LAND USE BYLAW

No. 2000

Consolidated to Bylaw No. 2021, June 2026

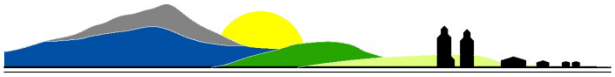


June 2025

A vibrant and growing community full of opportunity.

Fort Macleod





OLDMAN RIVER REGIONAL SERVICES COMMISSION

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Prepared for the Town of Fort Macleod

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TOWN OF FORT MACLEOD
in the Province of Alberta

BYLAW NO. 2000

BEING a bylaw of the Town of Fort Macleod in the Province of Alberta, to adopt Bylaw No. 2000 being the municipal Land Use Bylaw.

WHEREAS the purpose is to conduct a general cleanup and reorganization of the Land Use Districts, General Standards of Development, Use Specific Standards of Development, Definitions, and among other corrections and changes, including the following:

- the creation of additional criteria requirements for group homes, gravel pits, secondary suites;
- the allowance for solar panels on roofs as a permitted use;
- the revision of parking requirements per use;
- the updating of the Land Use District map that effects the following:
    - the correction of 10 Town owned properties to their existing land use;
    - All Agriculture zoned land being split into two agricultural districts based on the Municipal Development Plans consideration for future growth. The two districts are Agriculture – Residential Transitional and Agriculture – Business Transitional. Both new districts still encourage agricultural pursuits until transition to more intensive urban development comes forward;
    - the creation of one for Multi-unit residential development;
    - an updated River Valley Lands district color to light blue to lessen its intensity on the map;
    - the change of a gravel pit from Agriculture to Direct Control to reflect the changes in the Natural Resource extraction section of the Land Use Bylaw;
    - the addition of the Gateways overlay to the map;
    - the revision of residential colors to help their depiction on the map;
    - the change of Altalink lands to Public and Institutional: PI;
    - the change of the provincial historic area overlay boundary color from light blue to black for visual clarity on the map.

- the creation of new sections for use specific standards including:
    - Shipping Containers
    - Residential Sales Centers
    - Campgrounds
    - Data Mining Operations
    - Sandblasting, Welding and Fabrication Facilities
    - Short-Term Rental (tourist homes)
    - Setbacks from Steep Slopes and Waterbodies
    - Dwelling group
    - Electronic signs

as provided in the attached "Schedule A".

AND WHEREAS the municipality must prepare a 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 Fort Macleod in the Province of Alberta duly assembled does hereby enact the following:

1. That Bylaw 2000 be adopted in accordance with "Schedule A" attached and the adoption is authorized to include adjustments to formatting, page numbering, and section numbering throughout the document as needed.

2. Bylaw No. 1882, and all amendments thereto, is hereby repealed.

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

READ a **first** time this 26th day of November, 2024.

Mayor *– Brent Feyter*

Chief Administrative Officer *– Anthony Burdett*

READ a **second** time this 26th day of May, 2025.

Mayor *– Brent Feyter*

Chief Administrative Officer *– Anthony Burdett*

READ a **third** time and finally PASSED this 26th day of May, 2025.

Mayor *– Brent Feyter*

Chief Administrative Officer *– Anthony Burdett*

Town of Fort Macleod Land Use Bylaw No. 2000 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
2004	“Residential: R” to “Residential Large Lot: R-LL”	Portion of Block X, Plan 3370AI	14-July-2025
2008	“Residential: R” to “Residential Multi-unit 1: R-MU1” “Residential Multi-unit 1: R-MU1” to “Residential Multi-unit 2: R-MU2”	Plan 92B, Block 362, Lot 1 All lots within Plan 1014707 All of Plan 0810604 Plan 2111412, Block 201, Lot 18 Plan 2411921, Block 316, Lots 28-32 Plan 7710938, Block 15, Lot 1 Plan 92B, Block 311, Lots 10-14 Plan 92B, Block 403, Lots 17-18 Plan 92B, Block 426, Lots 5-6	14-July-2025
2010	“Residential Multi-unit 1: R-MU1”to “Residential Multi-unit 2: R-MU2”	Lot 14, Plan 315, Plan 92B	25-Aug-2025
2011	"Commercial General: CG" to "Direct Control: DC" Addition of Schedule 2 Direct Control DC Section 8.6 Lots 20-22, Block 444, Plan 2510566	Lots 20-22, Block 444, Plan 2510566	22-Sept-2025
2016	“Agriculture - Residential Transitional: AG-RT" to “Industrial General: IG”	Portion of Lot 1, Block 2, Plan 0513590	22-Sept-2025
2020	“Residential” to “Public Institutional: PI”	Portion of Lot 1, Block 2, Plan 0513590	8-June-2026
2021	“Agriculture - Residential Transitional: AG-RT" to “Residential: R” “Agriculture - Residential Transitional: AG-RT" to “Residential Multi-Unit 1: R-MU1” “Agriculture - Residential Transitional: AG-RT" to “Public Institutional: PI”	Portion of Lot 3, Block 31, Plan 1212310 Portion of Lot 2, Block 31, Plan 1212310 Portions of Lots 2 & 3, Block 31, Plan 1212310	8-June-2026

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ADMINISTRATION

ADMINISTRATION

SECTION 1 PURPOSE AND APPLICATION

1.1 TITLE

This bylaw may be cited as the “Town of Fort Macleod Land Use Bylaw.”

1.2 REPEAL OF FORMER BYLAW

Town of Fort Macleod Bylaw No. 1882 and any amendments thereto are hereby repealed.

1.3 PURPOSE

The purpose of this bylaw is to:

(1) divide the municipality into districts;

(2) prescribe and regulate the use(s) for each district, and the intent and purpose for which land and buildings may be used;

(3) establish a method for making decisions on applications for development permits and issuing development permits for a development;

(4) provide the manner in which notice of the issuance of a development permit is to be given; and

(5) implement the Town of Fort Macleod Municipal Development Plan and other statutory plans of the municipality, as may be developed.

1.4 EFFECTIVE DATE

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

1.5 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.

1.6 COMPLIANCE WITH THE LAND USE BYLAW

(1) No development, other than those designated in Section 4.2 (Development Not Requiring a Permit), shall be undertaken within the Town unless a development application has been approved and a development permit has been issued; and

(2) notwithstanding sub-section (1), while a development permit may not be required pursuant to Section 4.2, development shall comply with all regulations of this bylaw.

1.7 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 the development.

1.8 RULES OF INTERPRETATION

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 *Alberta Interpretation Act, Chapter I-8, RSA 2000* as may be amended from time to time, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not. The following shall also apply, regarding the potential for perceived conflicts:

(1) the written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict;

(2) the Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict; and

(3) all references to engineering requirements shall be prepared by an engineer registered with The Association of Professional Engineers and Geoscientists of Alberta (APEGA).

1.9 MEASURMENTS AND STANDARDS

All units of measure contained within this bylaw are expressed in metric form, with equivalent imperial measure given in parenthesis for information purposes only. Should there be a discrepancy between the metric and imperial units, the metric version shall prevail.

1.10 FORMS, NOTICES AND FEES

For the purposes 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. Forms, notices and fees are included in Appendix A. Additional requirements of forms, notices and fees include:

(1) refund of application fees requires approval of Town Council;

(2) in any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or other such Approving Authority as assigned by Council, and shall be consistent with those fees listed in the schedule for similar developments; and

(3) if development is commenced without a valid development permit, an additional fee in the amount prescribed under the current fee schedule, shall be payable upon application for the development permit.

1.11 APPENDICES

Any appendices attached hereto are for information purposes only and may be amended from time to time as they do not form part of the Town of Fort Macleod Land Use Bylaw.

SECTION 2 APPROVING AUTHORITIES

2.1 DEVELOPMENT AUTHORITY

The Development Authority is established in accordance with Subdivision and Development Authority Bylaw (Appendix C) and any amendments thereto, and consists of:

(1) the Development Officer as a Designated Officer authorized by Council in accordance with sections 210 of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA*,) while carrying out municipal functions or duties under the Subdivision and Development Authority Bylaw (Appendix C), this bylaw, where applicable by resolution of Council, or as prescribed in the *MGA*;

(2) the Municipal Planning Commission while exercising development powers or duties under this bylaw, the Subdivision and Development Authority Bylaw (Appendix C), where applicable by resolution of Council, or as prescribed in the *MGA*;

(3) Council in Direct Control Districts, unless authority has been specifically delegated by bylaw to the Municipal Planning Commission or another Designated Officer; and

(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.

2.2 SUBDIVISION AUTHORITY

(1) The Subdivision Authority is authorized to make decisions on applications for subdivisions and may exercise only such powers and duties as are specified:

(a) in the Subdivision and Development Authority Bylaw (Appendix C);

(b) in this bylaw; or

(c) by resolution of Council.

(2) The Subdivision Authority may delegate, through any of the methods described in sub-section (1) above, to any individual, municipal staff, or a regional services commission, any of its required functions or 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; and

(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 the bylaw, including the task of sending all required notifications to applicants as stipulated.

2.3 DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT AUTHORITY

2.3.1 Development Officer

The Development Officer is a Designated Officer and authorized person in accordance with sections 210 of the *MGA*, and Subdivision and Development Authority Bylaw (Appendix C) as may be amended from time to time, and:

(1) the office of the Development Officer is hereby established and Council shall, by resolution, appoint one or more Development Officers;

(2) the Development Officer:

(a) shall receive all development applications and shall review each application to ensure that it is complete in accordance with the requirements of this bylaw;

(b) shall collect the fees payable for each development permit application in accordance with the scale of fees which has been established by resolution of Council;

(c) may require a development permit applicant to supply information other than prescribed in this bylaw if such information is deemed to be necessary for consideration of the development application;

(d) shall not accept a development application until it is in a complete and final form and the Development Officer is satisfied that all requirements have been met;

(e) except as provided in sub-sections (g) and (h), shall consider and decide upon applications for development permits for:

(i) permitted uses that comply with this bylaw;

(ii) permitted uses that request variance(s) as prescribed in Section 4.9;

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

(iv) discretionary uses: A;

(v) landscaping;

(vi) fences, walls or other types of enclosures; and

(vii) demolition;

(f) may, as a condition of issuing a Development Permit, require the applicant to provide security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Officer, to ensure the terms and conditions attached to the Development Permit are carried out;

(g) shall refer with appropriate recommendations, to the Municipal Planning Commission or any other Municipal Committee as deemed necessary, all development permit applications involving:

(i) discretionary uses: B;

(ii) developments which could be potentially detrimental to traffic movement;

(iii) those matters requiring the specific approval or recommendation of the Municipal Planning Commission pursuant to this bylaw or the Municipal Planning Commission Bylaw;

(iv) any other matter which, in the opinion of the Development Officer, does not comply with the intent or provisions of this bylaw, and should be reviewed by the Municipal Planning Commission or any other Municipal Committee;

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

(i) shall keep and maintain, for the inspection of the general public during office hours, a copy of this bylaw including all amendments, and shall ensure that copies of the same are available to the general public for a fee which has been established by resolution of Council;

(j) shall keep on file, and make available for inspection by the general public during office hours, a register of all completed applications for development permits, including the decisions thereon; and

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

2.3.2 Municipal Planning Commission

(1) The Municipal Planning Commission may exercise only such powers and duties as are specified in this bylaw, the Subdivision Development Authority Bylaw as may be amended from time to time, the *MGA*, 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) requiring, when deemed necessary by the Commission, the applicant to provide security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Commission; and

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

2.3.3 Council

(1) Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *MGA*.

(2) Council shall be responsible for considering and deciding upon subdivision and development applications in Direct Control Districts, unless authority has been specifically delegated by bylaw or resolution to the Municipal Planning Commission, Development Officer, or another designated officer.

2.3.4 Subdivision and Development Appeal Board

(1) The powers, duties and responsibilities of the Subdivision and Development Appeal Board with respect to this bylaw are those established in Subdivision and Development Appeal Board Bylaw and any amendments thereto.

(2) The Subdivision and Development Appeal Board shall consider and decide upon all appeals concerning subdivision and development decisions and stop orders which have been properly lodged in accordance with this bylaw and the *MGA*.

SECTION 3 DEVELOPMENT IN GENERAL

3.1 ESTABLISHMENT OF DISTRICTS

(1) In accordance with section 640 of the *MGA*, all land within the Town of Fort Macleod is herein divided into land use districts.

(2) The boundaries of the districts are delineated on the Land Use Districts Map contained in Schedule 1 of this bylaw.

(3) With the exception of particular direct control districts, the defined uses of land or buildings in each district are classified as follows:

(a) permitted uses in each district, or

(b) discretionary uses in each district.

(4) Where a perceived error exists on the Land Use Districts Map relating to the assigning of a Land Use District to a specific lot or portion of the Town, corrective action regarding the perceived error shall be decided upon by resolution of Council or if Council has designated such decision making authority to a Designated Officer, by the Designated Officer.

(5) A land use not listed as a permitted or discretionary use of a land use district, and the use has not been deemed a similar use by the Municipal Planning Commission, the use is considered prohibited and shall be refused.

3.2 USE OF LAND

A person who develops land or buildings in the Town shall comply with all requirements of this bylaw including all conditions attached to a development permit if one is required, and all other applicable federal, provincial, and municipal requirements.

3.3 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 Subdivision Authority or Development Authority is made aware of or if in their opinion, the site of the proposed building or use:

(a) does not have safe legal and physical access to a maintained road in accordance with this bylaw, other municipal requirements or those of Alberta Transportation if within 300 m (984.3 ft) of a provincial highway or 800 m (2624.6 ft) from the centre point of an intersection to a controlled highway and a public road;

(b) creates a situation where vehicular and non-vehicular traffic safety is negatively impacted;

(c) 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;

(d) is situated on an unstable slope;

(e) consists of unconsolidated material unsuitable for building;

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

(g) is situated over an active or abandoned oil or gas well or pipeline;

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

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

(j) does not have adequate water and/or sewer provisions;

(k) cannot adequately contain or convey storm water runoff;

(l) cannot be protected from fire due to current municipal fire fighting capabilities;

(m) does not meet the industry recommended development guidelines in proximity to railway operations;

(n) does not meet lot size and/or setback requirements or any other applicable standards or requirements of this bylaw, unless variance has been granted in accordance with Administration Section 4.9; and

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

3.4 DWELLING UNITS ON A LOT

No person shall construct or locate, or cause to be constructed or located, more than one dwelling unit on a lot except when permitted by the land use district or unless authorized by the Development Authority through the issuance of a development permit.

3.5 REMOVAL, REPLACEMENT AND PLACEMENT OF BUILDINGS

(1) Any application for replacing or placing a building on a site is subject to all conditions and regulations specified under the appropriate district, and in addition, the Development Authority may require:

(a) recent colour photographs of the structure;

(b) written confirmation by a licensed professional that the building meets the requirements of the *Safety Codes Act* or, if it does not, the manner in which the building will be brought up to these standards within the time limit established by the Development Authority;

(c) the applicant to pay for the costs of an inspection by an authorized municipal official prior to moving the building;

(2) the standards that the building must meet shall be established by the Development Authority at the time of the approval of the development application and shall form part of the conditions of the development permit; and

(3) all renovations to a building, that has been moved to and placed on a site, shall be completed within twelve (12) months of the date of the development permit. A final inspection to verify compliance with any condition outlined in the development permit shall be conducted by an authorized municipal official.

3.6 SETBACKS IN ESTABLISHED AREAS

(1) In established residential or commercial districts where a dwelling or commercial building is to be erected on a vacant lot or is to replace an existing dwelling or commercial building, the setback shall be similar to the setback prescribed by existing adjacent dwellings or commercial buildings located on the same side of the street (as illustrated in Figure 3.6.1), to the satisfaction of the Development Authority, but may only exceed the minimum setback stipulated in the associated land use district if authorized by the Development Authority in accordance with Administration Section 4.9;

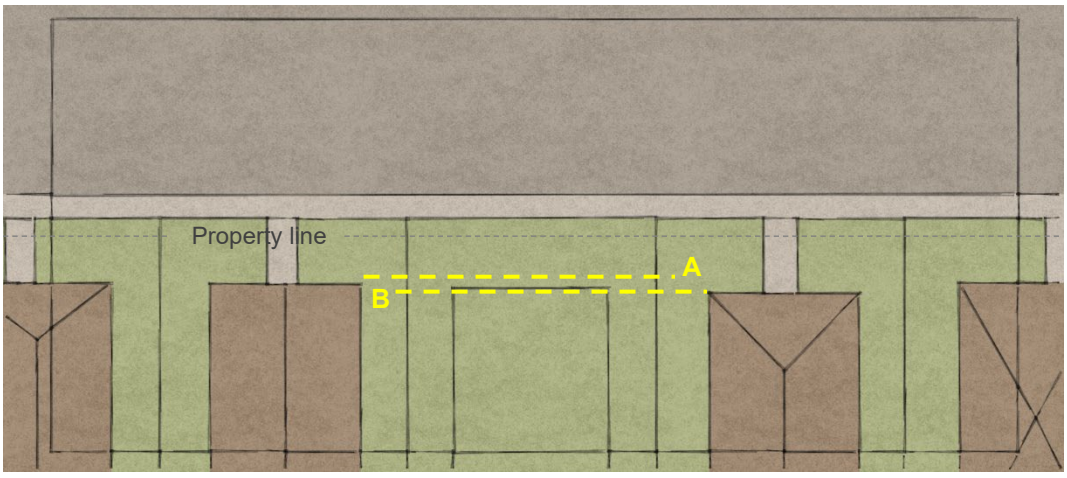


Figure 3.6.1: The setback area for future development is defined by the difference between existing adjacent setbacks A and B.

(2) notwithstanding the above, if one or both of the existing adjacent dwellings or commercial buildings is outside of the parameters of what would be authorized under Section 4.9, the minimum setback from the street may be determined by the average of the setbacks of the remaining dwellings or commercial buildings located on the same side of the street; and

(3) the rear yard, side yard and secondary front yard setbacks shall be as prescribed in this bylaw or as authorized in accordance with variances that may be granted by the Development Authority in accordance with Section 4.9.

3.7 NON-CONFORMING LOT SIZES

(1) Development on an existing registered lot that does not conform with the minimum requirements for lot length, width or area specified in the applicable land use district as per this bylaw, may be permitted at the discretion of the Development Authority; and

(2) the Development Officer is authorized to approve development on existing registered lots that do not conform to the requirements for lot length, width or area specified in the applicable land use district as per this bylaw, if a variance was issued as a part of the subdivision of the lot.

3.8 DEVELOPMENT AGREEMENTS

(1) As prescribed in Section 4.8(1) of this bylaw and pursuant to section 650(1) of the *MGA*, the Development Authority, as a condition of issuing a development permit, may require the applicant to enter into an agreement 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:

(i) a pedestrian walkway system to serve the development, or

(ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;

(c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;

(d) to construct or pay for the construction of:

(i) off-street or other parking facilities; and

(ii) loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy; and

(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 *MGA*.

(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 *MGA*.

(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.

(6) As a condition of subdivision approval, all agreements may be registered concurrently by caveat onto individual lots being created.

(7) The Developer shall be responsible for and within thirty (30) days of the presentation of an account, pay to the Town all legal and engineering costs, fees, expenses and disbursements incurred by the Town through its solicitors and engineers for all services rendered in connection with the preparation, fulfillment, execution and enforcement of the agreement.

3.9 SIMILAR USES

(1) Upon receipt of a complete application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.

(2) Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Planning Commission for a decision. The notice of the decision shall be subject to Section 4.11 (Notice of Decision).

(3) Where a use has been classified similar to a permitted use and requests exceeding the powers outlined in Section 4.9(3), the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.10 (Notification of Adjacent Landowners and Persons Likely Affected).

(4) Where a use has been classified similar to a discretionary use the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.10 (Notification of Adjacent Landowners and Persons Likely Affected).

(5) Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Planning Commission:

(a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;

(b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;

(c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

3.10 TEMPORARY USES

The Development Authority may issue a development permit for a period not to exceed one year or any other period of time as deemed appropriate by the Development Authority for uses that are determined to be temporary in nature. The proposed temporary use must be either a permitted, discretionary, or deemed similar use in conformance with the applicable land use district and the development permit shall be subject to the following:

(1) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(2) the Development Authority may require the applicant to submit an irrevocable Letter of Credit, certified cheque, or other form of security acceptable to the Development Authority guaranteeing the cessation or removal of the temporary use; and

(3) any other conditions as deemed necessary.

3.11 NON-CONFORMING USES AND BUILDINGS

Pursuant to section 643 of the *MGA*:

(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:

(a) to make it a conforming building,

(b) for routine maintenance of the building, if the development authority considers it necessary, or

(c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.

(6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.

(7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

SECTION 4 DEVELOPMENT PERMIT RULES AND PROCEDURES

4.1 DEVELOPMENT PERMITS REQUIRED

(1) Except as otherwise provided for in Section 4.2, 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 pursuant to this bylaw; and

(2) in addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

4.2 DEVELOPMENT NOT REQUIRING A PERMIT

(1) If a variance to any measurable standard in this bylaw is required, this section does not apply and a development permit is required;

(2) this section does not apply to the Provincial Historic Area, where a development permit is required for any and all activities listed under Schedule 6 Sections 2.4 and 2.5, and for any and all instances outlined in sub-section (4) below;

(3) the following developments shall not require a development permit:

(a) any use or development exempted under section 618(1)(2.1) of the *MGA*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618(4) of the *MGA*;

(c) telecommunication antenna systems that are regulated by Innovation, Science and Economic Development (ISED) Canada, subject to the Telecommunication Antenna Siting Protocol in Appendix A;

(d) the completion of a building which was lawfully under construction at the date this bylaw came into force 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 of this bylaw coming into force; and

(f) any approval provided in conjunction with a special event permit excepting where the special event proposes permanent buildings, uses, or structures.

