. The boundaries of this district shall follow those established on the Flood Information Map prepared for the Town of Cardston under this program (June 29, 1994), including any updated mapping that may be prepared, which is illustrated in Schedule 1.~~

## 1. FLOOD WAY USE REGULATION

**(WHERE A PARCEL IS WHOLLY OR PREDOMINANTLY SUBJECT TO THE FLOOD WAY)**

### (A) PERMITTED USES

- Parks and Playgrounds
- Recreation, Passive
- Shipping Container *(temporary)*

### (B) DISCRETIONARY USES

- Accessory building, structure, or use to an approved use
- Campground, Institutional
- Campground, Tourist
- Golf Course
- Natural Resource Extraction
- Outdoor Recreation and Sports Fields
- Utility, Private or Public
- Signs

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

### (C) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use*

## FLOOD FRINGE USE REGULATION

**(where a parcel is wholly or predominantly subject to the flood fringe including the high hazard flood fringe)**

### (A) PERMITTED USES

- Those uses listed as permitted in the underlying land use district (only for parcels of land that contain flood fringe and not including a parcel that contains any portion of high hazard flood fringe or flood way).

### (B) DISCRETIONARY USES

- Those uses listed as discretionary in the underlying land use district
- A parcel of land that contains any high hazard flood fringe or flood way makes any permitted use in the underlying land use district discretionary

## 2. INTERFACING WITH CONVENTIONAL LAND USE DISTRICTS

In those areas adjacent to Lee Creek that are within the flood fringe, where a separate and distinct land use district has been bestowed upon a property, the use regulation of that district applies (subject to the restrictions listed above under "Flood Fringe Use Regulation". Additionally, all pertinent flood related development regulations from this district apply to the development. Setbacks and all additional development standards are at the discretion of the Development Authority with regard for flood risk and the findings of any professional studies.

## 3. MINIMUM LOT SIZE

All Uses – As required by the Development Authority.

## 4. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS

All Uses – As required by the Development Authority.

## 5. DEVELOPMENT APPLICATIONS

(1) An application for development permit for any lot that is subject to the flood fringe or the flood way may be required to submit a site plan prepared by an Alberta Land Surveyor that stakes out and certifies the proposed location of the building (including dwellings, detached garages and other buildings at the discretion of the Development Authority but not including sheds and other small or portable structures) on the site in relation to the Town's flood mapping.

(2) As a condition of approval for a building described in subsection 2 above, the Development Authority may require a real property report to be submitted to the Development Authority within 6-months of the completion of the building.

## 65. DEVELOPMENT REGULATIONS

(1) The Development Authority shall not approve a development permit in this district if in the opinion of the Development Authority the use is not proposed to be (for new developments) adequately flood proofed.

(2) The Development Authority may allow minor renovations and repairs to an existing building (whether structural or not) located in the flood fringe without requiring the flood-proofing of the building.

(3) The Development Authority may allow additions to an existing building in the flood fringe providing such additions are adequately flood-proofed, without requiring the flood-proofing of the existing portion of the building.

(4) No new buildings will be allowed in the floodway. Buildings in the high hazard flood fringe may be allowed at the discretion of the Development Authority.

(5) Before an application for a development permit is accepted for a building within the flood fringe, the Development Officer may require that the applicant submit a report from a Registered Professional Engineer or Architect indicating the proposed method of flood-proofing that indicates the following factors have been incorporated in the building and lot:

(a) Canadian Mortgage & Housing Corporation guidelines for building in flood-risk areas;

(b) the flood-proofing of habitable rooms, electrical panels, heating units and openable windows;

(c) basement drainage and site drainage; and

(d) geodetic grade elevations in relation to the 1:100 year flood elevation.

The Development Authority must be satisfied that the proposed method of flood-proofing will be adequate before a development permit is issued.

(6) The Development Authority may require that, as a condition of development permit approval, a Save Harmless Agreement be entered into and registered against the land title.

**76. WATERCOURSES & RIPARIAN AREAS**

*See Schedule 4, Section 18: Watercourses & Riparian Areas*

**87. STANDARDS OF DEVELOPMENT – Schedule 4**

**98. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**109. HOME OCCUPATIONS – Schedule 8**

**1110. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**1211. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**1312. SIGN REGULATIONS – Schedule 12**

*Cultivation of Land*

## D

*Day Care Services*
*Day Home*
*Deck*
*Deck, Uncovered*
*Demolition*
*Detached Garage*
*Developable Area*
*Development Officer*
*Developer*
*Development*
*Development Agreement*
*Development Area*
*Development Authority*
*Development Permit*
*Discontinued Use*
*Discretionary Use*
*District*
*Drive-in/Drive-through Restaurant*
*Drive-through*
*Dwelling*
*Dwelling, Apartment*
*Dwelling, Duplex*
*Dwelling, Moved-in*
*Dwelling, Multi-unit*
*Dwelling, Row*
*Dwelling, Secondary Suite*
*Dwelling, Semi-detached*
*Dwelling, Semi-detached, Isolated*
*Dwelling, Semi-detached, Pre-planned*
*Dwelling, Single-detached, Site-built*
*Dwelling, Single-detached, Site-built (Existing)*
*Dwelling, Single-detached Manufactured*
*Dwelling, Single-detached Manufactured, Double-wide*
*Dwelling, Single-detached Manufactured, Single-wide*
*Dwelling, Single-detached Prefabricated*
*Dwelling, Single-detached Prefabricated, Modular*
*Dwelling, Single-detached Prefabricated, Ready-to-move*
*Dwelling, Single-detached Prefabricated, Panellized*
*Dwelling, Pre-planned*
*Dwelling Unit*

## E

*Easement*
*Eave Line*
*Eaves*
*Educational Institution*
*Enclosed*
*Encroachment*
*Equipment Sales, Rental and Service*
*Existing*
*Extensive Agriculture*

## F

*Farm Building and Structure*
*Farmer's Market*
*Farm/Industrial Machinery Sales, Rental and Service*
*Feed Mill/Grain Elevator*
*Fence*
*Fertilizer Storage and Sales*
*Filling*
*Financial Institution*
*Fireplace Chase*
*Fitness Centre*
~~*Flood Elevation, 1:100 Year*~~
*Flood Fringe*
*Flood Fringe, High Hazard*
*Flood Proofing*
*Flood Risk Area*
*Flood Way*
*Floor Area*
*Floor Area, Gross*
*Floor Area, Net*
*Floor Area Ratio*
*Food Processing Facility*
*Form, Building*
*Foundation*
*Front Yard*
*Front Yard, Secondary*
*Frontage*
*Frontage, Business*
*Funeral Home*

FARMER'S MARKET means a use of land or buildings primarily for the sale of fresh or processed farm or garden produce. This use may also include entertainment, crafts sales and sales of other similar products.

FARM/INDUSTRIAL MACHINERY SALES, RENTAL AND SERVICE means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

FEED MILL/GRAIN ELEVATOR means building(s) in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared.