(4) the following shall not require a development permit provided that the proposed development complies with the applicable provisions of this bylaw:

(a) an accessory building or structure up to 9.29 m^2 (100 ft^2) in area that is not placed on a permanent foundation;

(b) interior or exterior maintenance, repair, interior renovations of or additions to any building, provided that such work does not include structural alterations, create another dwelling unit, or result in a change of use or intensity of the building;

(c) the temporary use of all or part of a building for a polling station, returning officer's headquarters, campaign office or any other use directly related to a federal, provincial, municipal or school election, or a referendum, plebiscite or census;

(d) the construction and maintenance of gates, fences, walls or other means of enclosure that meet the requirements of this bylaw;

(e) the landscaping of a parcel that shall not have proposed grades which would adversely impact the site or adjacent property and which is not a requirement of another development permit;

(f) temporary buildings used in the construction or alteration of a building for which a permit has been issued under this bylaw, provided the temporary building is not used as a dwelling and provided the building(s) is removed within one (1) month of completion of construction of the building for which the permit has been issued;

(g) the placement of no more than one shipping container used in the construction or alteration of a building for which a permit has been issued under this bylaw, provided the shipping container is not used as a dwelling and provided the shipping container is removed immediately upon completion of construction of the building for which the permit has been issued;

(h) the placement of shipping containers within the Agriculture and Industrial districts that are on a parcel of land greater than 10 acres in compliance with the district, Schedule 5 Section 16 and located outside the gateway overlay boundary described in Schedule 6 Section 3;

(i) the construction, maintenance and repair of public works, services and utilities carried by or on behalf of federal, provincial or municipal public authorities on land which is publically owned or controlled;

(j) the construction of a balcony, patio, deck or landing that meets the requirements of this bylaw;

(k) the installation of temporary outdoor swimming pools and above ground hot tubs in the rear yard;

(l) the operation of a Home Occupation 1;

(m) any sign that does not require a permit as per Schedule 7 of this bylaw;

(n) satellite dishes 3 feet or less in diameter except within the Provincial Historic Area Overlay;

(o) a driveway as defined by Schedule 3 Section 12.3;

(p) Agriculture within the Agriculture-Residential Transitional: AG-RT, Agriculture-Business Transitional: AG-BT, Airport: AP, and River Valley Lands: RVL districts and any undeveloped lands designated Industrial; and

(q) grading, excavating, stripping and/or stockpiling of land, when such operations are performed in accordance with a valid Development Agreement, but where a valid Development Agreement does not exist, an application for a Development Permit must be made.

4.3 DEVELOPMENT PERMIT APPLICATIONS

(1) All development permit applications shall be made only by the landowner(s) of the land on which the development is proposed or a person who is not the landowner only if written consent is provided by the landowner(s), submitted to the Development Officer and shall include the following information, unless otherwise indicated by the Development Officer in accordance with sub-section (2):

(a) a completed application form with the required fee;

(b) a description of the proposed development, including a statement of the intended use of all land, buildings, and finishes to be used;

(c) a site plan showing:

(i) north arrow and accurate orientation of all proposed development;

(ii) the scale of the plan, to the satisfaction of the Development Authority;

(iii) the area and dimensions of the property to be developed;

(iv) the presence or absence of any and all abandoned wells; and if, abandoned wells are present, a professionally prepared plot plan showing the actual well location(s) in relation to property lines and existing and/or proposed buildings;

(v) the locations and external dimensions, including the height of all existing buildings on the site and any buildings to be erected;

(vi) a floor plan and elevation plans of the building(s) to be constructed; and

(vii) all front, side and rear yard setback areas with dimensions;

(d) in the cases where the proposed development is for commercial, industrial, institutional or multiple residential dwelling developments on one or more lots the following additional information is required:

(i) schedule of densities which will result;

(ii) parking and loading provisions;

(iii) access to and from the site;

(iv) location of fencing, storage areas and garbage receptacles;

(v) landscaping and site improvement proposals;

(vi) the location of all existing buildings, roads, water bodies and other physical features of the land and all adjacent properties;

(vii) the location of existing sidewalks and curbs;

(viii) the proposed lot grade and on-site drainage information; and

(iv) an estimate of the water consumption.

(e) in cases where architectural controls are in place and applicable to the parcel or unit in question, a copy of the architectural controls approval;

(f) a current copy of the Certificate of Title showing ownerships and encumbrances; and

(g) any other information deemed necessary by the Development Authority to adequately process the application.

(2) the Development Officer may accept an application and make a decision thereon without all of the above information if, at the discretion of the Development Authority, the nature of the development is such that a decision on the application for the proposed development would not:

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

(b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and

the proposed development conforms with the use prescribed for that land or building in this bylaw.

4.4 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

(1) A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 4.3 for a development permit, 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.

(3) The time period referred to in sub-section (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 sub-section (1) within the time required under sub-section (1) or (3), the application is deemed to be complete.

(5) If a 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.

(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 4.3(1). A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the Development Officer in writing to extend the deadline.

(7) When the Development Officer determines that the information and documents required to be submitted under sub-section (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.

(8) If the required documents and information under sub-section (6) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under sub-section (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.

(9) Despite issuance of a Notice of Completeness under sub-section (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.

4.5 PERMITTED USE APPLICATIONS

Upon receipt of a completed development permit application for a permitted use that conforms with this bylaw, the Development Officer:

(1) considers whether a notice should be sent to those listed in 4.10(2)(3);

(2) shall approve a development permit with or without conditions, including the provision of a Development Agreement pursuant to the *MGA*; or

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

All applications requesting variances shall be processed in accordance with Section 4.9 (Variances).

4.6 DISCRETIONARY USE APPLICATIONS

(1) Upon receipt of a completed development permit application for a discretionary use: A that conforms with this bylaw, the Development Officer:

(a) shall notify adjacent landowners and other persons likely to be affected in accordance with Section 4.10;

(b) shall approve a development permit with or without conditions, including the provision of a Development Agreement pursuant to the *MGA*; or

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

(2) Upon receipt of a completed development permit application for a discretionary use: B, a permitted or Discretionary: A use that requests variances in excess of the provisions of Section 4.9, or a use on a lot within the Direct Control land use district, the Development Officer shall:

(a) refer the application to the Municipal Planning Commission or Council in the case of a Direct Control district for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.10;

(3) after consideration of any responses received as a result of the notifications to adjacent landowners and persons likely to be affected, the compatibility and suitability of the proposed use, and any other matters, the Development Authority may:

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

(b) refuse a development permit application, stating reasons.

4.7 APPLICATIONS IN DIRECT CONTROL DISTRICTS

(1) Upon receipt of a completed application for a development permit in a Direct Control District, the Development Officer shall:

(a) refer the application to Council for a decision, except where the decision making authority has been delegated to the Municipal Planning Commission or the Development Officer; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.10(3);

(2) after considering any response to notifications issued under Section 4.10(3), Council or the delegated decision making authority may:

(a) approve a development permit with or without conditions, stating reasons; or

(b) refuse to approve the development permit, stating reasons;

(3) in accordance with section 641(4)(a) of the *MGA*, there is no appeal to the Subdivision and Development Appeal Board for a decision on an application for a development permit in a Direct Control District.

4.8 DEVELOPMENT PERMIT CONDITIONS

The Development Authority may place any of the following conditions on a development permit for a permitted or discretionary use:

(1) require the applicant to enter into a deferred servicing agreement or development agreement pursuant to the *MGA*, as prescribed in Section 3.8;

(2) the provision of security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Authority to ensure the terms of the permit approval are carried out;

(3) geotechnical investigation results prepared and sealed by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) ensuring that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, slope stability, erosion and sanitary sewerage servicing;

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

(5) time periods stipulating completion of development;

(6) easements and/or encroachment agreements required as a result of the development;

(7) the application of an increased setback to any minimum required setback if determined to be necessary where an adjacent use may be considered to be otherwise negatively impacted, and the increased setback would serve to improve the suitability of the proposed use at the subject location, with consideration for the local context;

(8) to repair or reinstate, or pay for the repair or reinstatement to original condition, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting that may be damaged or destroyed or otherwise harmed by development or/and building operations upon the site;

(9) the submission of an Environmental Impact Assessment;

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

(11) obtain any other approval, permit, authorization, consent or license that may be required to develop or service the affected land;

(12) requirement for a lot or construction stakeout conducted by an approved surveyor or agent;

(13) any measure required to ensure compliance with applicable federal, provincial and/or municipal legislation and approvals; and

(14) any other conditions necessary to ensure compliance with this bylaw and any other statutory plans brought into force by the Town of Fort Macleod.

4.9 VARIANCES

(1) In accordance with section 640(6) of the *MGA*, the Development Authority may decide on a development permit application even though 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 parcels of land; and

(b) the proposed development conforms with the use prescribed for that land or building in this bylaw.

(2) Upon receipt of a completed application for a development permit for a Permitted or Discretionary A use that requests an unlimited variance to any setback and any other measurable standards of this bylaw for existing building, the Development Officer may grant the variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would meet the requirements of the MGA as outlined in Section 4.9(1)(a) and (b).

(3) Development Officer Variance Powers

Upon receipt of a completed development permit application for a Permitted or Discretionary: A use that requests a variance of:

(a) up to 25 percent of one of the yard setbacks, or

(b) a combined 25 percent of multiple yard setbacks, or

(c) up to 10 percent for a measurable standard other than a setback, or

(d) either (a) or (b) with (c), the Development Officer may:

(i) grant the variance and issue the development permit with or without conditions; or

(ii) refer the development application involving the request for a variance to the Municipal Planning Commission for a decision.

(4) Municipal Planning Commission Variance Powers

Upon receipt of a completed application for a development permit for a permitted or discretionary use that requests a variance exceeding the provisions of sub-section (2), the Development Officer shall:

(a) refer the application to the Municipal Planning Commission for a decision, if, in the opinion of the Municipal Planning Commission, the variance would meet the requirements of the *MGA* as outlined in sub-section (1); and

(b) notify adjacent landowners and persons likely affected in accordance with Section 4.10.

4.10 NOTICE OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

(1) Where notification of adjacent landowners and persons likely affected is required as set forth in section 640 of the *MGA* and Administration Sections 4.5(1), 4.6(1)(a) and (2)(b), and 4.9(4)(b) of this bylaw, the Development Officer shall, at least 5 days, excluding weekends and holidays, preceding the date of consideration by the Development Authority:

(a) provide notice of the application to the applicant in writing by mail or email;

(b) provide notice of the application for discretionary uses and applications requesting variances to adjacent landowners and persons likely to be affected by undertaking any combination of the following:

(i) placing a notice on the Town's website;

(ii) placing a notice on any other form of digital media that is accessible by adjacent landowners and persons likely affected;

(iii) placing a notice on the property in a location where the notice is visible and readable from public right-of-way; and, if deemed necessary;

(iv) mailing the notice; and/or

(v) placing an advertisement in a newspaper circulating within the Town;

(2) notification shall be provided to the Municipal District of Willow Creek if the development permit application is directly adjacent to the Town boundary or as required by an Intermunicipal Development Plan;

(3) notification shall be provided to any other persons, government departments or referral agencies that are deemed by the Development Authority to be affected;

(4) in all cases, the notification shall:

(a) describe the nature and location of the use;

(b) state the time and place where the Development Authority will meet to consider the application and indicate how and when written or oral submission on the application will be received and considered;

(c) specify the location at which the development permit application can be inspected;

(d) in the instance of mailing of the notice, be deemed received 7 days from mailing the notice, in accordance with the *Alberta Interpretation Act, Chapter I-8, RSA 2000* as may be amended from time to time; and

(e) in the instance of the notice being placed in a newspaper, be deemed received on the date of publication of the newspaper.

4.11 NOTICE OF DECISION

(1) Upon the decision on a development permit application for a permitted use that complies with this bylaw, the Development Officer shall mail, email or hand deliver a written notice of decision to the applicant;

(2) upon the decision of all other development permit applications, the Development Officer shall:

(a) mail, email or hand deliver a written notice of decision to the applicant; and

(b) consistent with the method(s) of notice that were followed when notice of receipt of the application was undertaken in accordance with Section 4.10, provide a copy of the decision to those originally notified of the development permit application, those that made written or oral submissions, and any other person, government department or agency that, in the opinion of the Development Officer, is likely to be affected; and

(3) regarding notices of decision, the dates upon which the notices are deemed received shall be the same as prescribed in Administration Section 4.10(4)(e).

4.12 COMMENCEMENT OF DEVELOPMENT

Despite the issuance of a development permit, no development is authorized to commence until the appeal period has expired in compliance with the following:

(1) Permitted uses:

(a) for development permits issued for permitted uses that comply with this bylaw, development shall not commence until 21 days from the date of the written notice of decision is given as per section 686(1) of the *MGA*;

(b) for development permits issued for permitted uses that contain variance requests, development shall not commence until 21 days from the date of the written notice of decision is given as per section 686(1) of the *MGA*;

(2) development permits issued for discretionary uses, shall not commence until 21 days from the date of the written notice of decision is given as per section 686(1) of the *MGA*;

(3) notwithstanding sub-sections (1) and (2), if an optional *Voluntary Waiver of Claims* form (found in Appendix A) is completed by the applicant, development may commence immediately after the permit has been issued; and

(4) for development permits issued that have been appealed, no development shall commence until the appeal is decided upon.

4.13 VALIDITY OF DEVELOPMENT PERMIT

(1) Unless a development permit is suspended or cancelled, the development 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 void, notwithstanding an extension approved by the Development Authority prior to the 12 month period concluding;

(2) an application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit;

(3) An extension of a development permit may be granted in accordance with the following:

(a) where a Discretionary B use development permit has expired in accordance with Section 4.13(1), the MPC may extend the validity of the permit up to 12 months from the date of its expiry. All subsequent requests for extension are at the discretion of the Municipal Planning Commission; or

(b) where a Permitted use and Discretionary A development permit has expired in accordance with Section 4.13(1), the Development Officer may extend the validity of the permit up to 12 months from the date of its expiry. All subsequent requests for extension are at the discretion of the Development Officer.

(4) when any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and the use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

4.14 TRANSFER OF DEVELOPMENT PERMIT

Except for Home Occupation permits, a valid development permit is transferable when the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

4.15 FAILURE TO MAKE A DECISION

In accordance with section 684 of the *MGA*, an application for a development permit is, at the option of the applicant, deemed refused if a decision has not been made by the Development Authority within 40 days of an application being deemed complete under Section 4.4(5)(7), unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

4.16 REAPPLICATION FOR A DEVELOPMENT PERMIT

(1) If an application for a development permit is refused by the Development Authority, another application for development on the same lot for the same or similar use may not be made for 6 months from the date of refusal; or

(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 sub-section (1) is up, provided the application has been modified to comply with this bylaw.

4.17 SUSPENSION OR CANCELLATION OF A PERMIT

(1) If, after a development permit has been issued, the Development Authority finds:

(a) the application for the development permit contained a misinterpretation; 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's development has deviated from what was approved;

the Development Authority may suspend or cancel the development permit by notice in writing to the permit holder;

(2) upon receipt of the written notification of suspension or cancellation of the permit, the permit holder must cease all development and activities to which the development permit relates;

(3) a person whose development permit has been suspended or cancelled under this section may appeal within 21 days of the written decision, to the Subdivision and Development Appeal Board; and

(4) if a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant, and either:

(a) reinstate the development permit;

(b) cancel the development permit if the Development Authority would not have issued the permit if all the facts had been known at the time of application; or

(c) reinstate the development permit and may impose such other conditions considered necessary to ensure this bylaw and any other statutory plan is complied with.

4.18 APPEALS

(1) 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 in accordance with sections 683 to 687 of the *MGA* inclusive of any other part of the *MGA* referenced in these sections;

(2) notwithstanding sub-section (1) and in accordance with section 685(4) of the *MGA*, there is no avenue for an appeal if the application was made on lands zoned as Direct Control, if the decision was made by Council. If the decision was made by the Municipal Planning Commission or Development Officer as a delegated authority of Council, the appeal is limited to whether the Development Authority followed the directions of Council, as per section 641 of the *MGA*; and

(3) in accordance with the *Municipal Government Act*, any landowner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision to the Subdivision and Development Appeal Board, or the Land and Property Rights Tribunal (where the *Matters Related to Subdivision and Development Regulation* requires it). Adjacent or affected landowners have no right to appeal under the *MGA*.

SECTION 5 ENFORCEMENT

5.1 DESIGNATED OFFICERS

In accordance with section 210 of the *MGA*, an officer designated to carry out enforcement of the *MGA*, the *Matters Related to Subdivision and Development Regulation*, a development permit or subdivision approval, or this bylaw is herein referred to as an Officer, and includes:

(1) the Development Officer or another designated officer in Administration Section 2.1(4); and

(2) a Bylaw Enforcement Officer in accordance with the *MGA*; and

(3) a Community Peace Officer in accordance with the Alberta *Peace Officer Act;* and

(4) a Police Officer in accordance with the Alberta *Police Act*.

5.2 NOTICE OF VIOLATION

(1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with the *MGA*, *the Matters Related to Subdivision and Development Regulation*, a development permit or subdivision approval, or this bylaw, an Officer may issue a notice of violation to the landowner or the person in possession of the land or buildings or to the person responsible for the contravention; and

(2) such notice shall state the following:

(a) the nature of the violation;

(b) any and all corrective measures required to comply; and

(c) the time period in which such corrective measures must be carried out.

5.3 STOP ORDERS

(1) As set forth in section 645 of the *MGA*, the Development Authority is authorized to issue a stop order, herein referred to as an order, if a development, land use or use of a building is not in accordance with those regulations listed in Administration Section 5.2(1); and

(2) a person who receives notice pursuant to sub-section (1) may appeal the order, within 21 days after the date on which the order is made, to the Subdivision and Development Appeal Board as prescribed in the *MGA*.

(3) Pursuant to the *MGA*, if a person fails or refuses to comply with an order directed to the person, an Officer may enter onto the land or building that is the subject of the order and take any action necessary to carry out the order;

(4) if compliance with an order is not voluntarily effected, the Town may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of King's Bench pursuant to section 554 of the *MGA*; and

(5) in accordance with the *MGA*, the Town may cause the costs and expenses incurred in carrying out the order to be added to the tax roll of the parcel of land that is the subject of the order.

5.4 PENALTIES AND RIGHTS OF ENTRY

(1) Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5 of the *MGA* and is liable to a fine of not more than $10,000.00 or to imprisonment for not more than one year or to both fine and imprisonment;

(2) in accordance with section 542 of the *MGA*, an Officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land on which this bylaw or the *MGA* authorizes anything to be inspected, remedied or enforced:

(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 that would assist in carrying out Section 5.4(2)(a);

(c) make copies of anything related to Section 5.4(2)(a)(b); and

(3) pursuant to section 543 of the *MGA*, if a person refuses to grant consent or refuses to provide anything to assist in the inspection, enforcement or action referred to in section 542 of the *MGA*, the municipality may obtain a court order.

SECTION 6 AMENDMENTS TO THIS BYLAW

6.1 AMENDMENT OR REPEAL OF BYLAW

(1) A person may request an amendment to this bylaw, by applying in writing, furnishing reasons in support of the application and paying the prescribed fee (as established by resolution of Council);

(2) all applications to amend this bylaw shall be submitted to the Development Officer and shall be accompanied by the following:

(a) an application fee prescribed by Council for each application;

(b) an application form as found in Appendix A of this bylaw, which is completed to the satisfaction of the Development Officer;

(c) a current certificate of title of the land affected and/or other documents satisfactory to the Development Officer, which indicate the interest of the applicant in the said land;

(d) all drawings required to be submitted shall be drawn to the satisfaction of the Development Officer;

(e) any other material as deemed necessary by the Development Officer to allow Council to make a decision on the application; and

(f) a map that analyses the requirement of Schedule 5 Section 12.4 for all Natural Resource Extraction;

(3) the Development Officer may refuse to accept an application for an amendment to this Land Use Bylaw if, in their opinion, the information supplied is not sufficient to undertake a proper evaluation of the proposed amendment;

(4) once an application is accepted by the Development Officer, they shall forward the application to Council for a decision;

(5) in reviewing an application to amend this bylaw, Council shall give consideration to the following:

(a) the consistency of the proposal to the Town's statutory and non-statutory plans, approved policies, and this bylaw;

(b) the proposal is located in an appropriate area of the community and is compatible with adjacent land uses;

(c) the proposal does not compromise the road capacity of the area, levels of service of the roads in the area, or vehicular and non-vehicular traffic safety, and is suitably and efficiently serviced by an off-site road network;

(d) the proposal can be adequately serviced with municipal utilities; and

(e) any other matter as deemed necessary by Council taking into consideration the nature of the application as well as any statutory or non-statutory plan, scheme, concept, or approved policy affecting the site;

(6) all proposed amendments to this bylaw shall be decided upon by Council in accordance with the *MGA*;

(7) public hearing and notification requirements shall be in accordance with section 692 of the *MGA*;

(8) where an application for an amendment to this bylaw has been refused by Council, another application that is the same or similar shall not be accepted for a period of 6 months following the date of the decision of refusal; and

(9) where an application for an amendment to this bylaw has been refused by Council, another application that has been significantly changed may be accepted prior to the 6-month waiting period prescribed in sub-section (8), to the discretion of Council.

6.2 LAND USE DISTRICT REDESIGNATION

In addition to the general requirements for amendment or repeal of this bylaw as set forth in Section 6.1, an application made specifically for redesignation from one land use district to another shall be accompanied by the following:

(1) a completed application form (found in Appendix A) and fee paid in full;

(2) an explanation of the application describing:

(a) proposed land use designation and future use(s);

(b) consistency with applicable statutory plans or rationale for why the proposal may be inconsistent with applicable statutory plans;

(c) development potential/suitability of the site including identification of any constraints and/or hazards to development;

(d) availability of infrastructure to service the site including adequate water, sewer, and storm water capacities;

(e) adequate vehicular and, when applicable, non-vehicular access, and potential impacts to public roads and options available to address any impacts that would create issues relating to road capacities, levels of service and vehicular/non-vehicular traffic safety;

(f) conceptual subdivision design, if applicable;

(g) geotechnical report prepared by an engineer demonstrating soil suitability if deemed necessary by the Development Authority;

(h) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Authority; and

(i) any other information deemed necessary by the Development Authority to properly evaluate the application;

(3) an Area Structure Plan, or Conceptual Design Scheme may be required in conjunction with an application if:

(a) proposing to redesignate lands from Agriculture-Residential Transitional: AG-RT or Agriculture-Business Transitional: AG-BT to any other land use district;

(b) multiple parcels of land are involved;

(c) more than two lots could be created;

(d) several fragmented parcels are adjacent to the parcel that is the subject of the proposed redesignation;

(e) internal public roads would be required;

(f) municipal services would need to be extended; or

(g) it is required by the Development Authority.

SECTION 7 SUBDIVISION

7.1 SUBDIVISION IN GENERAL

(1) Where the development of land requires the subdivision of land, no development permit shall be issued until the application for subdivision has been approved in accordance with the *MGA*;

(2) where the development of a building requires the subdivision of condominium units, no development permit shall be issued until the application for subdivision has been approved in accordance with the *MGA* and the *Condominium Property Act, RSA 2000, Chapter C-22* as may be amended from time to time;

(3) minimum dimensional standards for lots and all other requirements in this bylaw shall be as specified in the applicable land use district in Schedule 2;

(4) an application for subdivision may be subject to the same requirements of Section 6.2 (Land Use District) and Section 3.3 (Suitability of Sites), in addition to any other requirements considered necessary in order to make a decision on the application, as determined by the Subdivision Approving Authority;

(5) all applications for subdivision shall be required to meet the standards set out in Schedule 3 (General Standards of Development) and Schedule 4 (Design Standards of Development); and

(6) notwithstanding sub-section (2), subdivision of land within the Residential Manufactured Home Community: R-MC land use district shall not be permitted unless accompanied by an adopted Conceptual Design Scheme or Area Structure Plan.

7.2 SUBDIVISION APPLICATIONS

(1) An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or its designate. A completed application shall consist of:

(a) an official 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 with dimensions, structures, location of private sewage disposal system, professionally prepared;

(e) provincial abandoned gas well information;

(f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced;

(g) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and

elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(h) the consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the *MGA* must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority;

(2) in accordance with the *MGA,* the Subdivision Authority or those authorized to act on its behalf, 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 deficient what information is required to be submitted by 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;

(c) in respect of sub-section (2)(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 or required information items are that must be submitted by the time specified in the notice;

(3) notwithstanding sub-section (2), the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete;

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

7.3 INCOMPLETE SUBDIVISION APPLICATIONS

(1) The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 7.2 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application;

(2) if the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 7.2(2);

(3) the notification provided for in Section 7.2(2)(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Land and Property Rights Tribunal, in accordance with the parameters of the *MGA*.

SECTION 8 STATUTORY AND NON-STATUTORY PLANS

8.1 APPLICABILITY

Where the policies, rules, procedures or standards indicated in a statutory plan varies, supplements, reduces, replaces or qualifies the requirements of this bylaw, the plan shall take precedence. At the discretion of the Development Authority, the preparation of and/or adherence to the contents of a non-statutory plan may be required.

8.2 TYPES OF PLANS

(1) Statutory plans, as indicated in 616(dd) of the *MGA*, include an:

(a) Intermunicipal Development Plan (IDP);

(b) Municipal Development Plan (MDP);

(c) Area Structure Plan (ASP); and

(d) Area Redevelopment Plan (ARP).

(2) Non-statutory plans are developed in the context of the relevant statutory plans and may consist of any other plan or planning document recognized and/or required by the Development Authority, including but not limited to an:

(a) Conceptual Design Scheme; and

(b) any other plan or planning document as determined by Council.

8.3 PLAN REQUIREMENTS

Statutory and non-statutory plans shall, as a minimum, provide the information required as per Administration Section 6.2(2), including:

(1) proposed land use designation(s) and future use(s);

(2) consistency with applicable statutory plans or rationale for why the proposal may be inconsistent with applicable statutory plans;

(3) development potential/suitability of the site including identification of any constraints and/or hazards to development;

(4) availability of infrastructure to service the site including adequate water, sewer, and storm water capacities;

(5) potential impacts to public roads and options available to address any impacts that would create issues relating to road capacities, levels of service and vehicular/non-vehicular traffic safety;

(6) conceptual subdivision design, if applicable;

(7) geotechnical report prepared by an engineer demonstrating soil suitability if deemed necessary by the Development Authority;

(8) an evaluation of surface drainage which may include adjacent properties if deemed necessary by the Development Authority; and

(9) feedback regarding the proposed plan from existing adjacent and/or area landowners through the use of public consultation techniques as determined by the Development Authority on a case-by-case basis, including but not limited to the mailing of plan details to adjacent and/or area landowners and the holding of open houses and workshops.

(10) Any other information deemed necessary by the Development Authority to properly evaluate the application.

AREA STRUCTURE PLANS:

(11) If the preparation of an ASP is required as per Administration Section 6.2(3), the developer shall prepare the plan in the context of the MDP, this bylaw, and any other applicable statutory and/or non-statutory plan, and shall ensure the plan meets the requirements of *MGA* Section 633 by including information regarding the:

(a) sequence of development proposed for the area;

(b) land uses proposed for the area, either generally or with respect to specific parts of the area;

(c) density of population proposed for the area either generally or with respect to specific parts of the area;

(d) general location of major transportation routes and public utilities; and

(e) may contain any other matters Council considers necessary including but not limited to compatibility with surrounding uses and impact on the same.

(12) The level of detail required for sub-section (11)(a-e) shall be determined by the Development Authority and may take into account a variety of considerations relating to the proposed development site, including the site(s):

(a) physical size and location;

(b) ability to be serviced;

(c) adjacent land uses;

(d) access to transportation rights-of-way;

(e) scale and complexity; and

(f) any other factors deemed relevant by the Development Authority.

NON-STATUTORY PLANS:

(13) If the preparation of a Conceptual Design Scheme or any other type of non-statutory plan is required as per Administration Section 6.2(3), the developer shall prepare the plan in the context of the MDP, this bylaw, and any other applicable statutory and/or non-statutory plan;

(14) in addition to the minimum requirements of a statutory or non-statutory plan as prescribed in sub-section (1-10), non-statutory plans should provide, if applicable, the following information regarding the proposed development:

(a) design, orientation and massing of building(s);

(b) proposed layout of lots, streets and blocks;

(c) integration into surrounding development;

(d) preservation of natural areas such as but not limited to waterbodies and waterways;

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



SCHEDULE 1

LAND USE DISTRICTS

SCHEDULE 1: LAND USE DISTRICTS

SECTION 1 PREAMBLE

1.1 The municipality is divided into those districts shown on the Land Use Districts Map of this schedule.

1.2 Each district shown on the Land Use Districts Map shall be known by the following identifying names and abbreviations:

Land Use District Category/Title	Abbreviation
Residential Districts	
Residential	R
Residential Multi-Unit 1	R-MU1
Residential Multi-Unit 2	R-MU2
Residential Manufactured Home	R-MH
Residential Manufactured Home Community	R-MC
Residential Large Lot	R-LL
Country Residential	CR
Commercial Districts	
Commercial General	CG
Commercial Central	CC
Commercial Neighbourhood	CN
Industrial Districts	
Business Industrial	BI
Industrial General	IG
Industrial Heavy	IH
Public Districts	
Public and Institutional	PI
Direct Control Districts	
Direct Control	DC
Special Districts	
Agriculture – Residential Transitional	AG-RT
Agriculture – Business Transitional	AG-BT
Airport	AP
River Valley Lands	RVL

SECTION 2 LAND USE DISTRICTS MAP

2.1 The Land Use Districts Map follows this page (see insert).



SCHEDULE 2

LAND USE DISTRICT REGULATIONS

Schedule 2

LAND USE DISTRICTS

2.1 Each district contains two discretionary use categories:

- Applications for uses listed under Discretionary Uses – A may be decided on by the Development Officer.
- Applications for uses listed under Discretionary Uses – B shall be decided on by the Municipal Planning Commission.

RESIDENTIAL: *R*

SECTION 1 PURPOSE



The purpose of this land use district is to provide for a high quality residential environment with an appropriate range of housing types that are primarily single detached dwellings, with the potential for 2-unit dwellings where appropriate. Lot sizes range from 0.1 to 0.5 acres.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Accessory structure Alternative energy, Solar roof or wall mounted Dwelling: Single detached Ready-to-move A Home occupation 1	Accessory use Alternative energy, Solar ground mounted Childcare Facility, Day homes Dwelling: Modular home A/B[1] Moved-in Ready-to-move B Home occupation 2 Moved-in building Shipping container (temporary) Short-term rental Signs (in accordance with Schedule 7)	Bed and breakfast Childcare facility, Daycares Dwelling: Duplex Semi-detached Group home, Limited Home occupation 3 Lodging house Parks and playgrounds Residential sales center Secondary suite Senior citizen housing
Notes	[1] *See Section 9* - Dwelling: Modular A/B are prohibited	

SECTION 3 MINIMUM LOT SIZE

Dwelling Type	Lot Size	Lot Depth	Lot Width
Single detached	404.7 m^2 (4356 ft^2)	30.2 m (99 ft)	13.4 m (44 ft)
2-unit	459.9 m^2 (4950 ft^2)	30.2 m (99 ft)	15.2 m (50 ft)
All others	To the discretion of the Development Authority.		
Notes	*Semi-detached/duplex lot size minimums are pre-development.*		

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that do not take place within a single detached dwelling shall be determined by the Development Authority;

(2) notwithstanding the setbacks provided in Section 4.3 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(3) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.3 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 BUILD WITHIN AREA

(1) Build within area is applied to front setback requirements and provides a minimum and maximum setback for the frontage of the principal building, as illustrated in Figure 4.2.1; and

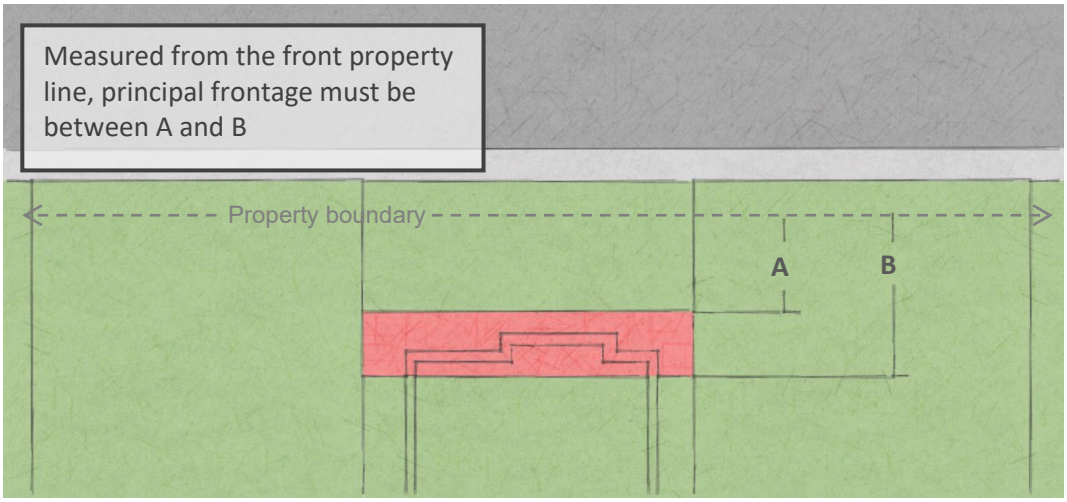


Figure 4.2.1: an example of a build within area.

(2) unless otherwise stated, all other setback requirements of this section are minimums.

4.3 SETBACK REQUIREMENTS

Principal Building		
Mid-block	Front (build within area)	Minimum: 5 m (16.4 ft)
		Maximum: 7.5 m (24.6 ft)
	Attached garage oriented to the front of the principal building	Minimum: 6 m (19.7 ft)
		Maximum: 7.5 m (24.6 ft)
	Rear	7.6 m (24.9 ft)
	Side	1.5 m (4.9 ft)

Corner lot	Front: same as mid-block	
	Rear	5.0 m (16.4 ft)
	Side	1.5 m (4.9 ft)
	Secondary front	3.0 m (9.8 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	Where a development requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres.	
	The side setback provision does not limit the building of a 2-unit dwelling where each dwelling is on a separate lot.	

Accessory Building(s)/Structure(s)		
Mid-block	Front	N/A (prohibited in front yards)
	Rear	0.6 m (2 ft) – without lane
		1.5 m (5 ft) – with lane
	Side	0.6 m (2 ft)
Corner lot	Front: same as mid-block	
	Rear	1.0 m (3.3 ft)
	Side	1.0 m (3.3 ft)
	Secondary front	N/A (prohibited in secondary front)
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings/structures	1.0 m (3.3 ft)
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*	
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.	
	No accessory buildings/structures shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.	
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.	

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 45% inclusive of all buildings and structures

(2) Principal building: 30 – 45% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Single detached, Duplex and Semi-detached dwellings up to 2 units: 10.1 m (33 ft)

(2) Detached garages with approved secondary suites: 7.5 m (24.6 ft) or the height of the principal dwelling, whichever is the lesser of the two

(3) Accessory building(s)/structure(s): 5.5 m (18 ft)

SECTION 7 MINIMUM FLOOR AREA

7.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and

(2) should the dwelling be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Single detached	74.3 m^2 (800 ft^2)
Single Detached in Macleod Landing ASP	130.0m^2 (1400 ft^2)
Duplex and Semi-detached dwellings (per dwelling unit)	65.0 m^2 (700 ft^2)
Secondary suite	30.0 m^2 (322.9 ft^2)

7.3 MAXIMUM FLOOR AREA FOR ACCESSORY BUILDINGS AND ATTACHED GARAGES

(1) The total floor area of any accessory building or attached garage must be less than the total floor area of the principal building.

SECTION 8 FOUNDATION REQUIREMENTS

(1) All dwellings shall be placed on a foundation;

(2) if a dwelling is placed on open foundation, it shall be skirted from the base of the home to the ground with material similar in design to the home itself; and

(3) the basement height of new construction be comparable to other dwellings in the area at the discretion of the development authority.

SECTION 9 SITE-SPECIFIC REQUIREMENTS

9.1 MACLEOD LANDING AREA STRUCTURE PLAN - LOTS 7-14, BLOCK 31, PLAN 2510826

(1) All Dwelling: Single Detached residences within this area shall contain an attached double garage.

(2) Dwelling, Modular category A and B residences are prohibited within this area.

(3) Landscaping Plan must contain a minimum of one (1) tree in the front yard as approved by the development authority.

(4) the basement height of new construction be comparable to other dwellings in the area at the discretion of the development authority.

SECTION 10 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 2: Bed and Breakfasts
Section 3: Childcare Facility
Section 4: Group Homes
Section 5: Home Occupations
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 8: Lodging Houses
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 13: Secondary Suites
Section 16: Shipping Containers
Section 17: Residential Sales Center

Section 20: Condominium Conversion Application
Section 23: Short-Term Rental

(d) Overlays: **Schedule 6**

Section 1: Downtown Overlay
Section 2: Provincial Historic Area Overlay

(e) Signage: **Schedule 7**

RESIDENTIAL MULTI-UNIT 1: *R-MU1*

SECTION 1 PURPOSE



The purpose of this land use district is to provide for a high quality residential environment with an appropriate range of housing types that include a 4 unit density limit for multi-unit residential development, with the potential for single detached dwellings where appropriate.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Accessory structure Alternative energy, Solar roof or wall mounted Dwelling Duplex Semi-detached Home occupation 1	Accessory use Alternative energy, Solar ground mounted Dwelling Single detached Home occupation 2 Moved-in building Shipping container (temporary) Signs (in accordance with Schedule 7)	Child care, Day home Dwelling (up to 4 units): Apartment Group Multi-unit Townhouse Group home, Limited (≤ 5 residents) Home occupation 3 Lodging house Parks and playgrounds Residential sales center Secondary suite Senior citizen housing

SECTION 3 MINIMUM LOT SIZE

Dwelling Type		Lot Size	Lot Depth	Lot Width
Single detached		404.7 m^2 (4356 ft^2)	30.2 m (99 ft)	13.4 m (44 ft)
2-unit to 4 unit		607 m^2 (6534 ft^2)	30.2 m (99 ft)	20.1 m (66 ft)
Townhouse	Interior unit	184.2 m^2 (1980 ft^2)	30.2 m (99 ft)	6.1 m (20 ft)
	End unit	323.1 m^2 (3465 ft^2)	30.2 m (99 ft)	10.7 m (35 ft)
Apartment (4 unit)		To the discretion of the Development Authority.		
All other uses		To the discretion of the Development Authority.		
Notes		*Multi-unit lot size minimums are pre-development except for single detached, apartments, and townhouses.*		

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that are not made up of a dwelling or dwelling units and do not take place within a dwelling unit shall be determined by the Development Authority;

(2) notwithstanding the setbacks provided in Section 4.3 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(3) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.3 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 BUILD WITHIN AREA

(1) Build within area is applied to front setback requirements and provides a minimum and maximum setback for the frontage of the principal building, as illustrated in Figure 4.2.1; and



Figure 4.2.1: an example of a build within area.

(2) unless otherwise stated, all other setback requirements of this section are minimums.

4.3 SETBACK REQUIREMENTS

Principal Building		
Mid-block	Front (build within area)	Minimum: 5 m (16.4 ft)
		Maximum: 7.5 m (24.6 ft)
	Attached garage oriented to the front of the principal building	Minimum: 6 m (19.7 ft)
		Maximum: 7.5 m (24.6 ft)
	Rear	7.6 m (24.9 ft)
	Side	1.5 m (4.9 ft)

Corner lot	Front: same as mid-block	
	Rear	5.0 m (16.4 ft)
	Side	1.5 m (4.9 ft)
	Secondary front	3.0 m (9.8 ft)

Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Where a development requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres.
	The side setback provision does not limit the building of a multi-unit dwelling where each dwelling is on a separate lot.

Accessory Building(s)/Structure(s)		
Mid-block	Front	N/A (prohibited in front yards)
	Rear	0.6 m (2 ft) – without lane
		1.5 m (5 ft) – with lane
	Side	0.6 m (2 ft)
Corner lot	Front: same as mid-block	
	Rear	1.0 m (3.3 ft)
	Side	1.0 m (3.3 ft)
	Secondary front	N/A (prohibited in secondary front)
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*	
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.	
	No accessory buildings/structures shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.	
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.	

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 45% inclusive of all buildings and structures

(2) Principal building: 30 – 45% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Semi-detached and Duplex dwellings up to 2 units: 10.1 m (33 ft)

(2) Apartments, Townhomes and Multi-unit dwellings up to 4 units: 11 m (36.1 ft)

(3) Accessory building(s)/structure(s): 5.5 m (18 ft)

SECTION 7 MINIMUM FLOOR AREA

7.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and

(2) should an individual dwelling unit be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Single detached	74.3 m^2 (800 ft^2)
Apartment, Duplex, Semi-detached, Townhomes and Multi-unit (per dwelling unit)	65 m^2 (775 ft^2) 3 bedroom 55.7 m^2 (600 ft^2) 2 bedroom 43.2 m^2 (465 ft^2) 1 bedroom
Secondary suite	30 m^2 (322.9 ft^2)

SECTION 8 FOUNDATION REQUIREMENTS

(1) All dwellings shall be placed on a foundation;

(2) if a dwelling is placed on an open foundation, it shall be skirted from the base of the home to the ground with material similar in design to the home itself; and

(3) the basement height of new construction be comparable to other dwellings in the area at the discretion of the development authority.

SECTION 9 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-MU1 land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates

Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 3: Childcare Facility
Section 4: Group Homes
Section 5: Home Occupations
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 8: Lodging Houses
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 11: Multi-Unit Residential Development
Section 13: Secondary Suites
Section 16: Shipping Containers
Section 17: Residential Sales Center
Section 20: Condominium Conversion Application

(d) Overlays: **Schedule 6**
Section 1: Downtown Overlay

(e) Signage: **Schedule 7**

RESIDENTIAL MULTI-UNIT 2: *R-MU2*

SECTION 1 PURPOSE



The purpose of this land use district is to provide for a high quality residential environment with an appropriate range of housing types that include densities greater than 4 units for multi-unit residential development.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Alternative energy, Solar roof or wall mounted Home occupation 1	Accessory structure Accessory use Alternative energy, Solar ground mounted Home occupation 2 Moved-in building Shipping container (temporary) Signs (in accordance with Schedule 7)	Dwelling (more than 4 units): Apartment Group Multi-unit Townhouse Group home, Limited (≤ 5 residents) Home occupation 3 Lodging house Parks and playgrounds Residential sales center Secondary suite Senior citizen housing

SECTION 3 MINIMUM LOT SIZE

Dwelling Type	Lot Size	Lot Depth	Lot Width
All uses	>607 m^2 (6534 ft^2)	>30.2 m (99 ft)	>20.1 m (66 ft)

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that are not made up of a dwelling or dwelling units and do not take place within a dwelling unit shall be determined by the Development Authority;

(2) notwithstanding the setbacks provided in Section 4.3 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(3) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.3 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 BUILD WITHIN AREA

(1) Build within area is applied to front setback requirements and provides a minimum and maximum setback for the frontage of the principal building, as illustrated in Figure 4.2.1; and



Figure 4.2.1: an example of a build within area.

(2) unless otherwise stated, all other setback requirements of this section are minimums.

4.3 SETBACK REQUIREMENTS

Principal Building		
Mid-block	Front (build within area)	Minimum: 5 m (16.4 ft)
		Maximum: 7.5 m (24.6 ft)
	Attached garage oriented to the front of the principal building	Minimum: 6 m (19.7 ft)
		Maximum: 7.5 m (24.6 ft)
	Rear	7.6 m (24.9 ft)
	Side	1.5 m (4.9 ft)
Corner lot	Front: same as mid-block	
	Rear	5.0 m (16.4 ft)
	Side	1.5 m (4.9 ft)
	Secondary front	3.0 m (9.8 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	Where a development requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres.	
	The side setback provision does not limit the building of a multi-unit dwelling where each dwelling is on a separate lot.	
Accessory Building(s)/Structure(s)		
Mid-block	Front	N/A (prohibited in front yards)
	Rear	0.6 m (2 ft) – without lane

		1.5 m (5 ft) – with lane
	Side	0.6 m (2 ft)
Corner lot	Front: same as mid-block	
	Rear	1.0 m (3.3 ft)
	Side	1.0 m (3.3 ft)
	Secondary front	N/A (prohibited in secondary front)
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*	
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.	
	No accessory buildings/structures shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.	
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.	

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 45% inclusive of all buildings and structures

(2) Principal building: 30 – 45% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Multi-unit dwellings and Apartment buildings 4 units and greater: 11 m (36.1 ft)

(2) Townhome: 11 m (36.1 ft)

(3) Accessory building(s)/structure(s): 5.5 m (18 ft)

SECTION 7 MINIMUM FLOOR AREA

7.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and

(2) should an individual dwelling unit be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

7.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Townhouse	65 m^2 (700 ft^2)
Apartment and Multi-unit (per dwelling unit)	65 m^2 (775 ft^2) 3 bedroom 55.7 m^2 (600 ft^2) 2 bedroom 43.2 m^2 (465 ft^2) 1 bedroom
Secondary suite	30 m^2 (322.9 ft^2)

SECTION 8 FOUNDATION REQUIREMENTS

(1) All dwellings shall be placed on a foundation;

(2) if a dwelling is placed on an open foundation, it shall be skirted from the base of the home to the ground with material similar in design to the home itself; and

(3) the basement height of new construction be comparable to other dwellings in the area at the discretion of the development authority.

SECTION 9 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-MU2 land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 4: Group Homes
Section 5: Home Occupations

Section 6: Moved-in Buildings and Moved-in Dwellings
Section 8: Lodging Houses
Section 11: Multi-Unit Residential Development
Section 13: Secondary Suites
Section 16: Shipping Containers
Section 17: Residential Sales Center
Section 20: Condominium Conversion Application

(d) Overlays: **Schedule 6**

Section 1: Downtown Overlay

(e) Signage: **Schedule 7**

RESIDENTIAL MANUFACTURED HOME: *R-MH*

SECTION 1 PURPOSE



The purpose of this land use district is to provide for the development of comprehensively designed manufactured home subdivisions in which dwelling units are accommodated on individually titled lots, with individual servicing connections supplied to each dwelling unit. Lot sizes range from 0.1 to 0.5 acres.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Accessory structure Alternative energy, Solar roof or wall mounted Dwelling: Manufactured home 5 years old or newer Modular home B Ready-to-move home B Home occupation 1 Single detached	Accessory use Alternative energy, Solar ground mounted Childcare facility, Day homes Dwelling: Manufactured home between 6 and 10 years old Modular home A Moved-in Ready-to-move home A Home occupation 2 Moved-in building Shipping container (temporary) Short-term rental Signs (in accordance with Schedule 7)	Dwelling: Manufactured home older than 10 years Residential sales center

SECTION 3 ELIGIBLE MANUFACTURED HOMES

(1) The following manufactured homes are eligible to make application for development:

(a) Manufactured homes shall be Canadian Standards Association (CSA) certified and meet the requirements of any other applicable national, provincial and local regulations and standards;

(b) New factory built manufactured homes constructed in accordance with CSA A277 standards and any amendments thereto; and

(c) Used factory built manufactured homes in a state of good repair, as defined in Schedule 5 (Use Specific Standards of Development) and further to the discretion of the Development Authority.