FENCE means a vertical physical barrier constructed to prevent visual intrusions, unauthorized access, or provide sound abatement and may include confinement of livestock, protection of livestock from wind.

FERTILIZER STORAGE AND SALES means a development used to store bulk fertilizer for distribution. This use class does not include the sales of bagged fertilizer in a retail shop.

FILLING means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.

FINANCIAL INSTITUTION means a development or use primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

FIREPLACE CHASE means a vertical flue that provides a path through which smoke from a fire is carried from the interior to the exterior of a building.

FITNESS CENTRE means the use of premises for the development of physical health or fitness, including, but not limited to, health centres, gymnasiums, racquet and ball courts, spas and reducing salons.

~~FLOOD ELEVATION, 1:100 YEAR means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.~~

FLOOD FRINGE means the area outside of the floodway that is flooded or could be flooded during the 1:100 design flood. The flood fringe typically represents areas with shallower, slower, and less destructive flooding.

FLOOD FRINGE, HIGH HAZARD means areas within the flood fringe with deeper or faster moving water than the rest of the flood fringe. High hazard flood fringe areas are likely to be most significant for flood maps that are being updated, but they may also be included in new flood maps.

FLOOD PROOFING means any combination of structural or non-structural additions or modifications to structures or pre-development design (including the establishment of minimum elevations for building openings) and construction measures that prevents or attempts to prevent flood damage to the building or its contents.

FLOOD RISK AREA means the area of land bordering a water course or water body that would be inundated by 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year)~~ as determined by Alberta Environment in consultation with the Town and may include both flood fringe and floodway.~~.

FLOOD WAY means the area of highest flood hazard where flows are deepest, fastest, and most destructive during the 1:100 design flood.

# Schedule 'B'
# Bylaw 1647Q

# TOWN OF CARDSTON

NW 3, NE 8, SE 8, Sec 9, NW 10, SW 10,
Ptn's NE 4, NE 5, NW 8, SE 16, SW 16,
All In Twp 3, Rge 25, W4M

## LAND USE DISTRICTS
### Bylaw 1647, February 23, 2016

With Amendments to Bylaw No. 1647P, Date: April 24, 2024

| | |
|---|---|
| Residential | R1 |
| Manufactured Home Community Residential | R2C |
| Manufactured Home Subdivision Residential | R2S |
| Large Lot Residential | R3 |
| Medium Density Residential | R4 |
| Estate Residential | R5 |
| Residential Comprehensively Planned Small Lot | RC-SL |
| Residential Comprehensively Planned Medium Density | RC-M |
| Central Commercial | C1 |
| Drive-In/Highway Commercial | C2 |
| Controlled Commercial | C3 |
| General Industrial | I1 |
| Light Industrial | I2 |
| Public & Institutional | P |
| Recreation & Open Space | RO |
| Agricultural | A |
| Gateways & Corridors Overlay | GC |
| Direct Control | DC |
| Flood Damage Reduction * | FDR |

*(Boundary derived from Canada-Alberta Flood Hazard Identification Program "Designated Floodway" linework)

## CANADA - ALBERTA
## FLOOD HAZARD IDENTIFICATION PROGRAM

- Designated Floodway
- Designated Flood Fringe
- Designated High Hazard Flood Fringe

Flood Hazard Study Details:
- Report Date: February 16, 2022
- Dataset Version: March 11, 2025
- Dataset Source: Government of Alberta (www.alberta.ca/final-flood-maps)
- Important: This data may not reflect official flood hazard areas delineated in original hardcopy mapping produced under the Flood Hazard Identification Program. Please view the Flood Hazard Map Application webpage for clarification if the precise flood hazard extent or a design flood level is critical to any application, or contact:
  - epa.flood@gov.ab.ca
  - www.floods.alberta.ca

TOWN BOUNDARY


MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"


PLOT SCALE 1:5000

OLDMAN RIVER REGIONAL SERVICES COMMISSION

May 26, 2025 N:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\ Cardston Town LUB 1647 February_23_ 2016 (and Map1-Bylaw 1647P).dwg

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

## BYLAW 1647R

## LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

**WHEREAS** the municipal council wishes to make an amendment to the Land Use Bylaw for the purpose of providing for detached accessory housing in the R1 District; revising standards for accessory housing in all applicable land use districts (including R1, R3 and R5); and to revise the setback and other requirements for the Creekworks subdivision in the R3 District.

**AND WHEREAS** this includes adding "Garden Suite" and "Garage Suite" as Discretionary Uses – MPC in the R1 District along with design requirements and development standards for the same; stipulating in the land use definitions for detached accessory housing that acceptable forms include site-built dwellings and new prefabricated dwellings (but not previously occupied moved-in dwellings); and reducing the setback requirements for lots within Plan 161 0008 to align with the developer's design setbacks.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

1. The revisions depicted in Schedule 'A', attached hereto and forming part of this bylaw, are hereby adopted.
2. Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.
3. That Bylaw No. 1647, be consolidated along with any necessary non-material grammatical edits, numbering and formatting.
4. This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 9 day of September, 2025

Public Hearing held this 23 day of September, 2025

Received Second Reading this 14 day of October, 2025

Received Third & Final Reading this 14 day of October, 2025

Signed by the Mayor and the Chief Administrative Officer this 14 day of October, 2025

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

# RESIDENTIAL – R1

**Purpose:**

To encourage and ensure that residential development, primarily in the form of single-detached dwellings, and related uses, occurs in an attractive, orderly, economic and efficient manner.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached - Site Built
  - Single-Detached - Prefabricated
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Duplex
  - Moved-In
  - Garage Suite
  - Garden Suite
  - Secondary Suite
  - Semi-Detached
  - Single-Detached – Manufactured *(existing as of the passing of this bylaw)*
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Short-Term Rental 2
- Sign Types[1]: 5, 4, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Short-Term Rental 1
- Sign Types[1]:1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use*

## 2. USE REGULATION FOR LOTS 1-4, BLOCK 10, PLAN 2247G & LOTS 1-2, BLOCK 11, PLAN 2247G

The use regulation for the above legal descriptions shall be the same as above but shall also include, as a DISCRETIONARY USE – MPC, a "Dwelling, Single-Detached Manufactured." Eligibility requirements for single-detached manufactured dwellings shall be the same as the requirements listed in the R2C and R2S Districts.

## 3. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 15.24 | 50 | 36.58 | 120 | 557.40 | 6,000 |
| Semi-Detached Dwellings (for each side) | 12.19 | 40 | 36.58 | 120 | 445.92 | 4,800 |
| All other uses | As required by the Development Authority | | | | | |

(1) The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 3.

(2) Despite the above requirements, all lots located on curves or cul-de-sacs shall have a minimum frontage of 6 m (19.7 ft.).

## 4. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 1,212.35 (0.12 ha) | 13,050 (0.3 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative Section 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The maximum lot size requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

(3) The maximum lot size requirement shall not apply to lots planned for in a statutory plan in accordance with administrative Section 9.

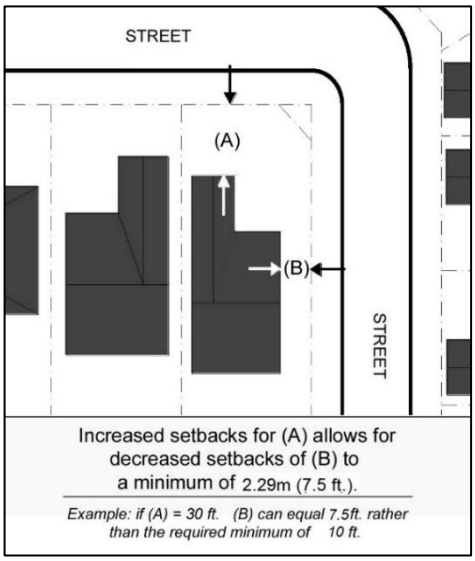
## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 7.62 | 25 | 3.05* | 10* | 1.52 | 5 | 7.62 | 25 |
| Semi-Detached Dwellings (for each side) | 7.62 | 25 | 3.05* | 10* | 1.52 | 5 | 7.62 | 25 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

**MINIMUM YARD SETBACKS FOR A CORNER LOT**

*The required secondary front yard distance on a corner lot may be reduced by 0.15 m (0.5 ft.) for each 0.30 m (1 ft.) that the front yard setback is increased, providing the resulting secondary front yard setback is never less than 2.29 m (7.5 ft.). (see diagram)




## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 33%**

The principal building shall not occupy more than 33 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 12%**

(a) Any and all accessory buildings and structures shall not occupy more than 12 percent of the surface area of a lot or 83.61 m² (900 ft²), whichever is the lesser.

(b) **Accessory Buildings** (with a garage suite or garden suite developed on the property – **13%**

(c) Any and all accessory buildings and structures, including garage and garden suites, shall not occupy more than 13 percent of a lot or 92.9 m² (1,000 ft²) of site coverage, whichever is the lesser, where there is a garage or garden suite on the property.

In no case shall the sum of all accessory building coverage exceed the principal building coverage.

(3) Other development shall be at the discretion of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Dwellings | 74.32 m² (800 ft²) |
| Semi-Detached Dwellings (per unit) | 65.03 m² (700 ft²) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|

| | |
|---|---|
| Principal Dwelling | 10.06 m (33 ft.) |
| Accessory Buildings | 5.49 m (18 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

## 9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 10. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 11. DETACHED ACCESSORY HOUSING STANDARDS

(1) See Schedule 5, Section 9, for Secondary Suite regulations, which are to apply to Secondary Suites (ie. basement suites) in this land use district.

(2) A garage or garden suite shall only be approved on a parcel that meets the minimum size requirements listed in Section 3.

(3) A garage or garden suite shall be situated to the rear of the principal dwelling and in a location, and with an orientation, which clearly indicates the subordinance of the suite to the principal dwelling.

(4) A garden or garage suite shall be situated no closer than 3.05 m (10 ft.) to the principal dwelling.

(5) A garage or garden suite shall provide parking stalls in accordance with Schedule 10. Access to the parking area shall be to the satisfaction of the Development Authority.

(6) A garden or garage suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.

(7) A garden or garage suite shall be serviced through connection to the water and sewer service for the principal dwelling, or, at the discretion of the Development Authority, through independent connection to municipal water and sewer infrastructure.

(8) The following design measures shall be incorporated to the satisfaction of the Development Authority for the purposes of preserving the privacy of adjacent properties and effectively integrating suites into the neighbourhood:

(a) placement of larger windows to limit overlook into neighbouring properties;

(b) translucency (i.e. allowing the transport of light but not to the extent where image formation can be realized) of windows where appropriate;

(c) placement of balconies on a garage suite to face the rear lane (where one exists) or larger of the two side yards;

(d) design, materials and massing to be complimentary with the principal building and neighbouring buildings and to maximize sunlight access for neighbouring parcels.

(9) Each garage or garden suite shall be provided with a private outdoor amenity space (i.e. balcony or patio) of not less than 4.65 $m^2$ (50 $ft^2$) with no dimension less than 1.52 m (5 ft.).

(10) A garage or garden suite shall not be subject to separation from the principal dwelling through subdivision or condominium conversion.

(11) Minimum and maximum development standards are as follows:

| Use | Maximum Height* | | Maximum Floor Area | | Minimum Floor Area | |
|---|---|---|---|---|---|---|
| | m | ft. | $m^2$ | $ft^2$ | $m^2$ | $ft^2$ |
| Garage Suite | 7.62 | 25 | See Section 6 | | 30.00 | 322.93 |
| Garden Suite | 5.49 | 18 | See Section 6 | | 30.00 | 322.93 |

*In no case shall a garage or garden suite exceed the height of the principal dwelling.

(12) Minimum and maximum development standards are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard** | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Garage Suite | See (3) above | | 4.57 | 12.5 | 2.29 | 7.5 | 1.52 | 5 |
| Garden Suite | See (3) above | | 4.57 | 12.5 | 2.29 | 7.5 | 1.52 | 5 |

**In laneless subdivisions the rear yard requirement shall be 3.05 m (10 ft.).

## 1211. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | | | 1.22 | 4 | 0.61 | 2 |
| – laneless corner lots | See (6) below | | 1.52 | 5 | 1.22 | 4 | 1.22 | 4 |
| – laned corner lots | See (6) below | | 1.52 | 5 | 1.22 | 4 | 0.61 | 2 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 0.91 m (3 ft.) from the secondary front lot line and 0.61 m (2 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 13~~12~~. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 0.91 m (3 ft.) from the side lot line.

## 14~~13~~. ISSUANCE OF DEVELOPMENT PERMITS FOR TWO-UNIT DWELLINGS

When issuing development approvals for two-unit dwellings, the Subdivision and Development Authority:

(a) shall identify the location of the lot on which development approval is sought using the designated Residential – R1 Areas for Multi-Unit Development Calculations as shown on Map 1;

(b) shall calculate the total area of all lots within the appropriate designated area;

(c) shall calculate the total area of all lots on which existing multi-dwellings (including two-unit dwellings and dwellings containing more than two units) are located within the appropriate designated area;

(d) may issue an approval if the total lot area for the proposed multi-unit development when added to the total lot area of existing multi-unit development **would not exceed 25 percent** of the total area found within the designated block.

*Use Form J, Appendix B.