(2) Evidence of the original construction date may be required, in a form deemed suitable by the Development Authority.

SECTION 4 MINIMUM LOT SIZE

Dwelling Type or Use	Lot Size	Lot Depth	Lot Width
Single detached Manufactured home Modular home A/B Ready-to-move home A/B	404.7 m^2 (4356 ft^2)	30.2 m (99 ft)	13.4 m (44 ft)
All other uses	To the discretion of the Development Authority.		

SECTION 5 SETBACKS

5.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that are not made up of a dwelling or dwelling units and do not take place within a dwelling unit shall be determined by the Development Authority;

(2) notwithstanding the setbacks provided in Section 5.3 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(3) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 5.3 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

5.2 BUILD WITHIN AREA

(1) Build within area is applied to front setback requirements and provides a minimum and maximum setback for the frontage of the principal building, as illustrated in Figure 5.2.1; and

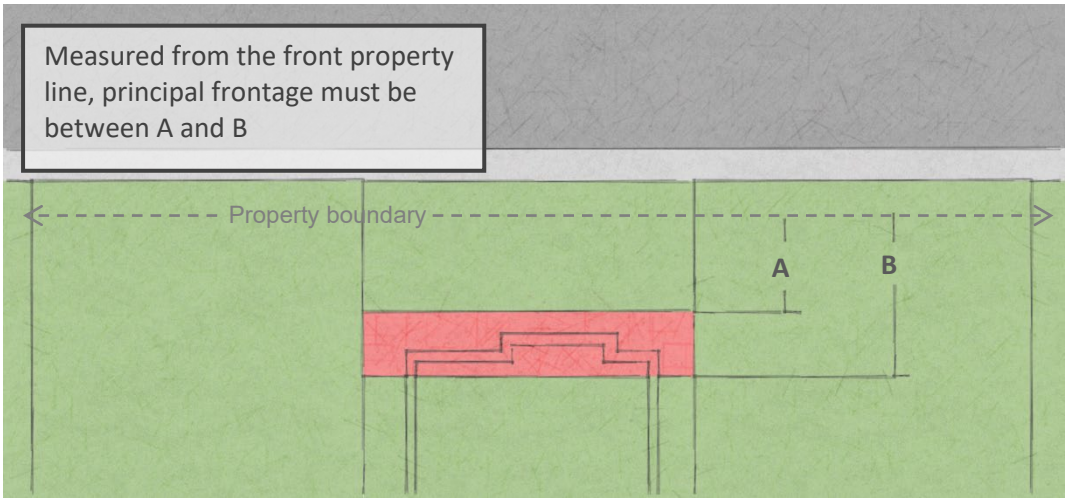


Figure 5.2.1: an example of a build within area.

(2) unless otherwise stated, all other setback requirements of this section are minimums.

5.3 SETBACK REQUIREMENTS

Principal Building		
Mid-block	Front (build within area)	Minimum: 5 m (16.4 ft)
		Maximum: 7.5 m (24.6 ft)
	Rear	3 m (9.8 ft)
	Side	1.5 m (4.9 ft)
Corner lot	Front: same as mid-block	
	Rear	3.0 m (9.8 ft)
	Side	1.5 m (4.9 ft)
	Secondary front	3.0 m (9.8 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	If parking stalls cannot be accommodated along the side of the lot, the minimum front setback shall be 6 m.	
	Where a development requires vehicular access that is not available from the rear of the lot and there is no attached garage or carport, the side setback on one side shall be 3.0 metres.	

Accessory Buildings/Structure(s)		
Mid-block	Front	N/A (prohibited in front yards)
	Rear	0.6 m (2 ft) – without lane
		0.6 m (2 ft) – with lane
	Side	1.5 m (4.9 ft)
Corner lot	Front: same as mid-block	
	Rear	1.0 m (3.3 ft)
	Side	1.0 m (3.3 ft)
	Secondary front	N/A (prohibited in secondary front)
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*	
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.	
	No accessory buildings/structures shall be located adjacent to the principal building on the same side of the yard as the one-side 3.0 metre principal building setback, if applicable.	

	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.

SECTION 6 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 45% inclusive of all buildings and structures

(2) Principal building: 30 – 45% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 7 BUILDING DIMENSIONS

(1) All dwelling types - height: 10.1 m (33 ft)

(2) Minimum width of manufactured home: 4.2 m (13.8 ft)

(3) Accessory building(s)/structure(s) height: 5.5 m (18 ft)

(4) Dimensional requirements for all other buildings in this land use district are to the discretion of the Development Authority.

SECTION 8 MINIMUM FLOOR AREA

8.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and

(2) should the dwelling be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

8.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Manufactured home Modular home A/B Ready-to-move home A/B Single detached	74.3 m^2 (800 ft^2)

8.3 MAXIMUM FLOOR AREA FOR ACCESSORY BUILDINGS AND ATTACHED GARAGES

(1) The total floor area of any accessory building or attached garage must be less than the total floor area of the principal building.

SECTION 9 FOUNDATION REQUIREMENTS

(1) All manufactured homes shall be placed on a full foundation of poured concrete or concrete blocks or upon and affixed to steel or concrete piles, or upon an approved treated wooden basement or foundation;

(2) if a manufactured home is placed on piles, it shall be skirted from the base of the home to the ground with material similar in design to the home itself; and

(3) regardless of the type of foundation a manufactured home is placed on, all hitches, wheels, and axels shall be removed prior to occupancy of the home.

SECTION 10 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-MH land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 5: Home Occupations
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 9: Manufactured Homes and Manufactured Home Community
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 16: Shipping Containers
Section 17: Residential Sales Center
Section 23: Short-Term Rental

(d) Signage: **Schedule 7**

RESIDENTIAL MANUFACTURED HOME COMMUNITY: *R-MC*

SECTION 1 PURPOSE



The purpose of this land use district is to provide for the development of comprehensively planned manufactured home communities where un-subdivided but appropriately demarcated and adequately serviced lots are available for lease or rent, in accordance with approved conceptual design scheme and in locations considered to be suitable and complementary to adjacent uses.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory structure Alternative energy, Solar roof or wall mounted Dwelling: Manufactured home Home occupation 1	Accessory building Accessory use Alternative energy, Solar ground mounted Dwelling: Modular home A/B Moved-in Ready-to-move home A/B Single detached Home occupation 2 Moved-in building Outdoor storage Shipping container (temporary) Signs (in accordance with Schedule 7)	Parks and playgrounds Recreation facilities Residential sales center

SECTION 3 ELIGIBLE MANUFACTURED HOMES

(1) Manufactured homes shall be Canadian Standards Association (CSA) certified and meet the requirements of any other applicable national, provincial and local regulations and standards;

(2) new factory built manufactured homes constructed in accordance with CSA A277 standard and any amendments thereto; and

(3) used factory built manufactured homes in a state of good repair, as defined in Schedule 5 (Use Specific Standards of Development) of this bylaw and further to the discretion of the Development Authority.

SECTION 4 MINIMUM MANUFACTURED HOME COMMUNITY SIZE

The minimum size shall be 2.0 ha (4.9 acres) or alternatively as approved by the Municipal Planning Commission, with consideration for the suitability of smaller sites and potential impacts to adjacent uses.

SECTION 5 MINIMUM LOT SIZE

Dwelling Type or Use	Lot Size	Lot Depth	Lot Width
Manufactured home Modular home A/B Ready-to-move home A/B Single detached	362.4 m^2 (3901 ft^2)	30.2 m (99 ft)	12 m (39.4 ft)
All other uses	To the discretion of the Development Authority.		

SECTION 6 SETBACKS

6.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that are not made up of a dwelling or dwelling units and do not take place within a dwelling unit shall be determined by the Development Authority;

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 6.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

6.2 SETBACK REQUIREMENTS

Principal Building		
Front	From closest edge of internal road	4 m (13.1 ft)
	From any permanent structure located directly across from the front of the unit	17.5 m (57.4 ft)
Rear	3 m (9.8 ft)	
Side	0 m (0 ft) one side only (see *Notes)*	
Other	From any manufactured home community boundary	3 m (9.8 ft)
	From the side of any manufactured home to any other manufactured home	2.4 m (7.9 ft)
	One side yard setback, to maintain living space for driveways, carports, porches, patios and similar site features	5.5 m (18 ft)

Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	If parking stalls cannot be accommodated along the side of the lot, the minimum front setback shall be 6 m.
	0 m side yard setback only permitted when the home is placed on the opposite side yard to the home on the adjacent lot, and a minimum 1.5 m (4.9 ft) maintenance easement is registered on the adjacent property, giving

	access to the side of the home that would otherwise be inaccessible.

Accessory Building(s)/Structure(s)		
Front	Parallel to the front of the principal building at minimum	
Rear	1.0 m (3.3 ft)	
Side	1.0 m (3.3 ft)	
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*	
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.	
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.	

SECTION 7 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 45% inclusive of all buildings and structures

(2) Principal building: 30 – 45% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 8 BUILDING DIMENSIONS

(1) All dwelling types - height: 10.1 m (33 ft)

(2) Minimum width of manufactured home: 4.2 m (13.8 ft)

(3) Accessory building(s)/structure(s) height: 5.5m (18 ft)

(4) Dimensional requirements for all other buildings in this land use district are to the discretion of the Development Authority.

SECTION 9 MINIMUM FLOOR AREA

9.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and

(2) should the dwelling be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

9.2 MINIMUM FLOOR AREAS

Dwelling Type	Minimum Floor Area
Manufactured home Modular home A/B Ready-to-move home A/B Single detached	74.3 m^2 (800 ft^2)

SECTION 10 FOUNDATION REQUIREMENTS

(1) All manufactured homes shall be placed on a full foundation of poured concrete or concrete blocks or upon and affixed to steel or concrete piles, or upon an approved treated wooden basement, foundation, or blocks;

(2) if a manufactured home is placed on piles or blocks, it shall be skirted from the base of the home to the ground with material similar in design to the home itself; and

(3) regardless of the type of foundation a manufactured home is placed on, all hitches, wheels, and axels shall be skirted such that no part of them is visible.

SECTION 11 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-MC land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 5: Home Occupations
Section 6: Moved-in Buildings and Moved-in Dwellings

Section 9: Manufactured Homes and Manufactured Home Community
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 16: Shipping Containers
Section 17: Residential Sales Center

(d) Signage: **Schedule 7**

RESIDENTIAL LARGE LOT: *R-LL*

SECTION 1 PURPOSE

The purpose of this land use district is to ensure a high-quality of development occurs on large residential lots by requiring high standards of development and restricting the types of uses that may occur in order to avoid potential conflicts. These lots may be on municipal water and/or sewage systems and may be subject to architectural control via restrictive covenants registered on title.



SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building (≤ 700 ft²) Alternative energy, Solar roof or wall mounted Dwelling: Modular home A Ready-to-move home A Single detached Home occupation 1	Accessory building (701 to 2000 ft²) Accessory structure Accessory use Alternative energy, Solar ground mounted Childcare facility, Day homes Dwelling: Modular home B Ready-to-move home B Home occupation 2 Moved-in building Shipping container (temporary) Short-term rental Signs (in accordance with Schedule 7)	Accessory building (>2000 ft²) Bed and breakfast Lodging house Childcare facility, Daycares Dwelling: Moved-in Home occupation 3 Market garden Residential sales center Secondary suite

SECTION 3 MINIMUM LOT SIZE

Dwelling Type or Use	Lot Size		Lot Depth	Lot Width
Single detached Modular home A/B Ready-to-move home A/B	Minimum	0.2 ha (0.5 acre)	To the discretion of the Development Authority.	
	Maximum	0.8 ha (2 acres)		
All other uses	To the discretion of the Development Authority.			

SECTION 4 SPECIAL DEVELOPMENT STANDARDS

(1) Residential Large Lot uses may be exempted from the requirement to connect to the municipal sewage system, if in the opinion of the Municipal Planning Commission it is deemed not to be feasible;

(2) a professional soils tests/analysis shall be submitted as part of an application for subdivision or development within this land use district to ensure a suitable site is available to install a private sewage treatment system. The analysis must include identifying and confirming the depth to water table to meet provincial requirements and be performed and approved by an engineer or approved agency under Alberta Municipal Affairs.

SECTION 5 SETBACKS

5.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that do not take place within a single detached dwelling shall be determined by the Development Authority;

(2) notwithstanding the setbacks provided in Section 5.3 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(3) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 5.3 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

5.2 SETBACK REQUIREMENTS

Principal Building		
Front and Secondary front	15 m (49.2 ft)	
Rear	15 m (49.2 ft)	
Side	7.6 m (25 ft)	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.	

Accessory Building(s)/Structure(s)		
Front and Secondary front	15 m (49.2 ft) or parallel with the front face of the dwelling, whichever is the greater of the two	
Rear	15 m (49.2 ft)	
Side	7.6 m (25 ft)	
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)

Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.
	The front face of the dwelling, as applied to the minimum front and secondary front setback for accessory buildings and/or structures, is to be considered whichever face of the dwelling faces the front yard or secondary front yard, as determined by application of this bylaw.

SECTION 6 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 15% inclusive of all buildings and structures

(2) Principal building: 7.5 to 15% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 7.5% depending on principal building

SECTION 7 MAXIMUM BUILDING HEIGHT

(1) Single detached: 10.1 m (33 ft)

(2) Detached garage with approved secondary suite: 7.5 m (24.6 ft) or the height of the principal dwelling, whichever is the lesser of the two

(3) Accessory building(s): 5.5m (18 ft)

SECTION 8 FLOOR AREA REQUIREMENTS

8.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and

(2) should the dwelling be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

8.2 MINIMUM FLOOR AREAS

Dwelling	Minimum Floor Area
Modular home A/B Ready-to-move home A/B Single detached dwelling	130 m^2 (1400 ft^2)
Secondary suite	30 m^2 (322.9 ft^2)

8.3 MAXIMUM FLOOR AREAS

Building or Structure	Maximum Floor Area
Accessory building/structure	Twice the floor area of the dwelling on the same lot up to the maximum lot coverage allowed as per Section 6 of this land use district.

SECTION 9 FOUNDATION REQUIREMENTS

(1) All dwellings shall be placed on a foundation;

(2) if a dwelling is placed on an open foundation, it shall be skirted from the base of the home to the ground with material similar in design to the home itself; and

(3) the basement height of new construction be comparable to other dwellings in the area at the discretion of the development authority.

SECTION 10 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the R-LL land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 2: Bed and Breakfasts
Section 3: Childcare Facility
Section 4: Group Homes
Section 5: Home Occupations
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 8: Lodging Houses
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 13: Secondary Suites
Section 16: Shipping Containers
Section 17: Residential Sales Center
Section 20: Condominium Conversion Application
Section 23: Short-Term Rental

(d) Overlays: **Schedule 6**

Section 3: Gateways Overlay

(e) Signage: **Schedule 7**

COUNTRY RESIDENTIAL: *CR*

SECTION 1 PURPOSE



The purpose of the Country Residential land use district is to accommodate residential development in specific areas of the Town of Fort Macleod on fragmented lands or areas suitable for such development that may not be connected to the conventional municipal water or sanitary sewer system, provided the proposed uses will:

(1) not conflict with the residential, recreational or other uses on lands adjacent to or in close proximity to the proposal; and

(2) not compromise the safe, efficient operation of the existing road and servicing network or more dense urban expansion of the municipality.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building (< 700 ft^2) Alternative energy, Solar roof or wall mounted Dwelling: Modular home A Ready-to-move A Single detached Home occupation 1	Accessory building (701 to 2000 ft^2) Accessory structure Accessory use Alternative energy, Solar ground mounted Childcare facility, Day homes Dwelling: Modular home B Moved-in Ready-to-move B Home occupation 2 Kennel, Minor Moved-in building Shipping container (temporary) Short-term rental Signs (in accordance with Schedule 7)	Accessory building (> 2000 ft^2) ¥Airplane hangar, Private Alternative energy, Wind Bed and breakfast Childcare facility, Daycares Home occupation 3 Lodging house Kennel, Major Market garden Residential sales center Secondary suite
Notes	*¥Airplane hangars are prohibited unless the parcel on which the hangar is proposed is directly adjacent to and has direct physical access to the airport's taxiway or other type of approved airplane right-of-way.*	

SECTION 3 MINIMUM LOT SIZE

Lot Size	Lot Depth	Lot Width
0.8 ha (2.0 acres)	To the discretion of the Development Authority.	

SECTION 4 SPECIAL DEVELOPMENT STANDARDS

(1) Country Residential uses may be exempted from the requirement to connect to the municipal water or sewage system, if in the opinion of the Municipal Planning Commission it is deemed not to be feasible;

(2) a professional soils tests/analysis shall be submitted as part of an application for subdivision or development within this land use district to ensure a suitable site is available to install a private sewage treatment system. The analysis must include identifying and confirming the depth to water table to meet provincial requirements and be performed and approved by an engineer or approved agency under Alberta Municipal Affairs.

SECTION 5 SETBACKS

5.1 APPLICABILITY

(1) Minimum setbacks for those discretionary uses that do not take place within a single detached dwelling shall be determined by the Development Authority;

(2) notwithstanding the setbacks provided in Section 5.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(3) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 5.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

5.2 SETBACK REQUIREMENTS

Principal Building		
Front and Secondary front	15 m (49.2 ft)	
Rear	15 m (49.2 ft)	
Side	7.6 m (25 ft)	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.	

Accessory Building(s)/Structure(s)		
Front and Secondary front	15 m (49.2 ft)	
Rear	15 m (49.2 ft)	
Side	7.6 m (25 ft)	
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)

Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.

SECTION 6 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 15% inclusive of all buildings and structures

(2) Principal building: 7.5 to 15% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 7.5% depending on principal building

SECTION 7 MAXIMUM BUILDING HEIGHT

(1) Single detached: 10.1 m (33 ft)

(2) Detached garage with approved secondary suite: 7.5 m (24.6 ft) or the height of the principal dwelling, whichever is the lesser of the two

(3) Accessory buildings $\leq$ 65 m^2 (700 ft^2): 4.9 m (16 ft)

(4) Accessory buildings > 65 m^2 (700 ft^2): 7.3 m (24 ft)

(5) Wind Fences: 4.9m (16ft)

SECTION 8 FLOOR AREA REQUIREMENTS

8.1 APPLICABILITY

(1) Minimum floor areas are calculated for that part of a building that is no more than 1.0 m (3.3 ft) below finished grade, which does not include finished basements or attached garages; and

(2) should the dwelling be multiple storeys, the minimum floor area shall be required to be met for the main floor (closest to grade) of the dwelling, with the floor area of all other storeys being in addition to the minimum floor area requirements.

8.2 MINIMUM FLOOR AREAS

Dwelling	Minimum Floor Area
Modular home A/B Ready-to-move A/B Single detached	74.3 m^2 (800 ft^2)
Secondary suite	30 m^2 (322.9 ft^2)

8.3 MAXIMUM FLOOR AREAS

Building or Structure	Maximum Floor Area
Accessory structure	To the discretion of the Development Authority, with consideration for potential conflicts adjacent to and within the area of the accessory structure.

SECTION 9 FOUNDATION REQUIREMENTS

(1) All dwellings shall be placed on a foundation;

(2) if a dwelling is placed on an open foundation, it shall be skirted from the base of the home to the ground with material similar in design to the home itself; and

(3) the basement height of new construction be comparable to other dwellings in the area at the discretion of the development authority.

SECTION 10 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the CR land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 2: Bed and Breakfasts
Section 3: Childcare Facility
Section 4: Group Homes
Section 5: Home Occupations
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 7: Kennels
Section 8: Lodging Houses
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 13: Secondary Suites
Section 16: Shipping Containers
Section 17: Residential Sales Center
Section 20: Condominium Conversion Application
Section 23: Short-Term Rental

(d) Overlays: **Schedule 6**

Section 3: Gateways Overlay

(e) Signage: **Schedule 7**

COMMERCIAL GENERAL: *CG*

SECTION 1 PURPOSE



The purpose of this land use district is to accommodate a variety of commercial uses that cater to Town residents, surrounding communities, and the travelling public.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building	Accessory use	Automotive repair shop
Accessory structure	Alternative energy, Solar ground mounted	Bar/lounge
Alternative energy, Solar roof or wall mounted	Automotive sales and service	Breweries, distilleries and wineries
Bakery	Community resource facility	Cannabis retail store
Business support service	Childcare facility, Daycares	Car wash
Cafe	Dwelling unit above non-residential use	Commercial school
Convenience store	Dwelling unit in rear of non-residential use	Equipment sales and services, Light
Dry cleaner	Entertainment establishment	Gas bar
Financial institution	Funeral services	Hotel:> 20 rooms
Government service	Hotel:< 20 rooms	Liquor store
Laundromat	Kennel, Minor	Lodges and clubs
Medical/health facilities	Kennel, Major	Parking facility
Office	Outdoor display	Parks and playgrounds
Personal service establishment	Media production facilities	Pawn shop
Pet grooming services	Mixed-use	Recreational vehicle sales and service
Restaurant	Moved-in building	Religious assembly
Retail store	Private recreation	Service station
Shipping container (temporary)	Private utilities	Shipping container (permanent)
Sign:	Public recreation	Short-term rental
Canopy	Public utilities	Sign:
Fascia	Repair and service shop	Mural
Temporary	Sign:	Storage, Outdoor
Window	Freestanding	Tattoo shop
	Projecting	Theatre
	Surveillance suite	Warehouse store
	Veterinary clinic	
	Workshop	

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All – no lane	921 m^2 (9915 ft^2)	30.2 m (99 ft)	30.5 m (100 ft)
All – with lane	459.8 m^2 (4950 ft^2)	30.2 m (99 ft)	15.2 m (50 ft)
Downtown Overlay	To the discretion of the Development Authority.		
Provincial historic area overlay	To the discretion of the Development Authority.		

Notes	*Minimum lot sizes do not preclude individual commercial units to be separated by condominium subdivision.*

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building	
Front and Secondary front	5 m (16.4 ft)
Rear	0 m (0 ft) except where parking, loading, storage, building access and maintenance, and waste disposal provisions are required
Side	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)		
Front	N/A (prohibited in front yards)	
Rear	1.0 m (3.3 ft)	
Side	1.0 m (3.3 ft)	
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.	
	Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.	

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 60% inclusive of all buildings and structures

(2) Principal building: 45 – 60% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s): 5.5m (18 ft)

(3) Building height maximums within the Downtown Overlay and Provincial Historic Area Overlay (Schedule 6) shall be to the discretion of the Development Authority.