**15~~14~~.STANDARDS OF DEVELOPMENT – Schedule 4**

**16~~15~~.MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**17~~16~~.PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**18~~17~~.HOME OCCUPATIONS – Schedule 8**

**19~~18~~.LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**20~~19~~.OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**21~~20~~.SIGN REGULATIONS – Schedule 12**

# LARGE LOT RESIDENTIAL – R3

**Purpose:**

To encourage and ensure that residential development, and related uses, occurs on those larger lots that have been designated as suitable for such development in an attractive, orderly, economic and efficient manner.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached - Site Built
  - Single-Detached - Prefabricated
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Moved-In
  - Garage Suite
  - Garden Suite
  - Semi-Detached
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Short-Term Rental 2
- Sign Types[1]: 4, 5, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Dwellings:
  - Secondary Suite
- Short-Term Rental 1
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | $m^2$ | $ft^2$ |
| Single Detached Dwelling | 27.43 | 90 | 44.20 | 145 | 1,212.35 (0.12 ha) | 13,050 (0.3 acre) |
| All other uses | As required by the Development Authority | | | | | |

The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 2,424.69 (0.24 ha) | 26,100 (0.6 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative Section 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The maximum lot size requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

(3) The maximum lot size requirement shall not apply to lots planned for in a statutory plan in accordance with administrative Section 9.

## 4. NUMBER OF DWELLING UNITS

The maximum number of dwelling units per parcel or site in this land use district is one (1) principal detached dwelling plus one (1) garage, garden or secondary suite or one (1) semi-detached dwelling.

## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 9.14 | 30 | 4.57 | 15 | 3.05 | 10 | 9.14 | 30 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 33%**

The principal building shall not occupy more than 33 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 9%**

(a) Any and all accessory buildings and structures shall not occupy more than 9 percent of the surface area of a lot or 120.77 $m^2$ (1,300 $ft^2$), whichever is the lesser, where there is not a garage or garden suite on the property.

(b) **Accessory Buildings** *(with a garage suite or garden suite developed on the property)* **– 10%**

(c) Any and all accessory buildings and structures, including garage and garden suites, shall not occupy more than 10 percent of the surface area of a lot or 139.35 $m^2$ (1,500 $ft^2$) of site coverage, whichever is the lesser, where there is a garage or garden suite on the property.

(d) In no case shall the sum of all accessory building coverage exceed the principal building coverage.

(3) Other development shall be at the discretion of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Dwellings | 139.35 $m^2$ (1500 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Dwelling | 10.06 m (33 ft.) |
| Accessory Buildings | 6.10 m (20 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

## 9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 10. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 11. DETACHED ACCESSORY HOUSING STANDARDS

(1) See Schedule 5, Section 9, for Secondary Suite regulations, which are to apply to Secondary Suites in this land use district.

(2) A garage or garden suite shall only be approved on a parcel that meets the minimum size requirements listed in Section 2.

(3) A garage or garden suite shall be situated to the rear of the principal dwelling and in a location, and with an orientation, which clearly indicates the subordinance of the suite to the principal dwelling.

(4) A garden or garage suite shall be situated no closer than 3.05 m (10 ft.) to the principal dwelling.

(5) A garage or garden suite shall provide parking stalls in accordance with Schedule 10. Access to the parking area shall be to the satisfaction of the Development Authority.

(6) A garden or garage suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.

(7) A garden or garage suite shall be serviced through connection to the water and sewer service for the principal dwelling, or, at the discretion of the Development Authority, through independent connection to municipal water and sewer infrastructure.

(8) The following design measures shall be incorporated to the satisfaction of the Development Authority for the purposes of preserving the privacy of adjacent properties and effectively integrating suites into the neighbourhood:

~~(7) In order to preserve the privacy of adjacent properties the following design measures shall be incorporated to the satisfaction of the Development Authority:~~

(a) placement of larger windows to limit overlook into neighbouring properties;

(b) translucency (i.e. allowing the transport of light but not to the extent where image formation can be realized) of windows where appropriate;

(c) placement of balconies on a garage suite to face the rear lane (where one exists) or larger of the two side yards;

(d) balconies shall not project into a required setback;

(e) design, materials and massing to be complimentary with the principal building and neighbouring buildings and to maximize sunlight access for neighbouring parcels.

~~(e) rooftop decks on garage or garden suites are prohibited.~~

(9~~8~~) Each garage or garden suite shall be provided with a private outdoor amenity space (i.e. balcony or patio) of not less than 4.65 m² (50 ft²) with no dimension less than 1.52 m (5 ft.).

(10~~9~~) A garage or garden suite shall not be subject to separation from the principal dwelling through subdivision or condominium conversion.

(11~~10~~) Minimum and maximum development standards are as follows:

| Use | Maximum Height* | | Maximum Floor Area | | Minimum Floor Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m² | ft² | m² | ft² |
| Garage Suite | 7.62 | 25 | See Section 6 | | 30.00 | 322.93 |
| Garden Suite | 5.49 ~~5.18~~ | 18 ~~17~~ | See Section 6 | | 30.00 | 322.93 |

*In no case shall a garage or garden suite exceed the height of the principal dwelling.

(12~~11~~) Minimum and maximum development standards are as follows:

| Use | Front Yard | Secondary Front (Corner Lots) | Side Yard | Rear Yard** |
|---|---|---|---|---|

| | m | ft. | m | ft. | m | ft. | m | ft. |
|---|---|---|---|---|---|---|---|---|
| Garage Suite | See (3) above | | 4.57 | 15 | 3.05 | 10 | 1.52 | 5 |
| Garden Suite | See (3) above | | 4.57 | 15 | 3.05 | 10 | 1.52 | 5 |

**In laneless subdivisions the rear yard requirement shall be 3.05 m (10 ft.).

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | n/a | | 1.52 | 5 | 1.52 | 5 |
| – laneless corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 2.29 | 7.5 |
| – laned corner lots | See (6) below | | 3.05 | 10 | 1.52 | 5 | 1.52 | 5 |
| Moveable Accessory Buildings | See (6) below | | See (10) below | | | | | |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 0.61 m (2 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 2.74 m (9 ft.) from the secondary front lot line and 0.91 m (3 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.22 m (4 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 3.05 m (10 ft.) shall be provided between a principal building and any accessory building or structure.

(10) Accessory buildings not over 11.15 $m^2$ (120 $ft^2$) that are moveable or temporary in nature may be setback from a side or rear lot line so that no portion of the building, including eavestroughing, lies on the adjoining property. All roof drainage must be contained within the property that the said building is situated on.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 1.52 m (5 ft.) from the side lot line.

## 14. SPECIAL REQUIREMENTS FOR LOTS 1-32, BLOCK 1, PLAN 161 0008 (ALSO SEE THE FLOOD DAMAGE REDUCTION OVERLAY DISTRICT

The following provisions apply exclusively to the lands described above. Where a matter has not been addressed specifically in this section, the normal R3 District requirements apply.

(1) An application for development permit for any lot listed above (or a successor legal description) shall be required to submit a site plan prepared by an Alberta Land Surveyor that stakes out and certifies the proposed location of the building (including dwellings, detached garages and other buildings at the discretion of the Development Authority but not including sheds and other small or portable structures) on the site in relation to the Town's flood mapping.

(2) As a condition of approval for a building described in subsection 2 above, the Development Authority may require a real property report to be submitted to the Development Authority within 6-months of the completion of the building.

(3) An application for development permit for any lot listed above (or a successor legal description), where any portion of lot is shown as being within the flood fringe or the high hazard flood fringe, shall be required to incorporate flood proofing measures and evidence that these measures have been designed and calculated by a qualified professional in accordance with best practises and the most current flood data available.