SECTION 7 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the CG land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening
Section 6: Vehicle-oriented Development

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 3: Childcare Facility
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 7: Kennels
Section 14: Breweries, Distilleries and Wineries

Section 15: Cannabis Regulation
Section 16: Shipping Containers
Section 20: Condominium Conversion Application
Section 21: Mixed-use Development

(d) Overlays **Schedule 6**

Section 1: Downtown Overlay
Section 3: Gateways Overlay

(e) Signs **Schedule 7**

COMMERCIAL CENTRAL: *CC*

SECTION 1 PURPOSE



The purpose of this land use district is to:

(1) ensure that new commercial development supports and enhances the existing built up areas of Fort Macleod's downtown and Provincial Historic Area, and

(2) to provide flexibility of use and design to new or redeveloped areas of the Town that may be suited to more concentrated forms of commercial development.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Arts and crafts studio Bakery Business support services Cafe Convenience store Dry cleaner Dwelling units above non-residential use Financial institution Government services Laundromat Medical/health facilities Outdoor display Office Personal service establishment Pet grooming services Restaurant Retail store Sign: Canopy Fascia Temporary Window	Accessory building Accessory structure Accessory use Alternative energy, Solar Community resource facility Childcare facility, Daycares Dwelling units in the rear of non-residential uses Entertainment establishment Farmer's market Mixed-use Moved-in building Private recreation Public recreation Public utilities Religious assembly Repair and service shop Shipping container (temporary) Short-term rental Sign: Freestanding Projecting #Structural alteration and/or maintenance to an approved use/building in the Provincial Historic Area Workshop	Bar/lounge Breweries, distilleries and wineries Cannabis retail store Commercial school Hotel Liquor store Lodges and clubs Parking facility Parks and playgrounds Service station Sign: Mural Tattoo shop Theatre

Notes	*#See the definition for maintenance in Schedule 8.*

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All	139.4 m^2 (1500 ft^2)	To the discretion of the Development Authority.	4.6 m (15 ft)
Downtown overlay	As prescribed in the Downtown Overlay (Schedule 6).		
Provincial historic area overlay	As required in the Provincial Historic Area overlay (Schedule 6).		
Notes	*Minimum lot sizes do not preclude individual commercial units to be separated by condominium subdivision.*		

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building	
Front and Secondary front	0 m (0 ft)
Rear	0 m (0 ft) except where parking, loading, storage, building access and maintenance, and waste disposal provisions are required
Side	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)		
Front	N/A (prohibited in front yards)	
Rear	1.0 m (3.3 ft)	
Side	1.0 m (3.3 ft)	
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	

	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 85% inclusive of all buildings and structures

(2) Principal building: 60 – 85% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

(4) Notwithstanding sub-sections (1) to (3), existing development in the Downtown Overlay or the Provincial Historic Area overlay that exceeds 85% lot coverage shall instead meet lot coverage requirements as determined by the Development Authority.

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s): 4.9 m (16 ft)

(3) Building height maximums within the Downtown Overlay and Provincial Historic Area Overlay shall be to the discretion of the Development Authority.

SECTION 7 DWELLING UNITS

(1) Dwelling units developed above non-residential uses or in the rear of non-residential uses shall meet all requirements of Schedule 5 (Use Specific Standards of Development) Section 21 (Mixed-Use Development), in addition to all other applicable requirements of this bylaw.

SECTION 8 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the CC land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 10: Nuisance, Pollution and Hazard Control

Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening
Section 6: Vehicle-oriented Development

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 3: Childcare Facility
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 14: Breweries, Distilleries and Wineries
Section 15: Cannabis Regulation
Section 16: Shipping Containers
Section 20: Condominium Conversion Application
Section 21: Mixed-use Development
Section 23: Short-Term Rental

(d) Overlays: **Schedule 6**

Section 1: Downtown Overlay
Section 2: Provincial Historic Area Overlay

(e) Signage: **Schedule 7**

COMMERCIAL NEIGHBOURHOOD: *CN*

SECTION 1 PURPOSE



The purpose of this land use district is to provide for commercial uses located within primarily residential neighbourhoods that are compatible with and complementary to the daily needs of residents.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Accessory structure Alternative energy, Solar roof or wall mounted Arts and crafts studio Bakery Cafe Convenience store Laundromat Outdoor display Personal service establishment Pet grooming services Retail store	Accessory use Alternative energy, Solar ground mounted Childcare facility, Daycares Dry cleaner Dwelling unit above non-residential use Dwelling unit in rear of non-residential use Mixed-use Moved-in building Parks and playgrounds Private recreation Private utilities Public recreation Public utilities Shipping container (temporary) Sign Canopy Fascia Temporary Window	Bar/lounge Religious assembly Restaurant Sign: Freestanding Mural Projecting

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All – no lane	921 m^2 (9915 ft^2)	30.2 m (99 ft)	30.5 m (100 ft)
All – with lane	404.7 m^2 (4356.2 ft^2)	30.2 m (99 ft)	13.4 m (44 ft)
Downtown Overlay	To the discretion of the Development Authority.		
Provincial historic area overlay	To the discretion of the Development Authority.		
Notes	*Minimum lot sizes do not preclude individual commercial units to be separated by condominium subdivision.*		

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building		
Front and Secondary front	0 m (0 ft)	
Rear	7.5 m (24.6 ft)	
Side	4.5 m (14.8 ft)	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.	

Accessory Building(s)/Structure(s)		
Front	N/A (prohibited in front yards)	
Rear	1.0 m (3.3 ft)	
Side	1.0 m (3.3 ft)	
Internal	From principal building	1.5 m (4.9 ft)
	From other accessory buildings	1.0 m (3.3 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*	
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.	
	Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.	

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 60% inclusive of all buildings and structures

(2) Principal building: 45 – 60% depending on accessory structures

Note: attached garages are considered part of the principal building for the purposes of lot coverage calculations.

(3) Accessory building(s): 0 – 15% depending on principal building

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.1 m (33 ft)

(2) Accessory building(s): 4.9 m (16 ft)

(3) Building height maximums within the Downtown Overlay and Provincial Historic Area Overlay (Schedule 6) shall be to the discretion of the Development Authority.

SECTION 7 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the CN land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening
Section 6: Vehicle-oriented Development

(b) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 2: Childcare Facility
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 16: Shipping Containers
Section 21: Mixed-use Development

(d) Signage: **Schedule 7**

BUSINESS INDUSTRIAL: *BI*

SECTION 1 PURPOSE



The purpose of this land use district is to allow for the development of light industrial and commercial uses compatible with one another and with uses in adjacent districts.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building	Accessory use	Auctioneering facilities
Accessory structure	Alternative energy, Solar ground mounted	Bar/lounge
Alternative energy, Solar roof or wall mounted	Autobody and paint shop	Breweries, distilleries and wineries
Automotive sales and service	Automotive repair shop	Cannabis production facility
Business support services	Commercial school	Childcare Facility, Daycares
Car wash	Community resource facility	Delivery service
Contractor, General	Convenience store	Entertainment establishment
Contractor, Limited	Custodial quarters	Equipment sales and service, heavy
Equipment sales and service, Light	Dry cleaner	Freight and cartage services
Garden centre	Farmer's market	Lumber yard
Gas bar	Funeral services	Manufactured home sales and service
Greenhouse	Kennel, Minor	Parking facility
Home improvement store	Kennel, Major	Pawn shop
Outdoor display	Manufacturing, Light	Private recreation
Office	Lodges and clubs	Public recreation
Repair and service shop	Media production facilities	Recycling facility
Service station	Moved-in building	Restaurant
Shipping container (temporary)	Private utilities	Sign:
Sign:	Public utilities	Mural
Canopy	Recreational vehicle sales and service	Storage, Outdoor
Fascia	Research establishment	Truck stop
Temporary	Shipping containers (permanent)	
Window	Sign:	
Storage, Indoor	Freestanding	
Warehouse store	Projecting	
Warehouse	Surveillance suite	
Workshop	Veterinary clinic	

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All – no lane	921 m^2 (9915 ft^2)	30.2 m (99 ft)	30.5 m (100 ft)
All – with lane	607 m^2 (6534 ft^2)	30.2 m (99 ft)	20.1 m (66 ft)
Notes	*Minimum lot sizes do not preclude individual units to be separated by condominium subdivision.*		

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building	
Front and Secondary front	5 m (16.4 ft)
Rear (with lane)	5 m (16.4 ft)
Rear (without lane)	7.5 m (24.9 ft)
Side	1.5 m (4.9 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)	
To the discretion of the Development Authority, with consideration for required setbacks and minimum distance separations based on the materials stored in accessory structures.	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 60% inclusive of all buildings and structures

SECTION 6 MINIMUM GREEN SPACE

(1) Minimum green space: 10% or as required by the Development Authority

SECTION 7 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s): 10.7 m (35 ft)

SECTION 8 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the BI land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 3: Industrial Performance Standards
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening
Section 6: Vehicle-oriented Development

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 2: Childcare Facility
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 7: Kennels
Section 14: Breweries, Distilleries and Wineries
Section 15: Cannabis Regulation
Section 16: Shipping Containers
Section 20: Condominium Conversion Application

(d) Overlays: **Schedule 6**

Section 3: Gateways Overlay

(e) Signage: **Schedule 7**

INDUSTRIAL GENERAL: *IG*

SECTION 1 PURPOSE



The purpose of this land use district is to accommodate a range of primarily industrial uses while allowing for the development of uses that may require larger lots, special siting and/or servicing, or which may be considered noxious or hazardous.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building	Accessory use	Breweries, distilleries and wineries
Accessory structure	Alternative energy, Solar ground mounted	Bulk fuel station
Alternative energy, Solar roof or wall mounted	Auctioneering facilities	Cannabis production facility
Autobody and paint shop	Community resource facility	Childcare facility, Daycares
Automotive repair shop	Custodial quarters	Construction staging area
Commercial school	Equipment sales and service, Heavy	Entertainment establishment
Contractor, General	Greenhouse	Industrial agriculture
Contractor, Limited	Kennel, Major	Parking facility
Delivery service	Manufactured home sales and services	Pawn shop
Equipment sales and service, Light	Manufacturing, General	Salvage and scrap yard
Freight and cartage services	Moved-in building	Sandblasting facility
Funeral services	Private utilities	Sign:
Garden centre	Public utilities	Mural
Kennel, Minor	Recycling facility	Truck stop
Lumber yard	Research establishment	
Manufacturing, Light	Restaurant	
Outdoor display	Shipping container (permanent)	
Office	Sign:	
Private recreation	Freestanding	
Recreational vehicle sales and service	Projecting	
Repair and service shop	Surveillance suite	
Service station		
Shipping container (temporary)		
Sign:		
Canopy		
Fascia		
Temporary		
Window		
Storage, Indoor		
Storage, Outdoor		
Truck and car wash		
Veterinary clinics		
Warehouse		
Warehouse store		
Workshop		

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All	1393.5 m^2 (15000 ft^2)	45.7 m (150 ft)	30.5 m (100 ft)
Notes	*Minimum lot sizes do not preclude individual units to be separated by condominium subdivision.*		

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building	
Front and Secondary front	7.5 m (24.9 ft)
Rear	7.5 m (24.9 ft)
Side	3 m (9.8 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)	
To the discretion of the Development Authority, with consideration for required setbacks and minimum distance separations based on the materials stored in accessory structures.	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 60% inclusive of all buildings and structures

SECTION 6 MINIMUM GREEN SPACE

(1) Minimum green space: 10% or as required by the Development Authority

SECTION 7 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s): 10.7 m (35 ft)

SECTION 8 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the IG land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 3: Industrial Performance Standards
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening
Section 6: Vehicle-oriented Development

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 3: Childcare Facility
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 7: Kennels
Section 14: Breweries, Distilleries and Wineries
Section 15: Cannabis Regulation
Section 16: Shipping Container
Section 20: Condominium Conversion Application
Section 22: Sandblasting, Welding and Fabrication Facilities

(d) Overlays: **Schedule 6**

Section 1: Downtown Overlay
Section 3: Gateways Overlay

(e) Signage: **Schedule 7**

INDUSTRIAL HEAVY: *IH*

SECTION 1 PURPOSE

The purpose of this land use district is to provide for a variety of industrial developments typically referred to as *heavy*, as in having the potential to create significant on-site impacts such as but not limited to noise, odour, outdoor storage requirements, and vibration.



SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Accessory structure Alternative energy, Solar roof or wall mounted Auctioneering facilities Autobody and paint shop Automotive repair shop Bulk fuel station Commercial school Equipment sales and service, Light Freight and cartage services Kennel, Minor Lumber yard Manufacturing, General Manufacturing, Light Outdoor display Storage, Outdoor Recycling facility Repair and service shop Shipping container (temporary) Sign: Canopy Fascia Temporary Window	Accessory use Alternative energy, Solar ground mounted Asphalt operations Custodial quarters Equipment sales and service, Heavy Greenhouse Moved-in building Kennel, Major Research establishment Sandblasting facility Shipping container (permanent) Sign: Freestanding Projecting Surveillance suite	Abattoir Alternative energy, Wind Auto wrecking facility Breweries, distilleries and wineries Cannabis production facility Construction staging area Data mining operation Industrial agriculture Manufacturing, Heavy Salvage and scrap yard Truck stop

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All	1393.5 m^2 (15000 ft^2)	45.7 m (150 ft)	30.5 m (100 ft)
Notes	*Minimum lot sizes do not preclude individual units to be separated by condominium subdivision.*		

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building	
Front and Secondary front	7.5 m (24.9 ft)
Rear	7.5 m (24.9 ft)
Side	3 m (9.8 ft)
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)	
To the discretion of the Development Authority, with consideration for required setbacks and minimum distance separations based on the materials stored in accessory structures.	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 60% inclusive of all buildings and structures

SECTION 6 MINIMUM GREEN SPACE

(1) Minimum green space: 10% or as required by the Development Authority

SECTION 7 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s): 10.7 m (35 ft)

SECTION 8 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the IH land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 3: Industrial Performance Standards
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: Schedule 4

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening
Section 6: Vehicle-oriented Development

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 7: Kennels
Section 14: Breweries, Distilleries and Wineries
Section 15: Cannabis Regulation
Section 16: Shipping Container
Section 19: Data Mining Operation
Section 20: Condominium Conversion Application
Section 22: Sandblasting, Welding and Fabrication Facilities

(d) Overlays: **Schedule 6**

Section 3: Gateways Overlay

(e) Signage: **Schedule 7**

PUBLIC AND INSTITUTIONAL: *PI*

SECTION 1 PURPOSE



The purpose of this land use district is to allow for the development of public and private uses that offer essential services and recreational, social, cultural, and educational opportunities in a variety of settings.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Accessory structure Alternative energy, Solar roof or wall mounted Government services Parks and playgrounds Public recreation, Limited Public utilities Religious assembly Schools Senior citizen housing Sign: Canopy Fascia Temporary Window	Accessory use Alternative energy, Solar ground mounted Childcare facility, Daycares Exhibition grounds Moved-in building Public recreation Recycling facility Shipping containers Sign: Freestanding Projecting	Campground Cemetery Community association buildings Cultural centre Group home Group home, Limited Private recreation Private utilities Sign: Mural Tourist information centre

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
To the discretion of the Development Authority.			

Notes	*Minimum lot sizes do not preclude individual units to be separated by condominium subdivision.*

SECTION 4 SETBACKS

4.1 APPLICABILITY

(1) Notwithstanding the setbacks provided in Section 4.2 of this land use district, setbacks in established areas shall be determined by application of Administration Section 3.6; and

(2) where the shape of a lot or other circumstances is such that the setbacks prescribed in Section 4.2 of this land use district cannot be reasonably applied, the Development Authority shall determine the setbacks.

4.2 SETBACK REQUIREMENTS

Principal Building	
Front and Secondary front	To the discretion of the Development Authority.
Rear	
Side	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)	
To the discretion of the Development Authority.	
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: 80% inclusive of all buildings and structures.

(2) Notwithstanding sub-section (1), existing development in the Downtown Overlay or the Provincial Historic Area overlay that exceeds 80% lot coverage shall instead meet lot coverage requirements as determined by the Development Authority.

SECTION 6 MINIMUM GREEN SPACE

(1) Minimum green space: 10% or as required by the Development Authority

SECTION 7 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s): 7.5 m (24.6 ft)

(3) Building height maximums within the Downtown Overlay and Provincial Historic Area Overlay shall be to the discretion of the Development Authority.

SECTION 8 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the PI land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 9: Infill Development
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 3: Childcare Facility
Section 4: Group Homes
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 16: Shipping Containers
Section 18: Campground

(d) Overlays: **Schedule 6**

Section 1: Downtown Overlay

(e) Signage: **Schedule 7**

DIRECT CONTROL: *DC*

SECTION 1 PURPOSE

The purpose of this land use district is to provide a means by which Council may regulate and control the use, development and subdivision of land and buildings within specified areas of the Town where circumstances are such that any other land use district available through this bylaw are not considered appropriate or suitable.

SECTION 2 USES

Permitted or Discretionary Uses
Any use Council considers suitable.

SECTION 3 MINIMUM REQUIREMENTS

Minimum requirements including but not limited to lot size, setbacks, site coverage, building height and floor area are to the discretion of Council, unless such authority has been delegated as per this bylaw.

SECTION 4 APPLICATION PROCEDURES

4.1 DEVELOPMENT

Any development proposed on a Direct Control lot shall be subject to the requirements of Administration Section 4.6 (Discretionary Use Applications), 4.10 (Notice of Adjacent Landowners and Persons Likely Affected) and 4.11 (Notice of Decision) shall apply.

4.2 SUBDIVISION

Any subdivision proposed on a Direct Control lot shall be required to supply the same information as indicated in Administration Section 7 (Subdivision), sub-section 7.1(4):

(1) where the development of land requires the subdivision of land, no development permit shall be issued until the application for subdivision has been approved in accordance with the *MGA*;

(2) minimum dimensional standards for lots and all other requirements in this bylaw shall be as specified in the applicable land use district in Schedule 2;

(3) an application for subdivision may be subject to the same requirements of Administration Section 6.2 (Land Use District Redesignation), if deemed necessary by the Development Authority; and

(4) all applications for subdivision shall be required to meet the design standards set out in Schedule 3 and 4.

SECTION 5 APPEALS

As indicated in Administration Section 4 (Development Permit Rules and Procedures), sub-section 4.18(2) , there is no avenue of appeal on decisions made by Council for lands districted as Direct Control. If Council has delegated authority to the Municipal Planning Commission or Development Officer, the appeal is limited in scope to whether or not the delegated authority followed the directions of Council.

SECTION 6 ADDITIONAL REQUIREMENTS

Council or its delegated authority may establish additional requirements on Direct Control lots that include but are not limited to:

(1) Impact on adjacent lands

(2) Availability of services

(3) Traffic generation and safety

(4) Storm water drainage

(5) Scale of development

(6) Any other matters deemed relevant

SECTION 7 APPLICABLE SCHEDULES

Any schedule or section of this bylaw may be applied to any development proposed on a Direct Control lot to the discretion of Council, or the Municipal Planning Commission or Development Officer if such authority has been delegated as per this bylaw.

SECTION 8 SITE-SPECIFIC REQUIREMENTS

8.1 LOTS 15-18, BLOCK 427, PLAN 92B

LOTS 22 and 23 Block 427, PLAN 1511681

LOTS 13-15 and a portion of 16, BLOCK 423, PLAN 92B

(1) Permitted or Discretionary Uses

Permitted Uses	Discretionary Uses
None	Machinery and equipment sales and service
	Accessory structures
	Accessory uses
	Signs

(3) minimum requirements, application procedures, appeals, additional requirements, and applicable schedules shall apply as per Sections 4 to 7 of this land use district.

8.2 LOT 17, BLOCK 440, PLAN 92B

(1) Permitted or Discretionary Uses applicable to this lot:

Permitted Uses	Discretionary Uses
None	Shipping container
	Accessory structure
	Accessory use
	Sign

(2) This lot is subject to the minimum requirements, application procedures, appeals, additional requirements, and applicable schedules per Sections 3 to 7 of this land use district.

(3) This lot is subject to sections 1 and 2 of Schedule 6: Overlays.

(4) The decision making authority for discretionary uses has been delegated to the Municipal Planning Commission.

(5) The number of shipping containers is limited to 4.

(6) A development permit is required for any shipping container, sign, accessory structure or accessory use proposed to be located on the lot.

(7) Any requests to increase the number of shipping containers shall require an application to amend this section of the bylaw and shall be subject to Administration Section 6.

8.3 Lots 23-21 and a portion of Lot 20, Block 451, Plan 92B

(1) Permitted or Discretionary Uses applicable to this lot:

Permitted Uses	Discretionary Uses
None	Shipping container
	Accessory building
	Accessory structure
	Accessory use
	Fire Station
	Sign
	Storage, indoor
	Storage, outdoor

(2) These lots are subject to the minimum requirements, application procedures, appeals, additional requirements, and applicable schedules per Sections 3 to 7 of this land use district.

(3) For the purpose of this legal land description, the following definition shall apply:

Fire Station means a development that accommodates all functions required by an emergency fire services center.

8.4 LOTS 13-15 and West ½ Lot 12, BLOCK 440, PLAN 92B

(1) Permitted or Discretionary Uses applicable to this lot:

Permitted Uses	Discretionary Uses
Machinery and equipment sales and service	Accessory structure
	Accessory use
	Sign

(2) This lot is subject to the minimum requirements, application procedures, additional requirements, and applicable schedules per Sections 3 to 7 of this land use district.

(3) This lot is subject to sections 1 and 2 of Schedule 6: Overlays.

(4) The decision making authority for the listed uses is Council.

(5) A development permit is required for the Machinery and equipment sales and service use. The permit will be limited as temporary permit for two (2) years. Council may include any condition deemed necessary when considering the development.

(6) The Machinery and equipment sales and service use may also, prior to the expiration of the permit, be considered by Council for extension no longer than two (2) years in duration.

(7) A development permit is required for listed discretionary uses under section 8.4(1). These uses will be approved as temporary coinciding with the Machinery and equipment sales and service permit and will expire with the expiration of that use.

8.5 NE6 9-25 W4M

(1) Permitted or Discretionary Uses applicable to this lot:

Permitted Uses	Discretionary Uses
Agriculture Agriculture Buildings and Structures Existing Dwelling Greenhouse Market Garden Shipping container, temporary	Accessory building Accessory structure Accessory use Equipment Sales and Service, Heavy Natural Resource Extraction Natural Resource Processing Shipping Container, permanent Storage, Indoor Storage, Outdoor Sign

(2) This lot is subject to the minimum requirements, application procedures, additional requirements, and applicable schedules per Sections 3 to 7 of this land use district.

(3) The decision making authority for the listed uses is Council.

(4) In processing Natural Resource Extraction and Natural resource processing use permits, Council shall utilize Schedule 5 Section 12 NATURAL RESOURCE EXTRACTION & PROCESSING in consideration of all development applications.