(a) Any flood proofing measures required by a developer (i.e. as part of an architectural control or design review approval) shall not necessarily be construed as complete and the Development Authority may require additional information to be provided or measures to be undertaken.

(4) The Development Authority shall attach any or all recommended flood proofing measures, and additional measures deemed necessary, as a condition of development permit.

(5) In accordance with the Flood Damage Reduction Overlay (FDR) District, where any portion of a lot is subject to the high hazard flood fringe or the flood way, no permitted uses exist, and all permitted uses listed in the applicable district are discretionary uses.

(6) Minimum setbacks for lots in Plan 161 0008 (or successor legal description)

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 6.1 | 20 | 3.01 | 10 | 3.05 | 10 | 7.6 | 25 |
| Accessory Buildings | Not allowed | | 3.01 | 10 | 3.05 | 10 | 7.6 | 25 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** In no case shall a building be located in the flood way.

**Note:** The front yard setback is applicable to the yard(s) adjacent to the roadway (Lot 39, Block 1, Plan 161 0008). See Schedule 13 for "Yard" definitions.

(7) With the exception of overhanging eaves up to 0.6 m (2 ft.), no permitted projections (see Section 14 of Schedule 4) are allowed into a front setback for buildings in Plan 161 0008 (or successor legal description).

*See Schedule 13: Definitions – Flood Proofing.*

**15. STANDARDS OF DEVELOPMENT – Schedule 4**

**16. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**17. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**18. HOME OCCUPATIONS – Schedule 8**

**19. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**20. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

# ESTATE RESIDENTIAL – R5

**Purpose:**

To establish a district to encourage and ensure that residential development, and related uses, occurs on those expansive lots that have been designated as suitable for such development in an attractive, orderly, economic and efficient manner.

## 1. (A) PERMITTED USES

- Dwellings:
  - Single-Detached - Site Built
  - Single-Detached – Prefabricated
  - Secondary Suite
- Accessory building, structure or use to an approved permitted use
- Day Home
- Detached Garage
- Garden Shed
- Home Occupation 1
- Shipping Container *(temporary)*

## (B) DISCRETIONARY USES – MPC

- Dwellings:
  - Moved-In
  - Garage Suite
  - Garden Suite
  - Semi-Detached
- Child Care Facility
- Community Garden
- Home Occupation 2
- Institutional Facilities and Uses
- Parks and Playgrounds
- Short-Term Rental 2
- Sign Types[1]: 4, 5, 12
- Small Wind Energy System – Type A[2]
- Utility, Private or Public

## (C) DISCRETIONARY USES – DO

- Accessory building, structure or use to an approved discretionary use
- Short-Term Rental 1
- Sign Types[1]: 1, 2

**Notes:** 1 – See Schedule 12: Sign Regulations, Section 8 for definitions of sign types.

2 – See Schedule 5, Section 13 for definition of small wind energy system types.

## (D) PROHIBITED USES

- *Any use which is not listed as either a permitted or discretionary use, or is not ruled to be a similar use to a permitted or discretionary use in accordance with the Administration Section 33(2), is a prohibited use*

## 2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m² | ft² |
| Single Detached Dwelling | 30.48 | 100 | 60.96 | 200 | 2,424.69 (0.24 ha) | 26,100 (0.6 acre) |
| All other uses | As required by the Development Authority | | | | | |

The Development Officer may approve a permitted use development on an existing registered lot if the minimum dimensions or area are less than those specified above in Section 2.

## 3. MAXIMUM LOT SIZE

| Use | Area | |
|---|---|---|
| | $m^2$ | $ft^2$ |
| Single Detached (including suites), Semi-Detached Dwelling | 8,093.45 (0.81 ha) | 87,120 (2.0 acre) |
| All other uses | As required by the Development Authority | |

(1) Where a lot exceeds the maximum lot size the Development Authority shall impose an increased setback, in accordance with administrative Section 30(2)(d), of an extent sufficient to provide for the future resubdivision of the lot.

(2) The above requirement shall only apply to lots that are vacant or that have not been developed, or approved for a development, with a principal building as of the date of the passing of this bylaw.

## 4. NUMBER OF DWELLING UNITS

The maximum number of dwelling units per parcel or site in this land use district is one (1) principal detached dwelling plus one (1) garage, garden or secondary suite or one (1) semi-detached dwelling.

## 5. MINIMUM YARD DIMENSIONS FOR PRINCIPAL BUILDINGS AND USES

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Single-Detached Dwelling | 12.19 | 40 | 4.57 | 15 | 6.10 | 20 | 9.14 | 30 |
| All other uses | As required by the Development Authority | | | | | | | |

**Note:** Measurements are from the respective property line to the nearest point of the building.

## 6. MAXIMUM SITE COVERAGE

(1) **Principal Building – 27%**

The principal building shall not occupy more than 27 percent of the surface area of a lot. Attached garages shall be considered as part of the principal building.

(2) **Accessory Buildings – 7%**

Any and all accessory buildings and structures shall not occupy more than 7 percent of the surface area of a lot or 185.80 $m^2$ (2,000 $ft^2$) of site coverage, whichever is the lesser.

(3) Other development shall be at the discretion of the Development Authority.

## 7. MINIMUM FLOOR AREA

| Use | Minimum Floor Area* |
|---|---|
| Single-Detached Dwellings | 139.35 $m^2$ (1500 $ft^2$) |
| All other uses | As required by the Development Authority |

*Total floor area of all floors as measured by floors above grade or floors not more than 1.52 m (5 ft.) below grade.

## 8. MAXIMUM HEIGHT OF BUILDINGS

| Use | Maximum Height* |
|---|---|
| Principal Dwelling | 10.06 m (33 ft.) |
| Accessory Buildings | 6.10 m (20 ft.) |
| All other uses | As required by the Development Authority |

*In no case shall an accessory building exceed the height of the principal dwelling unless a variance is approved.

## 9. DRAINAGE

All dwellings and accessory structures must have eaves and downspouts, proper site grading, and all surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties.

## 10. DRIVEWAY STANDARDS

*See Schedule 10: Off-Street Parking, Loading & Driveway Requirements.*

## 11. DETACHED ACCESSORY HOUSING STANDARDS

(1) See Schedule 5, Section 9, for Secondary Suite regulations, which are to apply to Secondary Suites in this land use district.

(2) A garage or garden suite shall only be approved on a parcel that meets the minimum size requirements listed in Section 2.

(3) A garage or garden suite shall be situated to the rear of the principal dwelling and in a location, and with an orientation, which clearly indicates the subordinance of the suite to the principal dwelling.

(4) A garden or garage suite shall be situated no closer than 4.57 m (15 ft.) to the principal dwelling.

(5) A garage or garden suite shall provide parking stalls in accordance with Schedule 10. Access to the parking area shall be to the satisfaction of the Development Authority.

(6) A garden or garage suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.