8.6 LOTS 20-22, BLOCK 444, PLAN 2510566

(1) Permitted or Discretionary Uses applicable to this lot:

Permitted Uses	Discretionary Uses
None	Accessory structure
	Accessory use
	Machinery and equipment sales and service
	Sign

(2) This lot is subject to the minimum requirements, application procedures, additional requirements, and applicable schedules per Sections 3 to 7 of this land use district.

(3) This lot is subject to all sections of Schedule 5: Overlays.

(4) The decision making authority for the listed uses is Council.

AGRICULTURE - RESIDENTIAL TRANSITIONAL: *AG-RT*

SECTION 1 PURPOSE

The purpose of this land use district is to allow for the pursuit of agricultural endeavors on larger parcels of land, typically on the periphery of existing development, and to ensure such lands can be developed to a residential urban standard, when required.



SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Accessory structure ≤ 10.7 m in height Agricultural buildings and structures Agriculture Alternative energy, Solar roof or wall mounted Dwelling (1st on parcel): Modular home A/B Moved-in Ready-to-move A/B Single detached Home occupation 1 Kennel, Minor	Accessory structure > 10.7 m in height Accessory use Alternative energy, Solar ground mounted Garden centre Greenhouse Home occupation 2 and 3 Kennel, Major Market garden Outdoor display Outdoor storage Public utilities Shipping container Sign: Freestanding	Alternative energy, Wind Moved-in building Private recreation, Limited Private utilities Secondary suite

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All	64.8 ha (160 acres) or existing titles	To the discretion of the Development Authority.	

SECTION 4 SETBACKS

Principal Building	
Front and Secondary front	To the discretion of the Development Authority.
Rear	
Side	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)	
To the discretion of the Development Authority.	
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: to the discretion of the Development Authority.

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s)/structure(s):

(a) garages: 5.5m (18 ft)

(b) all other accessory buildings/structures: 10.7 m (35 ft) for permitted uses, and to the discretion of the Development Authority for any building/structure beyond 10.7 m (35 ft)

SECTION 7 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the AG-RT land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: Design Standards

Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 5: Home Occupations
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 7: Kennels
Section 10: Modular Homes and Ready-to-Move (RTM) Homes
Section 13: Secondary Suites
Section 16: Shipping Containers

(d) Overlays: **Schedule 6**

Section 3: Gateways Overlay

(e) Signage: **Schedule 7**

AGRICULTURE – BUSINESS TRANSITIONAL: *AG-BT*

SECTION 1 PURPOSE

The purpose of this land use district is to allow for the pursuit of agricultural endeavors on larger parcels of land, typically on the periphery of existing development, and to ensure such lands can be developed to a commercial/industrial urban standard, when required.



SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Accessory building Agricultural buildings and structures Agriculture Alternative energy, Solar roof or wall mounted	Accessory structure Accessory use Alternative energy, Solar ground mounted Garden centre Greenhouse Market garden Outdoor display Outdoor storage Public utilities Shipping container Sign: Freestanding	Construction staging area Moved-in building Private utilities

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All	64.8 ha (160 acres) or existing titles	To the discretion of the Development Authority.	

SECTION 4 SETBACKS

Principal Building	
Front and Secondary front	To the discretion of the Development Authority.
Rear	
Side	

Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)	
To the discretion of the Development Authority.	
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: to the discretion of the Development Authority.

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory building(s)/structure(s):

(a) all accessory buildings/structures: 10.7 m (35 ft) for permitted uses, and to the discretion of the Development Authority for any building/structure beyond 10.7 m (35 ft)

SECTION 7 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the AG-BT land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: Design Standards
Section 2: Interface Areas
Section 3: Landscaping

Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 16: Shipping Containers

(d) Overlays: **Schedule 6**

Section 3: Gateways Overlay

(e) Signage: **Schedule 7**

AIRPORT: *AP*

SECTION 1 PURPOSE



The purpose of this land use district is to allow for the operation of the airport and associated infrastructure including but not limited to terminal and maintenance facilities, the runway, hangars, and other directly related uses and structures.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Agriculture Airplane hangar, Private Airport terminal facilities Shipping container (temporary) Signs: Fascia	Accessory building Accessory structure Accessory use Alternative energy, Solar Moved-in building Outdoor storage Shipping container (permanent) Sign: Canopy Freestanding Projecting	

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
All	To the discretion of the Development Authority.		

SECTION 4 SETBACKS

Principal Building	
Front and Secondary front	To the discretion of the Development Authority.
Rear	
Side	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.

Accessory Building(s)/Structure(s)	
To the discretion of the Development Authority.	
Notes	*Accessory buildings/structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory building/structure. See Section 1 of Schedule 3.*
	Internal setbacks include setbacks from accessory building/structure to accessory building/structure on the same lot and accessory building/structure to the principal building on the same lot.
	Buildings/structures permitted to be attached to the principal building are considered a part of the principal building and are required to meet principal building setbacks.

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: to the discretion of the Development Authority.

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) Principal building: 10.7 m (35 ft)

(2) Accessory structure(s): 10.7 m (35 ft)

SECTION 7 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the AP land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 4: Corner Lots
Section 5: Decks and Patios
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 10: Nuisance, Pollution and Hazard Control
Section 11: Outdoor Storage and Display
Section 12: Parking and Loading
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Design Standards of Development: **Schedule 4**

Section 1: General Design Standards
Section 2: Interface Areas
Section 3: Landscaping
Section 4: Outdoor Lighting
Section 5: Screening

(c) Use-specific Standards of Development: **Schedule 5**

Section 1: Alternative Energy Sources
Section 6: Moved-in Buildings and Moved-in Dwellings
Section 16: Shipping Containers

(d) Signage: **Schedule 7**

RIVER VALLEY LANDS: *RVL*

SECTION 1 PURPOSE



The purpose of this land use district is to designate areas for the development of open spaces, parks and passive recreational opportunities, and agricultural pursuits within the one (1) to one hundred (100) year flood plain of the Oldman River.

SECTION 2 USES

Permitted Uses	Discretionary Uses: A	Discretionary Uses: B
Agriculture Parks and playgrounds Public recreation, Limited	Agricultural buildings and structures < 100 m^2 (1076.4 ft^2) Public utilities Shipping containers (temporary)	Campground Private recreation, Limited Signs (in accordance with Schedule 7)

SECTION 3 MINIMUM LOT SIZE

Use	Lot Size	Lot Depth	Lot Width
To the discretion of the Development Authority.			

SECTION 4 SETBACKS

Agricultural Building(s)/Structure(s)	
Front and Secondary front	To the discretion of the Development Authority.
Rear	
Side	
Notes	*Setbacks are measured to the foundation, allowing for projections as per Section 14 of Schedule 3.*
	Corner lots shall provide adequate clear vision space in accordance with the clear vision triangle requirements outlined in Section 4 of Schedule 3.
Accessory Building(s)/Structure(s)	
Not permitted.	

SECTION 5 MAXIMUM LOT COVERAGE

(1) Total allowable coverage: to the discretion of the Development Authority.

SECTION 6 MAXIMUM BUILDING HEIGHT

(1) All buildings/structures: to the discretion of the Development Authority.

SECTION 7 DEVELOPMENT CONSTRAINTS

The Development Officer shall refer all application to Alberta Environment for comments. Development that may be adversely affected by flooding shall comply with the following:

(1) Any development in the river valley must be above the one hundred (100) year flood plain level as identified by the Alberta Environment/Fort Macleod Flood Plain Study, dated January 1987, or as identified by any newer study prepared by Alberta Environment, or any of its successor iterations. In some cases, this may require the proposed building site to be built up above the flood plain level;

(2) the developer must supply to the Development Authority a certificate from a qualified Alberta Land Surveyor stating the top of the footings of any proposed development will be at or above the one hundred (100) year flood plain level. A development permit will not be issued until such a certificate has been provided;

(3) before any development permit is issued, a Save Harmless Agreement for the town must be registered against the title.

SECTION 8 APPLICABLE SCHEDULES

(1) The following schedules and sections of this bylaw that apply to the RVL land use district include but are not limited to:

(a) General Standards of Development: **Schedule 3**

Section 1: Accessory Buildings and Structures
Section 2: Access Requirements
Section 6: Easements
Section 7: Fences, Privacy Walls and Gates
Section 8: Grading, Excavation, Stripping and Stockpiling
Section 12: Parking and Loading
Section 13: Setbacks from Coulees, Steep Slopes and Waterbodies
Section 14: Projections into Setbacks
Section 15: Site Drainage and Stormwater Management

(b) Use-specific Standards of Development: **Schedule 5**

Section 16: Shipping Containers
Section 18: Campground

(c) Overlays: **Schedule 6**
Section 3: Gateways Overlay



SCHEDULE 3

GENERAL STANDARDS OF DEVELOPMENT

SCHEDULE 3: GENERAL STANDARDS OF DEVELOPMENT

SECTION 1 ACCESSORY BUILDINGS AND STRUCTURES

1.1 APPLICABILITY

The construction of new accessory buildings and structures, and renovation and movement of existing accessory buildings and structures shall comply with the requirements of this section.

1.2 ALL LAND USE DISTRICTS

(1) Accessory building(s) or structure(s) shall not be constructed or placed on a lot until such time that the lot has a principal building or structure in place on the lot;

(2) an accessory building shall not be located in a front yard unless otherwise provided for within a district or by the Development Authority;

(3) where a building or structure is attached to a principal building or structure on a lot by a roof, an open or enclosed structure, a floor or foundation, it is to be considered as part of the principal building and is not an accessory building or structure;

(4) where an accessory building or structure in any land use district is placed on a service line, no service valves or shut-off valves shall be located in or on it;

(5) accessory buildings or structures shall not be located on utility easements unless written permission has been granted by the easement holder;

(6) the area of an accessory building(s) or structure(s) on a lot shall be less than the area of the principal building or structure on the lot, unless otherwise provided for within a district;

(7) all accessory buildings and structures shall comply with the regulations outlined for the district they are located in;

(8) no accessory building and/or structure, or a number of accessory buildings and/or structures on a lot, shall occupy more than two-thirds (2/3) of the width of the rear yard of any lot, unless otherwise approved by the Development Authority; and

(9) an accessory building or structure in the rear yard shall not have a roof deck.

1.3 RESIDENTIAL LAND USE DISTRICTS

(1) Unless otherwise stipulated in a specific residential land use district, no more than three (3) accessory buildings shall be permitted on a residential lot and the sum of the area of the total number of accessory buildings shall not exceed the allowable accessory or total lot coverage maximum;

(2) the roofline and exterior finish of accessory building(s) in excess of 10.0 m^2 (107.6 ft^2) shall conform to the principal building;

(3) portable shelters and tents shall:

(a) not be permitted in front, secondary front, or side yards;

(b) be a maximum of 2.4 m (7.9 ft) in height and 10.0 m^2 (107.6 ft^2) in area;

(c) be included in the calculation of lot coverage maximums;

(d) be screened from adjacent lots with fencing or vegetation;

(e) be securely fastened to the ground;

(f) prohibit development in excess of 2.4 m (7.9 ft) in height and 10.0 m^2 (107.6 ft^2) in area in all residential and the Commercial Central land use districts; and

(g) consider development in excess of the dimensions listed in this section that are to be erected for a single continuous period of time of seven (7) days or less may be permitted at the discretion of the Development Authority.

(4) accessory buildings shall be no closer than 1.5 m (4.9 ft) to the principal building, excluding detached garages, which shall be no closer than 2.4 m (7.9 ft) to the principal building;

(5) accessory buildings and structures shall be constructed such that eaves shall be no closer to a side or rear lot line than 0.6 m (2 ft) and all drainage is contained on the same lot as the accessory structure.

SECTION 2 ACCESS REQUIREMENTS

2.1 APPLICABILITY

(1) Direct legal and physical access shall be required to all new development for the purposes of access by motorized and active modes of transportation such as but not limited to; pedestrians, cyclists, personal and commercial automobiles;

(2) notwithstanding the requirements of sub-section (1), the following exemptions apply:

(a) development internal to a condominium plan containing private streets;

(b) development internal to a manufactured home community, dwelling group, or multi-use development containing internal streets as approved by the Development Authority; and

(c) where the Subdivision or Development Authority has allowed legal access to be provided by an easement;

(3) the exact location of the access(es) to each development shall meet the requirements of this section and shall be to the discretion of the Development Authority.

2.2 ACCESS DESIGN

Access to development from streets and laneways shall meet the following design requirements:

(1) access to development, for all users, including those with physical, sensory and developmental disabilities shall be provided through conformity with the barrier-free design requirements of the National Building Code: Alberta Edition;

(2) all points of automobile access shall be set back a minimum of 6.0 m (19.7 ft) from any intersection; and

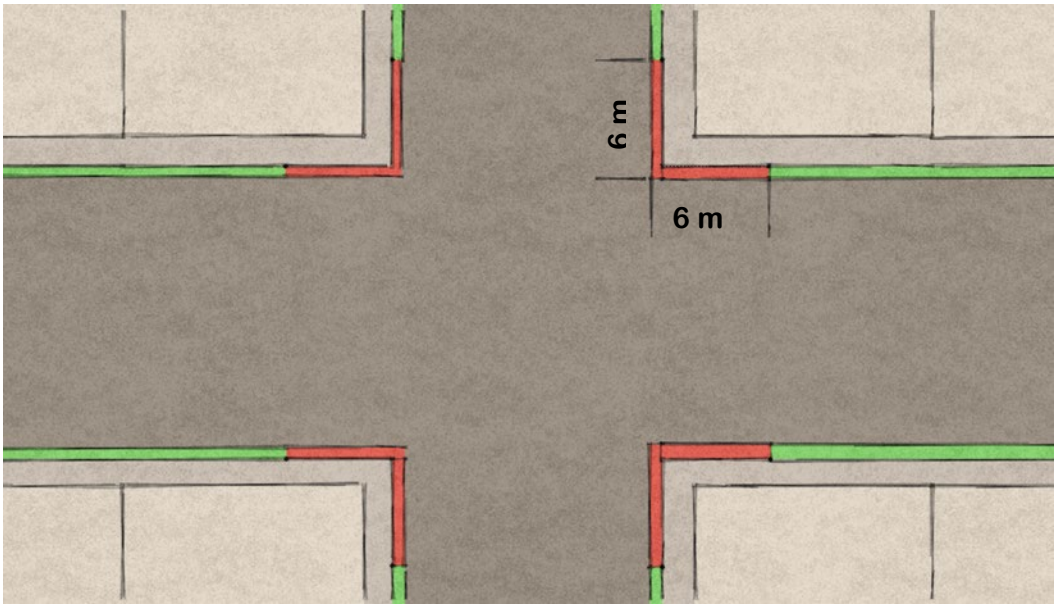


Figure 2.2.1: an illustrative guide to access setbacks as per 2.2(2) of this section.

(3) access to development from streets and laneways may be required to be shared between lots and/or uses to the discretion of the Development Authority.

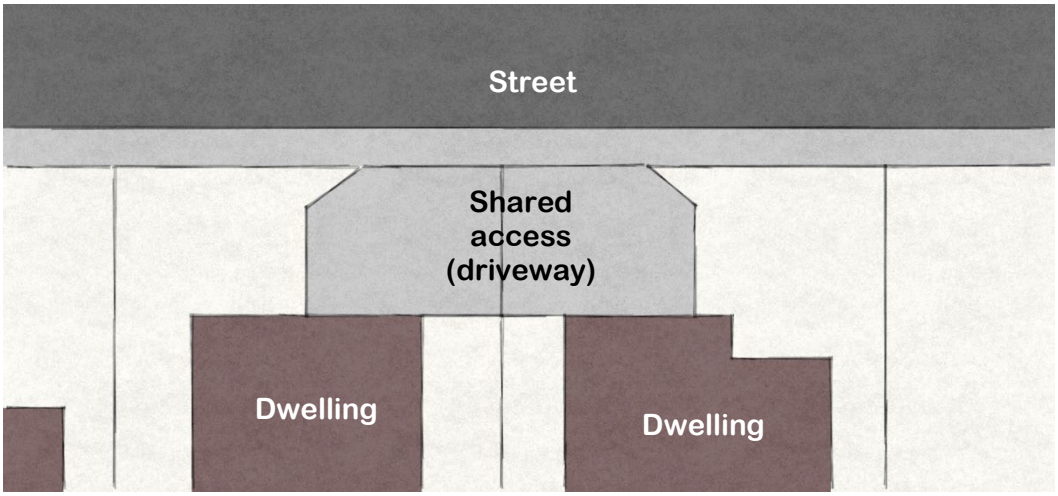


Figure 2.2.2: an example of a shared access as per 2.2(2) of this section.

SECTION 3 INDUSTRIAL PERFORMANCE STANDARDS

3.1 APPLICABILITY

Any operation including production, processing, cleaning, testing, repairing, storage or distribution of any material, regardless of the land use district of the lot(s) on which the operation is undertaken, shall meet the standards of this section and all other applicable sections of this bylaw.

3.2 GENERAL REQUIREMENTS

(1) No noise may be emitted above levels allowed by applicable national and provincial standards and/or local bylaws, audible beyond the boundary of the lot;

(2) no process involving the use of solid fuel is permitted, except the use of waste disposal incinerators of a design approved by the Municipal Planning Commission;

(3) no process involving the emission of dust, fly ash, or other particulate matter outside of the boundaries of the lot on which the use is approved is permitted;

(4) the emission of any odorous gas or other odorous matter that may be detectable beyond the boundary of the lot is prohibited;

(5) the emission of toxic gases or other toxic substances is prohibited;

(6) no operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned;

(7) external storage of goods or materials is permitted if kept in a neat and orderly manner, or suitably screened in accordance with Section 5 (Screening) of Schedule 4 (Design Standards of Development), to the satisfaction of the Development Authority;

(8) all buildings and improvements shall be constructed to applicable local, provincial and national building requirements and Town construction standards; and

(9) no waste shall be discharged into any sewer that does not conform to the standards established by the Town; the maximum quantity of which may be so discharged shall be governed by the Town.

SECTION 4 CORNER LOTS

4.1 APPLICABILITY

Corner lots require special consideration relating to streets and laneways in order to ensure safe visibility at intersections. Therefore, primary front yards and secondary front yards need to be identified to ensure setback requirements are clear. The following requirements apply to all land use districts unless otherwise provided for in the district or by way of a variance as may be approved by the Development Authority.

4.2 PRIMARY FRONT YARDS AND SECONDARY FRONT YARDS

Corner lots generally have two or three yards facing streets and/or laneways and in the case of condominium or privatized roadways, private streets and/or laneways and as such require careful consideration regarding which boundary of the corner lot is determined to be the primary front, secondary front, side and rear yard. The following rules apply in determining yard assignments for corner lots:

(1) the primary front yard shall be the shorter of the two yards facing a street;

(2) the secondary front yard shall be the longer of the two yards facing a street;

(3) in the case where the lot is of equal dimensions, the primary front yard shall be whichever yard the main entrance of the principal building is oriented to, and the secondary front yard shall be the other yard;

(4) the side yard shall be the yard that is parallel to the secondary front yard;

(5) the rear yard shall be the yard that is parallel to the primary front yard; or

(6) in circumstances where the lot orientation, layout or dimensions are such that determination of the yard assignments does not meet the requirements set out in sub-sections (1-5), the yard assignments shall be to the discretion of the Development Authority; and

(7) for corner lots on which there is an existing dwelling or other principal building, the front yard shall be the yard to which the principal entrance is oriented, or to the discretion of the Development Authority.

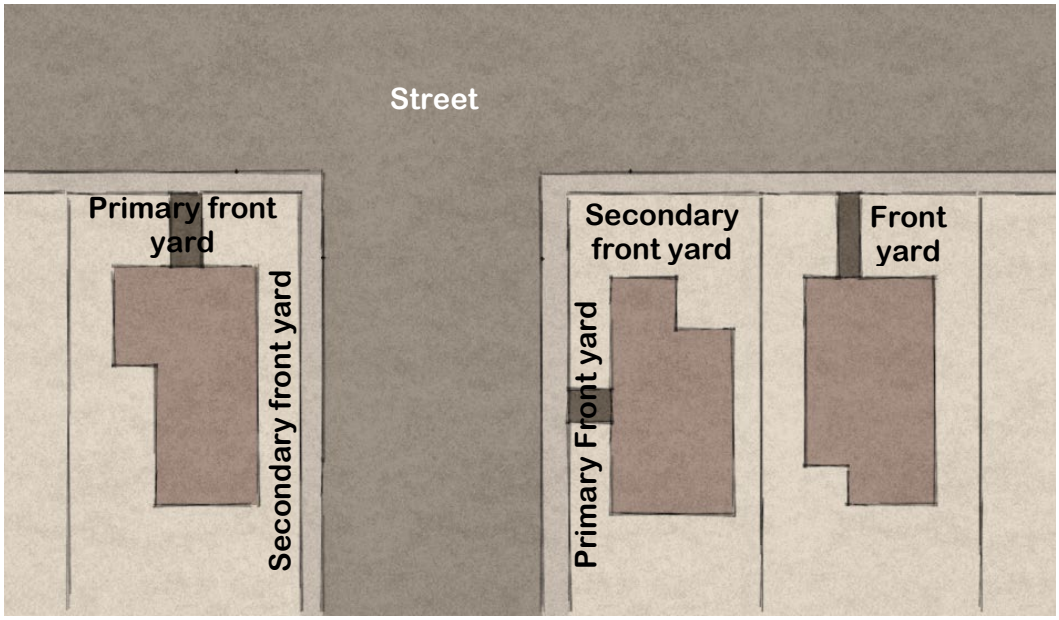
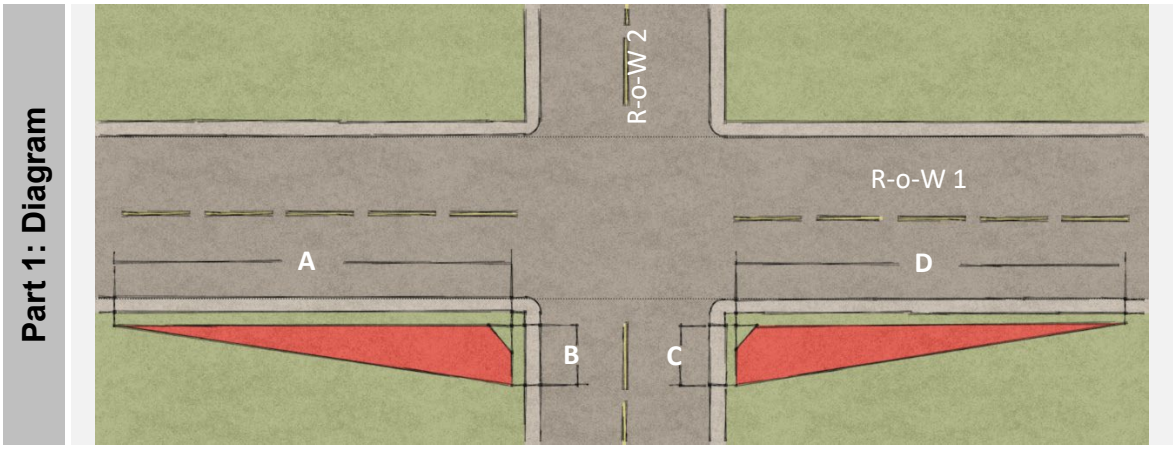


Figure 4.2.1: an illustrative explanation of primary and secondary front yard provisions as applied to existing development.

4.3 CLEAR VISION ZONE

On corner lots, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision in excess of a height of 0.8 m (2.6 ft) above the centre line grades of the intersecting streets in the area determined by application of the Clear Vision Zone Matrix.



Clear Vision Zone Matrix					
Part 2: Table	R-o-W	R-o-W 1			
	R-o-W 2	Road Type		Arterial	Collector	Local
		Arterial	A	40 m (131.2 ft)	17 m (55.8 ft)	17 m (55.8 ft)
			B	2 m (6.6 ft)	2 m (6.6 ft)	2 m (6.6 ft)
			C	2 m (6.6 ft)	2 m (6.6 ft)	2 m (6.6 ft)
			D	17 m (55.8 ft)	17 m (55.8 ft)	17 m (55.8 ft)
		Collector	A	17 m (55.8 ft)	23 m 75.5 ft)	11 m (36.1 ft)
			B	2 m (6.6 ft)	2 m (6.6 ft)	2 m (6.6 ft)
			C	2 m (6.6 ft)	2 m (6.6 ft)	2 m (6.6 ft)
			D	17 m (55.8 ft)	11 m (36.1 ft)	11 m (36.1 ft)
		Local	A	17 m (55.8 ft)	11 m (36.1 ft)	11 m (36.1 ft)
			B	2 m (6.6 ft)	2 m (6.6 ft)	2 m (6.6 ft)
			C	2 m (6.6 ft)	2 m (6.6 ft)	2 m (6.6 ft)
			D	17 m (55.8 ft)	11 m (36.1 ft)	9 m (29.5 ft)

SECTION 5 DECKS AND PATIOS

5.1 APPLICABILITY

A development permit is required for the construction of any deck 0.6 metre (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

5.2 GENERAL REQUIREMENTS

(1) A development permit is required for the construction of any deck that is covered or enclosed by a roof and/or walls, regardless of the height;

(2) a development permit is required for the construction of a deck if it will be attached to a principal building;

(3) for the purpose of calculating yard setbacks and lot 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;

(4) decks not attached to a building that are not 0.6 metre (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory structures;

(5) decks may project into setbacks in accordance with Section 14.2(3)(i) of this Schedule;

(6) for the purpose of applying these standards of the bylaw:

(a) a **deck** means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity space and which is generally attached to a building;

(b) a **raised deck** means a horizontal structure with a surface height 0.6 metre (2 ft.) or greater 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;

(c) a **ground level deck** means an unenclosed (no roof or walls) amenity space of wood, or other similar material, that is constructed less than 0.6 metre (2 ft.) above grade and is typically attached to a dwelling; and

(d) a **patio** means an unenclosed (no roof or walls) amenity space of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

SECTION 6 EASEMENTS

6.1 SETBACKS

(1) All permanent structures shall be located a minimum of 3.1 m (10 ft), or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other such infrastructure, as determined by the municipality.

(2) No structures shall be located within a registered easement unless expressly allowed under the easement agreement.

SECTION 7 FENCES, PRIVACY WALLS AND GATES

7.1 GENERAL

(1) Gates shall not open over a public sidewalk unless approved by Council.

(2) Fences shall be made of suitable building material or decorative metal to the satisfaction of the Development Authority.

(3) Fences shall be located on or just within property lines.

(4) Chain link fences may be constructed subject to the approval of the Development Authority.

(5) For corner lots in all districts, see Schedule 3 Section 4 of this schedule.

(6) 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.

7.2 RESIDENTIAL DISTRICTS

(1) No fence, wall, hedge or any combination thereof shall extend more than 1.0 m (3.3 ft.) above the ground in any front yard area, as illustrated in Figure 7.1 labelled as B, without a development permit approved by the Municipal Planning Commission.

(2) Fences in the rear and side yards shall be 2.0 m (6.6 ft.) in height or less (see Figure 7.1 where Dimension A = 2.0 m).

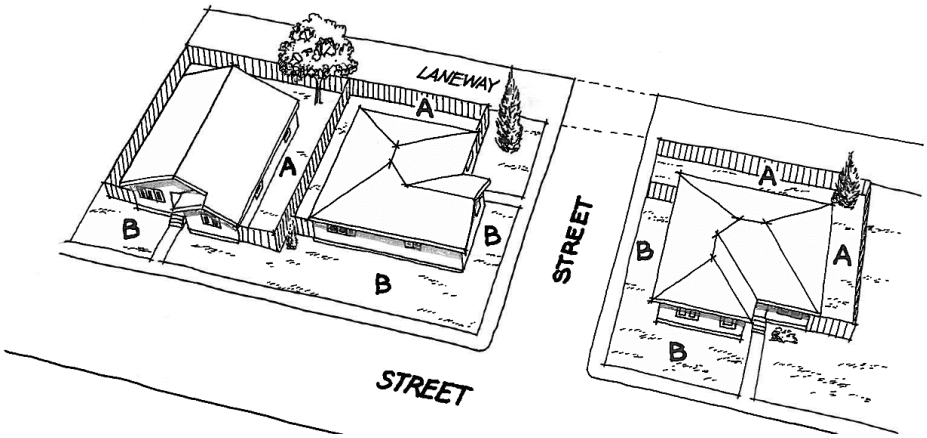


Figure 7.1

(3) In residential districts, the use of barbwire and razor wire is prohibited; other security fencing must be approved by the Municipal Planning Commission.

7.3 COMMERCIAL, PUBLIC, AND INDUSTRIAL DISTRICTS

(1) All industrial uses should fence their development for security.

(2) In an Industrial district, no fence, wall, gate, hedge or other means of enclosure shall extend more than 2.4 m (8 ft.) in height in any side or rear yard. A fence, wall, gate, hedge or other means of structural enclosure that exceeds 0.9 m (3 ft.) in height within a front yard or secondary front yard requires approval by the Development Authority.

(3) In commercial, public and industrial districts, the use of razor wire is prohibited.

(4) In commercial and public districts, the use of barbwire must be approved by the Municipal Planning Commission.

(5) In industrial districts, the use of 3 strand barbwire at the top of a fence is permitted when the overall height as described in subsection (3) is met; otherwise it must be approved by the Municipal Planning Commission.

SECTION 8 GRADING, EXCAVATION, STRIPPING & STOCKPILING

8.1 APPLICABILITY

Grading, excavating, stripping and stockpiling of materials associated with a lot or lots shall be required to meet the standards of this section and any other applicable section of this bylaw.

8.2 GENERAL REQUIREMENTS

(1) Any grading, excavation, stripping and/or stockpiling of materials required during the process of development on a lot shall be carried out in the shortest amount of time possible and shall minimize potential negative impacts to adjacent lots and the street on which the development is occurring, including but not limited to:

(a) noise, odour and dust;

(b) any required changes to pre-development traffic routes, patterns and access to individual lots; and

(c) lot drainage;

(2) any grading, excavation, stripping and/or stockpiling of materials required during the process of development shall not, under any circumstance, alter the drainage of the site on which such work is being carried out to a point where runoff exits the lot and enters an adjacent lot;

(3) the stockpiling of materials removed through grading, stripping and/or excavating shall be contained on the lot on which the development is taking place, unless otherwise approved by the Development Authority;

(4) in the case of a proposal to excavate, strip, grade, and/or stockpile a detailed plan may be required for an individual lot and shall be required for multiple lots and shall contain the following information:

(a) the location of the area of the grading, excavating, stripping and/or stockpiling within the lot(s);

(b) a detailed phasing plan indicating when each area identified in 4(a) will be graded, stripped and/or excavated;

(c) final lot conditions including new grades, changes to drainage, and any reclamation work that may be required; and

(d) a detailed description of measures to be taken to minimize nuisance outside of the lot(s), including but not limited to noise, dust, odour, changes to traffic routes, patterns and access, and drainage.

SECTION 9 INFILL DEVELOPMENT

9.1 APPLICABILITY

The general requirements of this section apply to all of the areas of the Town that may be considered already established, which may be defined as areas where the majority of lots have been subdivided, serviced and developed. In addition to the general requirements, specific infill development standards also apply to all Residential land use districts and the Commercial Neighbourhood land use district.

9.2 ALL LAND USE DISTRICTS

(1) Infill development includes development that may take place on:

(a) existing undeveloped lots;

(b) existing developed lots where the existing buildings and structures on the lot will be demolished and removed thereby creating an undeveloped lot;

(2) applications for infill development shall, in addition to the regular requirements of the application/permit process:

(a) provide 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;

(iv) detailed timing and phasing program for the length of the development;

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

(vi) 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

(vii) any other matters deemed appropriate by the Development Authority;

(b) provide, for any infill development that includes the demolition and removal of existing buildings and structures, a detailed proposal indicating:

(i) the method of demolition;

(ii) timing for removal of demolished materials;

(iii) any other work required to be completed to prepare the lot for development; and

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

9.3 SPECIFIC LAND USE DISTRICTS

The standards of this section apply to all Residential Land Use Districts and the Commercial Neighbourhood District:

(1) Infill development shall complement features of the adjacent developed lots and the overall existing or desired character of the street and area, based on approved statutory or non-statutory plans and/or to the discretion of the Development Authority, through investigation of existing:

(a) building heights, scale, massing, form, orientation, and roof slopes;

(b) architectural features and exterior finishes;

(c) entrances, walkways and linkages;

(d) parking and vehicular access layout;

(e) landscaping and outdoor amenity spaces; and

(f) any other matters deemed appropriate by the Development Authority;

(2) infill development shall not duplicate the street-facing facade of any adjacent building(s);

(3) setback requirements shall be established through the implementation of Administration Section 3.6 (Setbacks in Established Areas);

(4) on streets where there are few or no front driveways, the introduction of new front driveways is discouraged;

(5) for multi-unit residential, commercial and mixed-use developments off-street parking shall be:

(a) located at the rear and/or side of the lot and shall be screened from view by landscaping and/or fencing;

(b) permitted one point of access from the street if there is no laneway and may only be permitted from the laneway if there is a laneway, to the discretion of the Development Authority; and

(c) should a reduction to minimum parking standards and/or shared parking be proposed, the Development Authority may require the submission of a Parking Management Plan, in accordance with Section 12.2(5) and (6) of this Schedule;

(6) existing mature trees (greater than 15 cm (1.6 ft) in diameter measured 1.5 m (4.9 ft) from the ground) should be retained whenever possible;

(7) if an existing mature tree is removed, it should be replaced by a similar species of the minimum size as described above, or larger; and

(8) a comprehensive landscaping plan may be requested from the Development Authority.

SECTION 10 NUISANCE, POLLUTION & HAZARD CONTROL

10.1 APPLICABILITY

The requirements of this section apply to any use in any land use district that may create nuisance and/or pollution and/or hazard beyond the boundaries of the site on which the use is approved.

10.2 GENERAL REQUIREMENTS

(1) Unless otherwise permitted by virtue of the land use district or as detailed in the Development Permit associated with the approved use, activities that create the release of dust, noise, odor, smoke, vibration, or any other potentially harmful airborne particulate beyond what is considered permissible based on this or any other applicable Town, provincial or national standard shall be contained entirely on-site;

(2) there shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference to radio, television and/or telecommunication reception; and

(3) all applications that may produce nuisance, pollution and hazard on or off-site shall be subject to required minimum distance separations from adjacent and area development.

SECTION 11 OUTDOOR STORAGE AND DISPLAY

11.1 APPLICABILITY

The requirements of this section apply to all land use districts unless otherwise stipulated or specified in this or any other section of this bylaw.

11.2 GENERAL REQUIREMENTS

(1) All requirements of this section shall be to the satisfaction of the Development Authority;

(2) the storage or display of any object or material in any of the yard setbacks other than those objects and materials permitted in other sections of this bylaw, shall not be permitted;

(3) the storage and/or display of any object or material shall not occur on any public rights-of-way at any time;

(4) notwithstanding sub-section (3), should a use associated with the temporary storage and display of objects and materials be approved by the Development Authority, such storage and display of objects and materials may occur for the time period stipulated in the associated Development Permit;

(5) the storage or display of any object or material in parking areas shall not be permitted unless a variance of the parking requirements is obtained from the development authority;

(6) notwithstanding sub-section (5), parking areas may be used for the temporary storage and/or display of products if the storage and/or display does not:

(a) impact the number of parking stalls required during peak time periods, which may be required to be demonstrated through the provision of a parking demand study, at the discretion of the Development Authority;

(b) last more than fourteen (14) consecutive days or another specified duration, at the discretion of the Development Authority;

(7) the storage and/or display of any object or material shall not impact or impede automobile and pedestrian traffic, including but not limited to emergency and customer access, into and out of the lot(s) on which the storage and/or display is occurring;

(8) the storage and/or display of any object or material shall not impact or impede vehicular and pedestrian access to the building(s) on the lot(s) on which the storage and/or display is occurring;

(9) outdoor storage and/or display areas that may visually impact adjacent lots may be required to be screened in accordance with Section 5 (Screening) of Schedule 4; and

(10) outdoor storage and/or display areas shall not impact access to or the safety of adjacent lots and buildings at any time.

11.3 NON-RESIDENTIAL LAND USE DISTRICTS

OUTDOOR STORAGE

(1) Outdoor storage in non-residential land use districts may be required to be screened in accordance with Section 5 (Screening) of Schedule 4;

(2) all outdoor storage areas adjacent to residential land use districts shall be screened in accordance with Section 5 (Screening) of Schedule 4 and any other applicable section of this bylaw;

(3) outdoor storage shall not be permitted in the front yard of any lot other than for the combined purposes of storage and display, including the:

(a) display of new and used vehicles including but not limited to personal automobiles, recreational vehicles, and commercial vehicles, intended for rental and/or sale to the public within an approved associated use;

(b) temporary storage of vehicles intended for repair at an automotive repair facility, not lasting more than 14 consecutive days;

(c) temporary storage of building supplies intended for sale to the public, within an approved building supply centre, not lasting more than six consecutive months.

(4) outdoor storage may include the retail sale of items.

OUTDOOR DISPLAY

(5) Outdoor display of objects and materials may be permitted if the display of the objects and materials does not:

(a) pose a threat to the safety of the public;

(b) encroach onto public rights-of-way including but not limited to sidewalks, on-street parking areas, and roadways;

(c) unduly interfere with vehicular and non-vehicular access to adjacent public rights-of-way and/or private lots and buildings;

(d) shade or completely block the windows of adjacent buildings; and

(e) have any other impact deemed to be objectionable by the Development Authority.

SECTION 12 PARKING AND LOADING

12.1 APPLICABILITY

Notwithstanding the minimum standards set out herein, specific requirements applicable to the use of land in any district shall govern the parking requirements of that district.

12.2 GENERAL REQUIREMENTS

(1) Any parking provision for development after the adoption of this bylaw shall be in accordance with the minimum prescribed specifications;

(2) notwithstanding any additional requirements as may be specified any other portion of this bylaw, the following minimum parking standards apply:

MINIMUM OFF-STREET PARKING REQUIREMENTS: Residential Uses	
Uses	**Parking requirements**
All single detached All multi-unit dwellings ≥ 2 bedrooms/unit All Short-Term Rental	2 stalls/dwelling unit
All multi-unit dwellings < 2 bedrooms/unit	1 stall/bedroom
Secondary suites	1 stall/bedroom

Table 12.2.2: Non-Residential Minimum Required Off-Street Parking

USE	MINIMUM PARKING SPACES
PUBLIC	
Airport terminal facilities	As required by the Development Authority
Campground	As required by the Development Authority
Cemetery	As required by the Development Authority
Childcare facility, Daycare	1 space per employee
Childcare facility, Day home	1 space per employee
Clubs or fraternal organization	1 space /5.1 m^2 (55 ft^2) of GFA plus 1 space per employee
Community association building	1 space/5 seating spaces plus 1 space per employee
Cultural centre	1 space/5 seating spaces plus 1 space per employee
Exhibition ground	As required by the Development Authority
Funeral home	1 space /46.5 m^2 (500 ft^2) of GFA or 1 space / 5 seating spaces
Government services	1 space /46.5 m^2 (500 ft^2) of GFA
Group home; Group home, Limited	1 space per employee and 1 space per two adult bedrooms plus visitor parking
Hospital	1 space per /100m^2 of GFA plus visitor parking
Public recreation; Public recreation, Limited	As required by the Development Authority
Public utility	As required by the Development Authority
Parks and playgrounds	1 space /100m^2 (1076.4ft^2) of NLA
Religious assembly	As required by the Development Authority
Schools	As required by the Development Authority
Senior citizen housing	1 space per employee and 1 space per two adult bedrooms plus visitor parking
Tourist information centre	As required by the Development Authority
USE	**MINIMUM PARKING SPACES**
COMMERCIAL/INDUSTRIAL	
Abattoir	As required by the Development Authority
Accessory structures and uses	As required by the Development Authority
Arts and crafts studio	As required by the Development Authority
Asphalt operations	As required by the Development Authority
Auctioneering facilities	1 space /100m^2 (1076.4ft^2) GFA
Auto body and paint shop	1 space /46.5 m^2 (500 ft^2) of GFA (see Schedule 2 Section 18.3)
Auto wrecking facility	As required by the Development Authority
Automotive repair shop	1 space /46.5 m^2 (500 ft^2) of GFA (see Schedule 2 Section 18.3)
Automotive sales and service	1 space /46.5 m^2 (500 ft^2) of GFA (see Schedule 2 Section 18.3)
Bakery	1 space /37.2 m^2 (400 ft^2) of GFA
Bar/lounge	1 space per 4 seats plus 1 space per employee
Bed and breakfast	1 space per guest room
Breweries, distilleries and wineries	1 space /100m^2 (1076.4ft^2) of GFA
Bulk fuel station	1 space /46.5 m^2 (500 ft^2) of GFA
Business support services	1 space /37.2 m^2 (400 ft^2) of GFA
Cafe	1 space per 4 seats plus 1 space per employee
Cannabis production facility	As required by the Development Authority
Cannabis retail store	As required by the Development Authority
Car wash	1 space per employee
Commercial school	1 space per 30m^2
Community resource facility	1 space /37.2 m^2 (400 ft^2) of GFA
Contractor, General	1 space /65 m^2 (700 ft^2) of GFA
Contractor, Limited	1 space /65 m^2 (700 ft^2) of GFA
Convenience store	1 space /27.9 m^2 (300 ft^2) of GFA
Data mining operation	1 space per employee
Delivery service	1 space /37.2 m^2 (400 ft^2) of GFA
Drive-in/drive-through use	1 space /5.1 m^2 (55 ft^2) of seating area plus 1 space per employee
Dry cleaner	1 space /37.2 m^2 (400 ft^2) of GFA
Entertainment establishment	1 space /5.1 m^2 (55 ft^2) NFA of patron use plus 1 space per employee

Equipment sales, rental, and service	1 space /65 m^2 (700 ft^2) of GFA
Farm supplies sales and service	1 space /65 m^2 (700 ft^2) of GFA
Farmer's market	As required by the Development Authority
Financial institution	1 space /37.2 m^2 (400 ft^2) of GFA
Freight and cartage services	1 space /100m^2 (1076.4ft^2) of GFA
Funeral services	1 space/5 seating spaces plus 1 space per employee
Garden centre	1 space /65 m^2 (700 ft^2) of GFA
Gas bar	1 space /37.2 m2 (400 ft^2) of GFA
Greenhouse	1 space /65 m^2 (700 ft^2) of GFA
Home improvement store	1 space /65 m^2 (700 ft^2) of GFA
Home occupations	See Schedule 5 Section 5.4
Hotel	1 space per guest room
Kennel, Minor	1 space /37.2 m^2 (400 ft^2) of GFA
Kennel, Major	1 space /37.2 m^2 (400 ft^2) of GFA
Laundromat	1 space /27.9 m^2 (300 ft^2) of GFA
Liquor store	1 space /37.2 m^2 (400 ft^2) of GFA
Lodging house	1 space per two bedrooms
Lumber yard	1 space /100m^2 (1076.4ft^2) of GFA
Machinery and equipment sales and service, Light and Heavy	1 space /100m^2 (1076.4ft^2) of GFA
Manufacturing, Light	1 space /100m^2 (1076.4ft^2) of GFA
Manufacturing, General	1 space /100m^2 (1076.4ft^2) of GFA
Manufacturing, Heavy	1 space /65 m^2 (700 ft^2) of GFA
Market garden	1 space /65 m^2 (700 ft^2) of GFA
Media production facilities	1 space /37.2 m^2 (400 ft^2) of GFA
Medical/health facilities	1 space per staff member and 2 spaces per examination room
Mini storage	As required by the Development Authority
Mixed-use	As required by the Development Authority
Natural resource extraction	As required by the Development Authority
Natural resource processing	As required by the Development Authority
Office	1 space /46.5 m^2 (500 ft^2) of GFA
Outdoor display	As required by the Development Authority
Outdoor storage	As required by the Development Authority
Personal service	1 space /37.2 m^2 (400 ft^2) of GFA
Pet grooming services	1 space /37.2 m^2 (400 ft^2) of GFA
Private Recreation	As required by the Development Authority
Private recreation, Limited	As required by the Development Authority
Private utilities	As required by the Development Authority
Recreational vehicle sales and service	1 space /65 m^2 (700 ft^2) of GFA
Recycling facility	1 space /37.2 m^2 (400 ft^2) of GFA
Repair and service shop	1 space /37.2 m^2 (400 ft^2) of GFA
Research establishment	1 space /37.2 m^2 (400 ft^2) of GFA
Residential sales center	1 space /46.5 m^2 (500 ft^2) of GFA
Restaurant	1 space per 4 seats plus 1 space per employee
Retail store	1 space /37.2 m^2 (400 ft^2) of GFA
Salvage and scrap yard	As required by the Development Authority
Service station	1 space /37.2 m^2 (400 ft^2) of GFA
Surveillance suite	1 space per suite
Tattoo shop	1 space /37.2 m^2 (400 ft^2) of GFA
Temporary and/or seasonal uses	As required by the Development Authority
Truck transportation/dispatch depot	1 space /65 m^2 (700 ft^2) of GFA
Truck wash	1 space per employee
Veterinary clinic	1 space /37.2 m^2 (400 ft^2) of GFA plus 1 space per employee
Warehouse	1 space /100m^2 (1076.4ft^2) of GFA
Warehouse store	1 space /100m^2 (1076.4ft^2) of GFA
Workshop	As required by the Development Authority

(3) parking requirements for uses not listed shall be determined by the Development Authority, with regard for similar uses for which specific parking requirements are set;