(7) A garden or garage suite shall be serviced through connection to the water and sewer service for the principal dwelling, or, at the discretion of the Development Authority, through independent connection to municipal water and sewer infrastructure.

(8) The following design measures shall be incorporated to the satisfaction of the Development Authority for the purposes of preserving the privacy of adjacent properties and effectively integrating suites into the neighbourhood:

~~(7) In order to preserve the privacy of adjacent properties the following design measures shall be incorporated to the satisfaction of the Development Authority:~~

(a) placement of larger windows to limit overlook into neighbouring properties;

(b) translucency (i.e. allowing the transport of light but not to the extent where image formation can be realized) of windows where appropriate;

(c) placement of balconies on a garage suite to face the rear lane (where one exists) or larger of the two side yards;

(d) balconies shall not project into a required setback;

(e) design, materials and massing to be complimentary with the principal building and neighbouring buildings and to maximize sunlight access for neighbouring parcels.

~~(e) rooftop decks on garage or garden suites are prohibited.~~

(8) Each garage or garden suite shall be provided with a private outdoor amenity space (i.e. balcony or patio) of not less than 4.65 m² (50 ft²) with no dimension less than 1.52 m (5 ft.).

(9) A garage or garden suite shall not be subject to separation from the principal dwelling through subdivision or condominium conversion.

(10) Minimum and maximum development standards are as follows:

| Use | Maximum Height* | | Maximum Floor Area | | Minimum Floor Area | |
|---|---|---|---|---|---|---|
| | m | ft. | m² | ft² | m² | ft² |
| Garage Suite | 7.62 | 25 | See Section 6 | | 30.00 | 322.93 |
| Garden Suite | 5.49 ~~5.18~~ | 18 ~~17~~ | See Section 6 | | 30.00 | 322.93 |

*In no case shall a garage or garden suite exceed the height of the principal dwelling.

(11) Minimum and maximum development standards are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard** | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Garage Suite | See (3) above | | 6.10 | 20 | 4.57 | 15 | 3.05 | 10 |
| Garden Suite | See (3) above | | 6.10 | 20 | 4.57 | 15 | 3.05 | 10 |

**In laneless subdivisions the rear yard requirement shall be 6.10 m (20 ft.)

## 12. ACCESSORY BUILDINGS (INCLUDING GARDEN SHEDS AND DETACHED GARAGES)

(1) Minimum setbacks for accessory buildings including garden sheds and detached garages, whether permanent or temporary, are as follows:

| Use | Front Yard | | Secondary Front (Corner Lots) | | Side Yard | | Rear Yard | |
|---|---|---|---|---|---|---|---|---|
| | m | ft. | m | ft. | m | ft. | m | ft. |
| Accessory Buildings – interior lots | See (6) below | | n/a | | 3.05 | 10 | 3.05 | 10 |
| – laneless corner lots | See (6) below | | 6.10 | 20 | 3.05 | 10 | 4.57 | 15 |
| – laned corner lots | See (6) below | | 6.10 | 20 | 3.05 | 10 | 3.05 | 10 |

| | |
|---|---|
| All other uses | As required by the Development Authority |

**Note:** Measurements are from the respective property line to the nearest point of the building.

(2) No accessory building or use shall be allowed on a lot without an approved principal building or use.

(3) Accessory structures and uses not specifically included within a development permit require a separate development permit application.

(4) Accessory buildings on interior lots or laneless corner lots shall not have overhanging eaves less than 1.52 m (5 ft.) from the side and rear lot line.

(5) Accessory buildings on laned corner lots shall not have overhanging eaves less than 4.57 m (15 ft.) from the secondary front lot line and 1.52 m (5 ft.) from the rear and side lot lines.

(6) Accessory buildings shall not be located in the front yard nor any closer to the front property line than the principal building.

(7) Accessory buildings shall have a minimum separation of 0.61 m (2 ft.) from the overhanging eaves of the accessory building and the eaves of any other accessory building or structure and a minimum separation distance of 1.83 m (6 ft.) from the overhanging eaves of a principal building or dwelling.

(8) The exterior finish of all accessory buildings must be the same or complimentary to the principal building.

(9) A minimum separation distance of 4.57 m (15 ft.) shall be provided between a principal building and any accessory building or structure.

## 13. MINIMUM LOT LINE SETBACKS FOR OVERHANGING EAVES

The overhanging eaves of a principal building shall not be less than 3.05 m (10 ft.) from the side lot line.

**14. STANDARDS OF DEVELOPMENT – Schedule 4**

**15. MOVED-IN DWELLING AND MOVED-IN BUILDING REGULATIONS – Schedule 6**

**16. PREFABRICATED DWELLING REGULATIONS – Schedule 7**

**17. HOME OCCUPATIONS – Schedule 8**

**18. LANDSCAPING AND SCREENING STANDARDS AND GUIDELINES – Schedule 9**

**19. OFF-STREET PARKING, LOADING & DRIVEWAY REQUIREMENTS – Schedule 10**

**20. SIGN REGULATIONS – Schedule 12**

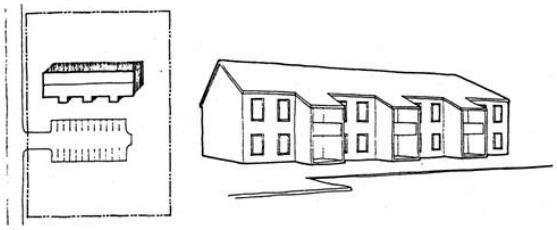
DISTRICT – see LAND USE DISTRICT

DRIVE-IN/DRIVE-THROUGH RESTAURANT means an establishment where food is prepared and served on the premise for sale to the public and includes car attendant and/or drive-through, pick-up service.

DRIVE-THROUGH means a use where services are provided to patrons who are in a motor vehicle and may have outdoor speakers provided. This use will be an accessory use to a principal use.

DWELLING means any building or portion thereof designed for human habitation and which is intended to be used as a residence for one or more individuals but does not include travel trailers, motor homes, recreational vehicles, or other mobile living units, hotel, motel, dormitory, or similar accommodation. Dwelling includes the following:

- APARTMENT means a building containing three or more dwelling units with shared services, facilities and outside entrances.
- DUPLEX means a building containing two dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.
- GARAGE SUITE means an accessory housing form containing cooking facilities, food preparation area, sleeping and sanitary facilities where a dwelling unit is located directly above or beside a garage, and the dwelling unit is physically separated from the garage with a separate entrance from the vehicle entrance. A garage suite is to be of a size, location, orientation and style that is compatible with the principal dwelling and indicative of its subordinance to the principal dwelling, and is allowable in the form of a site-built dwelling or new pre-fabricated dwelling, but not as a previously occupied moved-in building.
- GARDEN SUITE means an accessory housing form containing cooking facilities, food preparation area, sleeping and sanitary facilities. A garden suite is to be of a size, location, orientation and style that is compatible with the principal dwelling and indicative of its subordinance to the principal dwelling, and is allowable in the form of a site-built dwelling or new pre-fabricated dwelling, but not as a previously occupied moved-in building.
- MOVED-IN means a conventional, previously occupied building which is physically removed from one site, transported and re-established on another site with a different legal description for use as a residence. Modular dwelling, prefabricated dwelling and manufactured dwelling are separate uses and defined as single-detached prefabricated and single-detached manufactured.
- MULTI-UNIT means a building other than an apartment that contains two or more dwelling units.
- ROW means development consisting of a building containing a row of three or more dwelling units each sharing a common wall extending from the first floor to the roof, at the side only with no dwelling being place over another in whole or in part. Each dwelling unit shall have separate, individual, and direct access to the building at grade.



DWELLING, MULTI-UNIT

- SECONDARY SUITE means a facility containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is physically separate from those of the principal dwelling within the structure. A secondary suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use does not include DUPLEX DWELLING, SEMI-DETACHED DWELLING, MULTI-UNIT DWELLING, ROW DWELLING or APARTMENT.

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647S

### LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

**WHEREAS** the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

1. portion of Lot 15, Block 38, Plan 1112938, from "Residential – R1" to "Public & Institutional – P"; and
2. portion of Lot 15, Block 38, Plan 1112938, from "Residential – R1" to "General Industrial – I1"

to facilitate the use and development of the above-noted lands in compliance with the municipal Land Use Bylaw. The said lands are illustrated on the map in Schedule 'A' attached hereto.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

1. The lands legally described above and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "Residential – R1" to "Public & Institutional – P" and from "Residential – R1" to "General Industrial – I1".

2. Bylaw No. 1647 is hereby amended.

3. This bylaw shall come into effect upon third and final reading hereof.

Received First Reading this 23 day of September, 2025

Public Hearing held this 14 day of October, 2025

Received Second Reading this 10 day of February, 2026

Received Third & Final Reading this 10 day of February, 2026

Signed by the Mayor and the Chief Administrative Officer this 17 day of February, 2026

TOWN OF CARDSTON

MAYOR – *Paula Brown*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*




# LAND USE DISTRICT REDESIGNATION
# SCHEDULE 'A'

FROM: Residential R1
TO: Public & Institutional P

FROM: Residential R1
TO: General Industrial I1

PORTION OF LOT 15, BLOCK 38, PLAN 1112938
WITHIN SW 1/4 SEC 10, TWP 3, RGE 25, W 4 M
MUNICIPALITY: TOWN OF CARDSTON
DATE: SEPTEMBER 5, 2025

Bylaw #: 1647S
Date: Feb 17, 2026

Aerial Photo Date: May 1, 2025

*MAP PREPARED BY:*
*OLDMAN RIVER REGIONAL SERVICES COMMISSION*
*3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8*
*TEL. 403-329-1344*
*"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"*

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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September 05, 2025 N:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\Cardston Portions of Lot 15, Block 38, Plan 1112938.dwg

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647T

### BYLAW AMENDMENT

BEING a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw.

**WHEREAS** the municipal council wishes to make an amendment to the Land Use Bylaw for the purpose of changing the way permanent shipping containers are regulated;

**AND WHEREAS** this includes moving "Shipping Container (permanent)" from a Permitted Use to a Discretionary Use – MPC in the C1, C2 and C3 Districts along with an added development standard that limits the visibility of shipping containers from the street;

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

**NOW THEREFORE,** under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

1. In Schedule 2: Land Use Districts, "Shipping Container (permanent)" is to be removed from the Permitted Use column and added to Section 1 of the Central Commercial – C1, Drive-In/Highway Commercial – C2, and Controlled Commercial – C3 land use districts under Discretionary Uses – DO, "Shipping Container (permanent) – not including lands located in the G & C Overlay"
2. In Schedule 5: Use Specific Standards, Section 11 (Shipping Containers), add the following development standard:

   All permanent shipping containers in commercial land use districts shall be subject to the following additional standard:

   (13) Permanent shipping containers are not allowed on lands within the Gateways & Corridors Overlay District.

   (a) for lands only partly within the Gateways & Corridors Overlay District, a permanent shipping container may be approved, at the discretion of the Development Authority where it is located completely outside of the overlay and subject to the provision below.

   - A shipping container(s) shall be positioned on a site in a manner such that it is not readily visible from the street and the Development Authority may require screening to reduce the visual impact of a shipping container(s).
3. Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

4. That Bylaw No. 1647, be consolidated along with any necessary non-material grammatical edits, numbering and formatting.
5. This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 10th day of March, 2026

Public Hearing Held this 24th day of March, 2026

Second Public Hearing for Amendments Held this 12th day of May, 2026

Received Second Reading this 12th day of May, 2026

Received Third & Final Reading this 12th day of May, 2026

Signed by the Mayor and the Chief Administrative Officer this day of May, 2026

TOWN OF CARDSTON

MAYOR – *Paula Brown*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW 1647U

### BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

WHEREAS the municipal council wishes to amend the Land Use Bylaw to differentiate between types of Solar Collectors, being those attached to a roof or wall, and those detached from a building, for the purposes of separately regulating each type.

AND WHEREAS the municipal council wishes to classify Solar Collector, Attached as a permitted use, and Solar Collector, Free-Standing, as a discretionary use, in all land use districts.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following (text shown in ~~strikethrough~~ is deleted and text shown in underline is added):

1. Amend Schedule 5 (Use Specific Standards), Section 12 (Solar Collectors) as follows:

**12.SOLAR COLLECTORS**

A solar collector ~~attached~~ is a device or combination of devices mounted to a wall or roof of a building, or a freestanding structure, for the primary purpose of providing electricity to the building or buildings on the subject parcel, ~~may be allowed in any land use district as an accessory structure~~ and are subject to the following standards:

(1) An attached solar collector is allowed in any land use district as a permitted use subject to the following:

(a) A solar collector mounted to a roof:

(i) may project a maximum of 1.22 m (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

(b) A solar collector mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must be located a minimum of 2.38 m (7.8 ft.) above grade;

(iii) may project a maximum of 1.52 m (5 ft.) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may project a maximum of 0.61 m (2 ft.) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

(2) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building ~~shall be classified as an accessory structure~~ may be allowed in any land use district as a discretionary use subject to the following: ~~meet the minimum required setbacks in the land use district, and processed subject to the applicable land use district and the following additional standards:~~

(a) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must not exceed 1.83 m (6 ft.) in height above existing grade; and

(iii) in all land use districts must not be located in the front, secondary front or side yard of the principal building or dwelling.

(iv) shall only be approved where the proposed size and scale of the development is consistent with the purpose of the land use district, at the discretion of the Development Authority, and the Micro-generation Regulation.

2. Add "Solar Collector, Attached" as a permitted use for all land use districts in Schedule 2: Land Use Districts.

3. Add "Solar collector, Free-Standing" as a discretionary use - MPC for all land use districts in Schedule 2: Land Use Districts.

4. Amend the definition of "Solar Collector" as follows:

- SOLAR COLLECTOR means a device or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy for the primary purpose of meeting the electricity needs of the building and/or parcel it serves consistent with the Micro-generation Regulation. For the purposes of the use allocation in Schedule 2, ~~this use shall be considered as an accessory use and is allowable in all districts~~ solar collector, attached, is distinguished from solar collector, free-standing.

5. Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

6. This bylaw comes into effect upon third and final reading hereof.

Received First Reading this 9th day of June 2026

Public Hearing held this 14th day of July 2026

Received Second Reading this 14th day of July 2026

Received Third & Final Reading this 14th day of July 2026

Signed by the Mayor and the Chief Administrative Officer this 14th day of July 2026

TOWN OF CARDSTON

MAYOR – *Paula Brown*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

# TOWN OF CARDSTON
## IN THE PROVINCE OF ALBERTA

### BYLAW NO. 1647V

### BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 1647, BEING THE TOWN OF CARDSTON LAND USE BYLAW.

WHEREAS the municipal council wishes to amend the Land Use Bylaw to redesignate lands legally described as:

PLAN 2247G
BLOCK 3
THE NORTH HALF OF LOT 4 AND THAT PORTION OF LOT 5 WHICH LIES TO THE SOUTH OF THE NORTH 80 FEET OF SAID LOT 5

containing ±0.34 ha (0.84 acres)

**AND WHEREAS** the municipal council wishes to allow "Dwelling, Single-detached Site Built or Prefabricated" as a discretionary (MPC) use in the Manufactured Home Community Residential – R2C District, for persons other than the site operator.

**AND WHEREAS** the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

**NOW THEREFORE**, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Cardston in the Province of Alberta duly assembled does hereby enact the following:

1. The lands legally described above and illustrated on the map in Schedule 'A' attached hereto shall be redesignated from "Drive-in/Highway Commercial – C2" to "Manufactured Home Community Residential – R2C".

2. Schedule 2: Manufactured Home Community Residential – R2C, Discretionary (MPC) Use Table - remove the text shown in ~~strikethrough.~~ "Dwelling, Single-detached Site Built or Prefabricated ~~*(for use of site operator)*~~".

3. Bylaw No. 1647 is hereby amended.

4. This bylaw shall come into effect upon third and final reading hereof.

Received First Reading this 23 day of June, 2026

Received Second Reading this 14 day of July, 2026

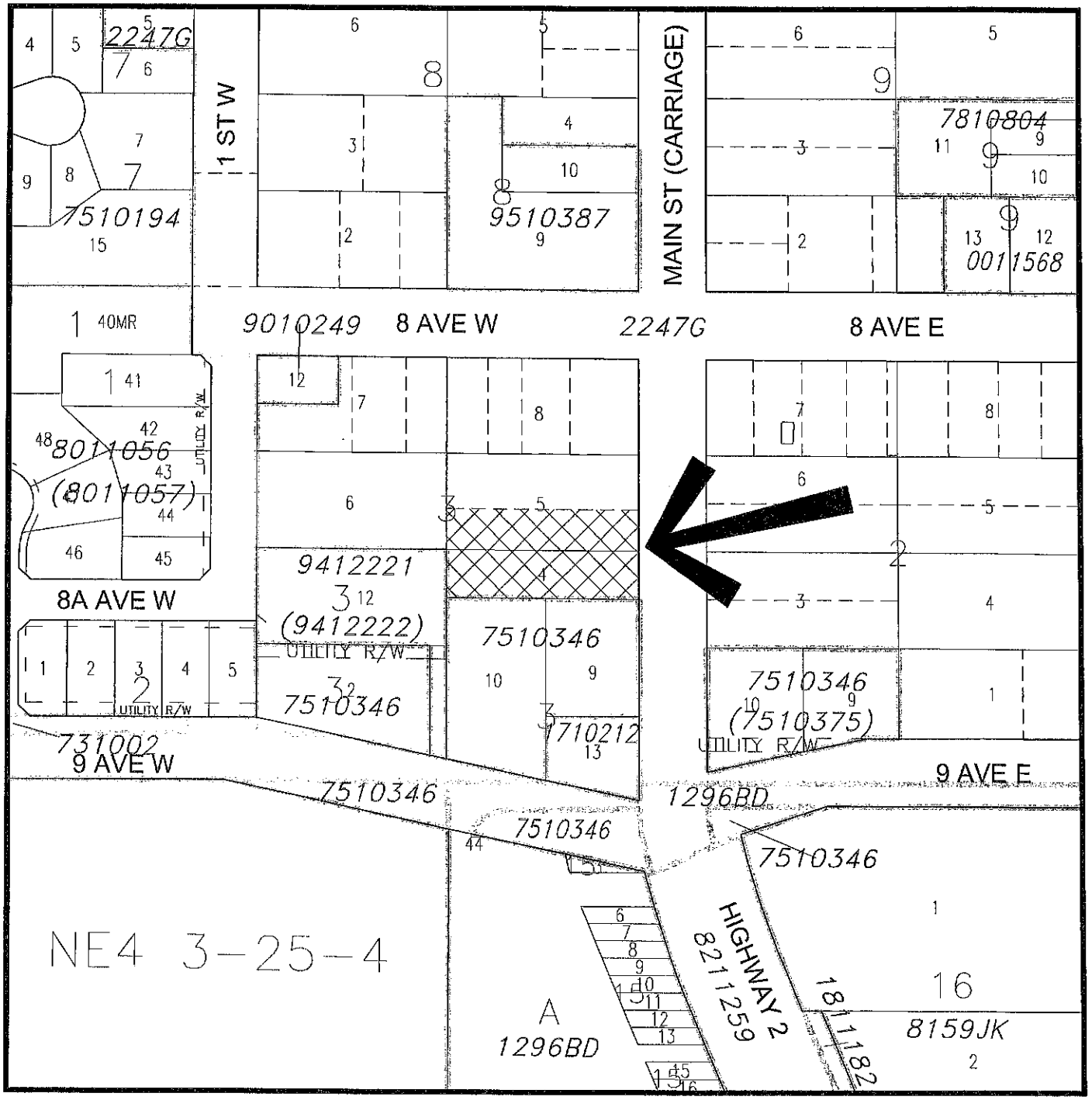
Received Third & Final Reading this 14 day of July, 2026

Signed by the Mayor and the Chief Administrative Officer this 14 day of July, 2026

TOWN OF CARDSTON

MAYOR – *Paula Brown*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*




# LAND USE DISTRICT REDESIGNATION
# SCHEDULE 'A'

FROM: Drive-In/Highway Commercial C2

TO: Manufactured Home Community Residential R2C

THE NORTH HALF OF LOT 4 AND PORTION OF LOT 5, BLOCK 3, PLAN 2247G WITHIN SE 1/4 SEC 9, TWP 3, RGE 25, W 4 M

MUNICIPALITY: TOWN OF CARDSTON

DATE: JUNE 18, 2026

Bylaw #: 1647V

Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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June 18, 2026 N:\Cardston-County\Cardston\Cardston LUD & Land Use Redesignations\Lots 4&5, Block 3, Plan 2247G.dwg


MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
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