(4) notwithstanding the minimum standards as set out in sub-section (2), the Development Authority may require fewer or more parking stalls based on factors that are specific to the proposed use including but not limited to:

(a) the location of the use for which the off-street parking is required;

(b) adjacent land uses;

(c) existing on and off-street parking available for the proposed use;

(d) the intensity of the proposed use, including but not limited to factors such as estimated trip generation rates, based on information provided as a part of the Development Permit application process;

(e) the results of a comprehensive Parking Management Plan submitted by the applicant; and

(f) any other factors determined to be relevant by the Development Authority;

(5) should the minimum standards, as set forth in sub-section (2), or as determined by the Development Authority, not be met for a proposed use and/or shared parking is proposed, the Development Authority may require that the applicant submit a Parking Management Plan detailing, in a comprehensive manner, factors such as but not limited to parking supply, demand, utilization, prioritization, turnover, sharing, peak demand management, and pricing;

(6) in consideration of a Parking Management Plan submitted by an applicant, the Development Authority may waive the minimum number of required parking stalls and/or allow the sharing of stalls between multiple uses, should the Plan provide sufficient merit to do so, as determined by the Development Authority;

(7) where a lot is used exclusively for off-street parking, that portion of the lot that would correspond to the front yard if a building was erected on the site, shall not contain any parking stalls and shall be landscaped to the satisfaction of the Development Authority;

(8) the portion of a lot used for parking shall be:

(a) clearly delineated with curbs, landscaping, barriers or fences as required by the Development Authority;

(b) constructed in a manner that permits adequate drainage, snow removal and maintenance to the satisfaction of the Development Authority;

(9) all parking areas and loading spaces, except where provided for single detached dwellings and duplexes shall be hard surfaced with impervious materials and drained to the satisfaction of the Development Authority;

(10) notwithstanding the above, pervious materials used for parking areas and loading spaces for the purpose of realizing a low-impact development may be accepted, to the discretion of the Development Authority and subsequent to review of proposed design by the Town's engineer;

(11) the provision of a parking area pursuant to the provisions of this bylaw shall be located on the same lot as the building or use in respect of which it is required unless otherwise approved by the Development Authority;

(12) should a parking area be proposed off-site from the lot on which the associated building(s) is located, the parking area shall be on an adjacent lot, or within 150 m (492.12 ft) of the lot on which the building(s) is situated;

(13) when the requirements of sub-section (12) are required to be met:

(a) the developer(s) shall have an instrument registered on the title of the lot on which the parking area is to be situated indicating that the lot is to be used for off-site, off-street parking until such time that the developer finds a suitable alternative to the use of the off-site lot for the purposes of meeting the Town's parking requirements;

(b) no more than 25 percent of the required parking may be shared or combined unless proof can be provided by the developer that additional shared parking will not result in shortages for the proposed use and other uses that may share or be proposed to share the parking area, to the discretion of the Development Authority;

(14) off-street parking requirements may be met by either providing the minimum number of stalls as set out in sub-section (2) or as determined by the Development Authority, or by the payment of money in-lieu of the stalls not provided. Town Council shall determine the per stall amount of in-lieu payment;

(15) each parking stall shall be delineated to the satisfaction of the Development Authority including but not limited to painted lines, wheel stops and signage;

(16) wheel stops shall be placed so that the centre point of the wheel stop is not less than 0.6 m (2 ft) from the back of a sidewalk so that the minimum stall depth prescribed in this section is provided;

(17) off-street parking and loading facilities shall be so arranged and of such size as to avoid any interference with the use of transportation r-o-w adjacent to the lot on which the parking is provided;

(18) parking stall designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority;

(19) a parking and loading facility shall be located and constructed so that:

(a) it is accessible to vehicles intended to be accommodated in it and can be properly maintained;

(b) it is of a size, shape, location and construction design that is appropriate having regard to the nature and frequency of use;

(20) the dimensions of parking stalls and aisles shall meet the following requirements:

Standard Parking Stall Dimensions

A: Parking Angle	B: Stall Width		C: Stall Depth		D: Aisle Width	
Degrees	**m**	**ft**	**m**	**ft**	**m**	**ft**
0 (parallel)	2.4	8.0	6.7	22	3.7	12
30	2.7	9.0	5.5	18	3.5	11.5
45	2.6	8.5	6.1	20	3.9	13
60	2.6	8.5	6.4	21	5.5	18
90	2.7	8.9	5.8	18.5	7.3	24
90 (small car)	2.3	7.5	4.9	16.1	-	-

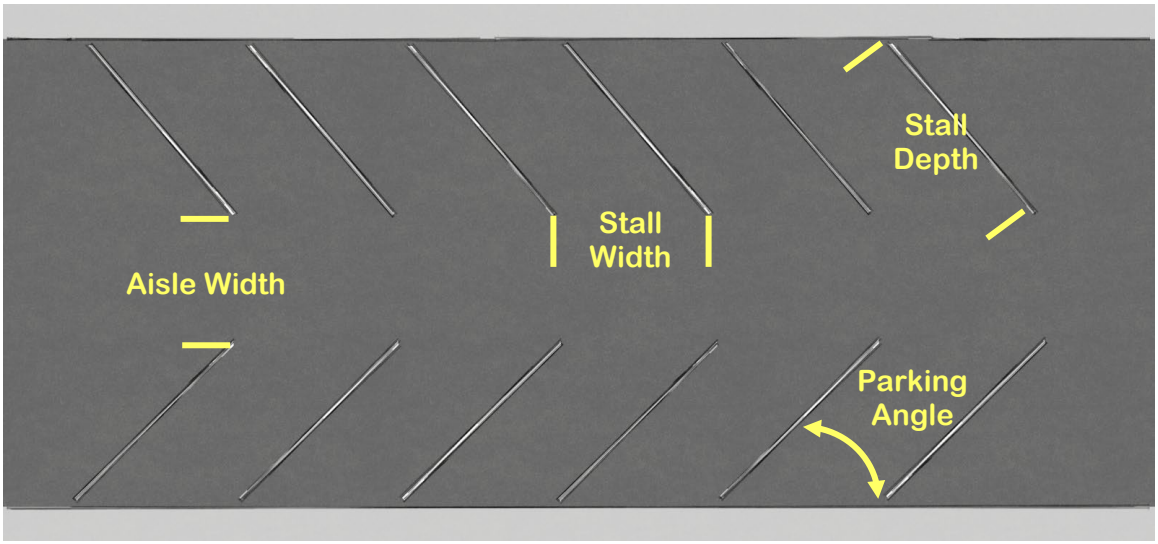


Figure 12.2.1: a visual key for the standard parking stall dimensions table as per 12.2(20) of this section.

(21) up to 25 percent of the required parking stalls may be provided in the form of small car stalls, to the discretion of the Development Authority;

(22) the minimum number of barrier-free parking stalls to be provided for the disabled shall be a portion of the total number of off-street parking spaces required, in accordance with the table below;

Stalls required for a use	Barrier free stalls required
2-10	1
11-25	2
26-50	3
51-100	4
Per each additional 100 (or increment)	1 additional stall

(23) each barrier-free parking stall shall be designed in accordance with the *National Building Code: Alberta Edition* and specifically the *Barrier Free Design Guide (2024)* and any amendments thereto;

(24) additional barrier-free stalls should 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 including, but not limited to, medical uses and public/institutional uses;

(25) for the calculation of parking requirements, fractional numbers shall be rounded down or up to the next whole number, at the discretion of the Development Authority;

(26) the Development Authority may require that a Traffic Impact Assessment (TIA) be conducted for any use as part of the development permit application if it appears that traffic volumes or vehicular turnover may create a significant negative impact on surrounding development. The TIA shall be prepared to the satisfaction of the municipality; and

(27) any lot on which a non-residential use is situated should be of sufficient size to accommodate the loading/unloading and maneuvering of commercial vehicles such as delivery and garbage trucks within the site and any loading space or area used for loading should be oriented so as to minimize impacts on adjacent uses, including uses on the same site.

12.3 DRIVEWAY STANDARDS

Should residential development make use of driveways, the following requirements shall apply:

(1) only one driveway per lot is allowed for single detached dwelling units and is exempted from requiring a development permit under Administration Section 4.2. An additional driveway requires a development permit as an accessory structure at the discretion of the Development Authority;

(2) the maximum number of driveways permitted for all other types of dwelling units is to the discretion of the Development Authority;

(3) a driveway shall be a maximum of 7.4 m (24.0 ft) in width or 50 percent of the width of the lot on which the driveway is situated, whichever is the lesser of the two options;

(4) no other portion of the yard on which the driveway is situated shall be surfaced or in any other way improved so as to accommodate the parking of an automobile;

(5) driveways shall be hard surfaced with a suitable material such as but not limited to asphalt, concrete, paving stone, or any other material deemed appropriate by the Development Authority; or

(6) notwithstanding sub-section (5), pervious materials as permitted by 12.2(10).

12.4 BICYCLE PARKING REQUIREMENTS

Should bicycle parking be provided as a part of the development of a residential use for multi-unit residential development of more than 4 units, or any non-residential use, the following requirements shall apply:

(1) bicycle parking, at the discretion of the Development Authority, may be located within public r-o-w, limited to sidewalks and civic space including but not limited to squares, parking areas and parks and playgrounds, but shall not:

  (a) encroach into the areas of a sidewalk or any other portion of public r-o-w associated with pedestrian and/or vehicular movement;

  (b) be located further than 35 m (114.82 ft) from the principal entrance to the building and/or facility of the use that is required to provide the parking;

(2) bicycle parking shall be located, regardless of whether permitted to be within public r-o-w or on the same lot as the associated use:

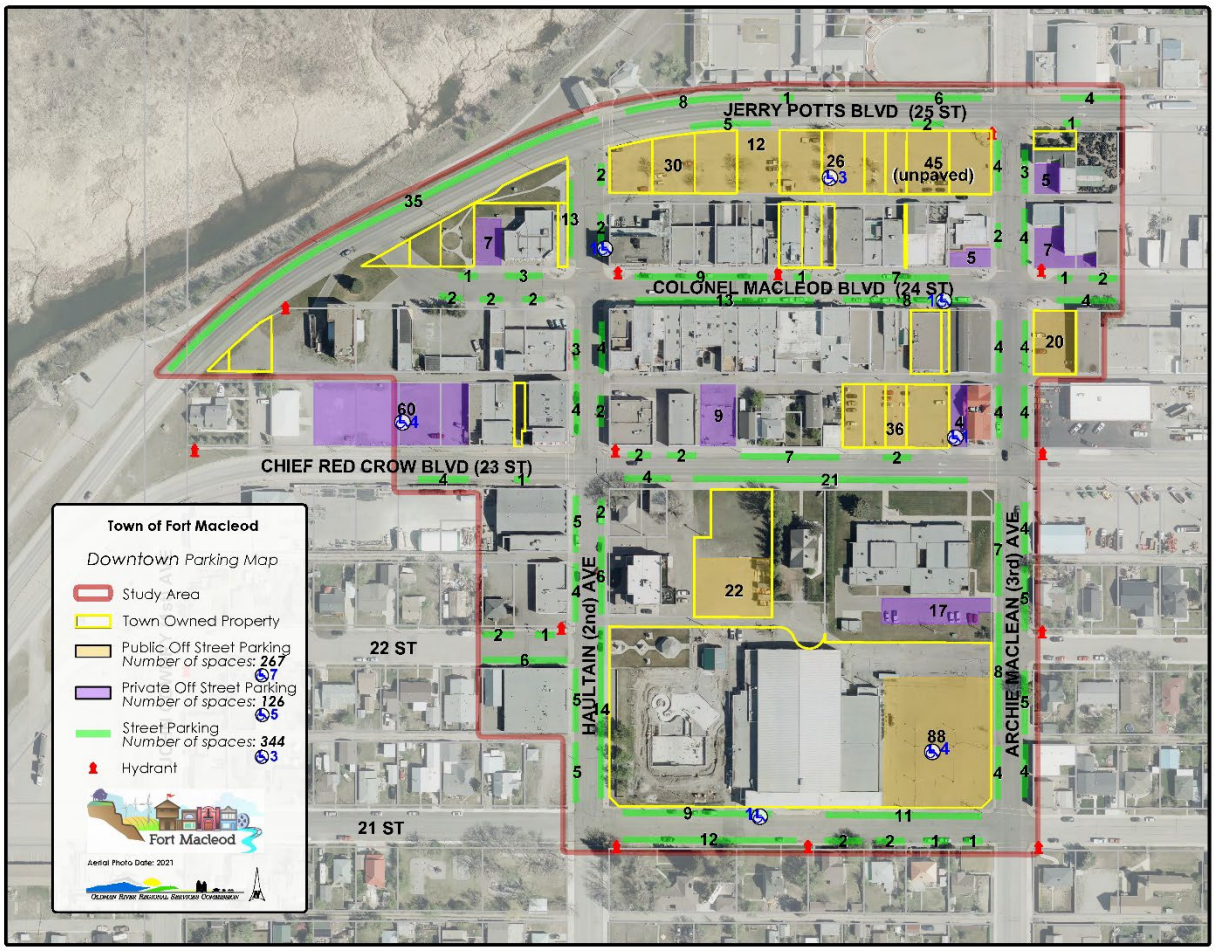
  (a) within 35 m (114.82 ft) of the principal entrance to the building and/or facility of the use that is required to provide the parking;

(b) within view of the façade of the building within which the associated use is located, and, if windows are present on the side of the building, along the side of the building;

(3) bicycle parking shall be anchored securely to the ground or a portion of a building in a way that minimizes the potential for the parking to be removed easily, to the discretion of the Development Authority.

12.5 PARKING REQUIREMENTS IN THE DOWNTOWN PARKING AREA

(1) For the calculation of parking requirements in the Downtown Parking Area, as defined by the Downtown Parking Map, the minimum standards as provided in 12.2(2) shall apply, but shall also be subject to the following additional requirements:



(a) notwithstanding any other provision, there shall be no requirement to provide additional off-street parking stalls for a proposal to redevelop an existing building in the Commercial Central District area shown on the Downtown Parking Map on the following page unless, in the opinion of the Development Authority, a lack of parking will result from the proposed development; and

(b) in the event that a lack of parking will result from a redevelopment proposal, the Development Authority shall specify the number of additional off-street parking stalls to be provided.

12.6 LOADING REQUIREMENTS

(1) Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the site before moving on to adjacent streets or sites;

(2) the required loading facilities for specific uses shall be as follows:

MINIMUM OFF-STREET LOADING REQUIREMENTS: Non-residential Uses		
Parking need	**Uses**	**Loading Requirements**
LOW	Retail stores Cafes Bakeries Daycares Manufactured home sales and service Pet grooming facilities Auto wrecking facilities Media production facilities Gas bars Storage, Indoor Truck and car wash Contractor services Personal service establishments Financial institutions Cannabis retail store	1 space minimum + 1 space/500 m^2 of GFA
	Storage, Outdoor Parks and playgrounds	1 space minimum + 1 space/1000 m^2 of GLA
MEDIUM	Equipment sales and service, Light and Heavy Freight and cartage service facilities Industrial Agriculture Manufacturing Offices Restaurants Bar/lounges Entertainment establishments Religious assembly Garden centres Group home Home improvement stores Medical/health facilities Repair and service shops Service stations Theatres Commercial schools Community association buildings Recreation private or public Institutional Auctioneering facilities	1 space minimum + 1 space/300 m^2 of GFA

	Cannabis production facility	
	Farmer's market Salvage and scrap yards Lumber yards	1 space minimum + 1 space/600 m^2 of GLA
HIGH	Funeral services Recycling depots Freight and cartage service facilities Schools Warehouse stores Warehouses	1 space minimum + 1 space/100 m^2 of GFA

(3) for the calculation of loading requirements, fractional numbers shall be rounded down or up to the next whole number, at the discretion of the Development Authority;

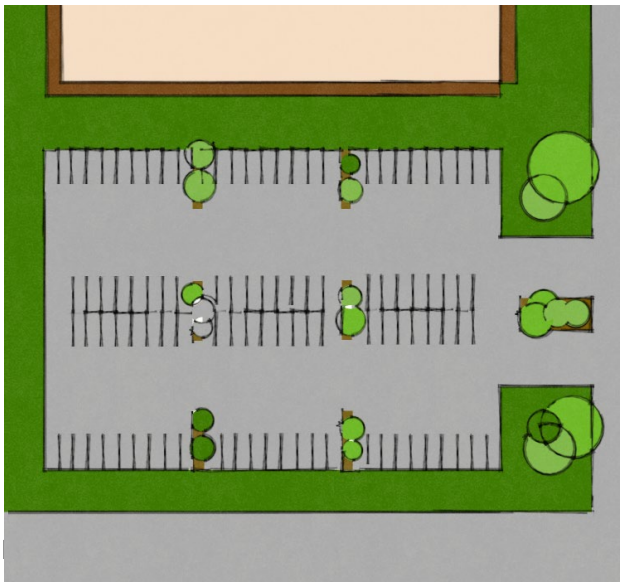
(4) for uses not listed in the above table, the number of off-street loading spaces shall be to the discretion of the Development Authority, with regard for the type of use that is being proposed, and the accuracy of information provided as per sub-section (5) below; and

(5) for uses not listed in the above table, the applicant shall provide detailed and accurate descriptions of the frequency with which loading spaces would be required, the type of design vehicle that will most often use the loading spaces, and the minimum number of loading spaces estimated to be required.

12.7 DESIGN REQUIREMENTS FOR MULTI-STALL PARKING AREA

(1) The requirements of this section are in addition to any other requirement for multi-stall parking areas contained in this bylaw;

(2) for multi-stall parking areas of more than twenty (20) total stalls, every ten (10) stalls should be interrupted by landscaping or other site elements deemed appropriate by the Development Authority;





(3) multi-stall parking areas should incorporate LID practices (see Section 15.3 of this schedule) such as tree filter boxes and curb-cuts where other LID storm water management tools have been implemented on or adjacent to the site;

(4) multi-stall parking areas shall incorporate pedestrian rights-of-way at key points throughout the parking area including but not limited to building or facility entrances and between aisle intersections, in the form of walkways and crossings that are clearly delineated through the use of techniques such as but not limited to:

(a) paint;

(b) context-appropriate signage;

(c) texturized pavement, paving stone or interlocking brick;

(d) raised crossings;

(e) bump-outs;

(f) bollards and other site elements physically separating pedestrians from vehicle rights-of-way; and

(g) any other technique deemed appropriate by the Development Authority;

(5) multi-stall parking areas shall be adequately illuminated in accordance with applicable standards such as but not limited to those of the Transportation Association of Canada (TAC) and/or the Illuminating Engineering Society of North America (IESNA).

SECTION 13 SETBACKS FROM STEEP SLOPES AND WATERBODIES

13.1 No development shall occur within the setback distances calculated using the General Guidelines for Setbacks on Land Adjacent to Steep Valley Banks (>15%) indicated in Table 1 and Figures 13 and 13.1. The development setback distance and its sufficiency, including any specific building requirements, shall be confirmed by a geotechnical report or other acceptable soils analysis prepared by an engineer qualified in the field of soils analysis, submitted prior to issuance of a decision on the development permit application.

Table 1 - General Guidelines for Setbacks on Land Adjacent to Steep Valley Banks (>15%)

MINIMUM SETBACK GUIDELINE			
Slope Factor	**H[1] x 1.0**	**H x 1.5**	**H x 2.0**
Lateral River Erosion of Top Slope	**No Erosion[2]**	**Minor Active Erosion**	**Major Active Erosion[3]**
Slope Steepness	**>15 to 50%** **(>8.5 to 26.6 degrees)**	**51 to 100%** **(27.0 to 45 degrees)**	**More than 100%**
Slope Failure on Bank	**No Failure,** **Minor[4] Inactive**	**Minor Active,** **Major[5] Inactive**	**Major Active** **Failure**
Past & Existing Anthropogenic Disturbance[6]	**No Disturbance** **to Moderate**	**Major Disturbance**	
Proposed Anthropogenic Disturbance	**Minor to Moderate** **Disturbance**	**Major Disturbance**	

[1] The valley bank height, H is defined as the vertical distance from the valley crest to the toe of slope. The toe of slope may be found either where the valley bank meets a terrace or where it directly enters the water course.

[2] An abandoned slope with the toe protected by a terrace

[3] Occurs on an outside bend of a river meander or opposite an island

[4] Minor refers to shallow slope failures, surface sloughing

[5] Major refers to deep seated slope failures involving the entire valley bank

[6] Human-induced disturbance such as excavating, filling, recontouring, drainage works, reservoirs, mining and tunnelling, utilities and roads

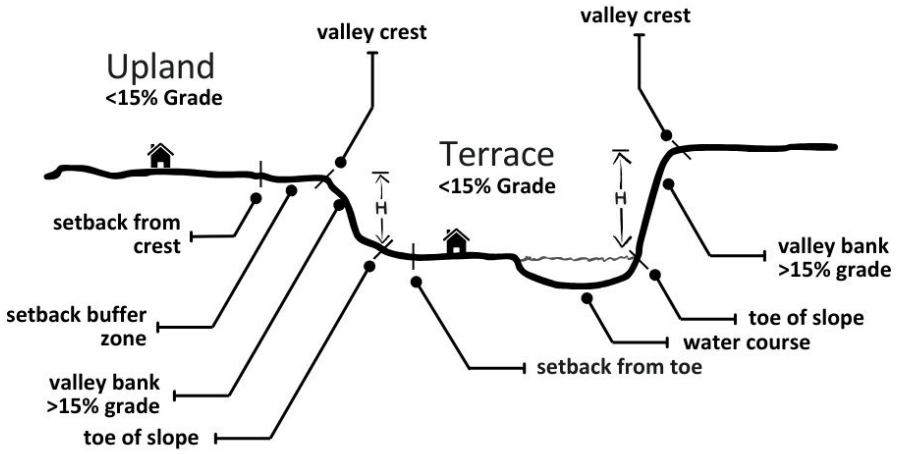


Figure 13.1 – Idealized Drawing of River Valley

13.2 Notwithstanding section 13.1, development within the setback distances calculated using the General Guidelines for Setbacks on Land Adjacent to Steep Valley Banks (>15%) indicated in Table 1 and Figures 13.1 and 13.2 may be allowed on the basis of a geotechnical report or other acceptable soils studies prepared by an engineer qualified in the field of soils analysis which defines a safe development setback at the discretion of the Development Authority.

13.3 Regardless of slopes contained within a proposed development site, the Development Authority and Subdivision Authority may require soils tests, a geotechnical report, other analyses and reports, and recommendations prepared by a qualified professional to be provided in support of any development permit application or subdivision application where they are of the opinion there is a potential risk for soil failures of any type, including subsidence and erosion.

13.4 Notwithstanding that a use of land may be permitted or discretionary in a land use district, where in the opinion of the Development Authority there is a potential risk for soil failures of any type, including subsidence and erosion, the Development Authority may require any conditions as deemed appropriate on a development permit approval, including but not limited to:

(a) limiting or restricting development on the parcel or applying special setbacks to address the location of improvements on the site;

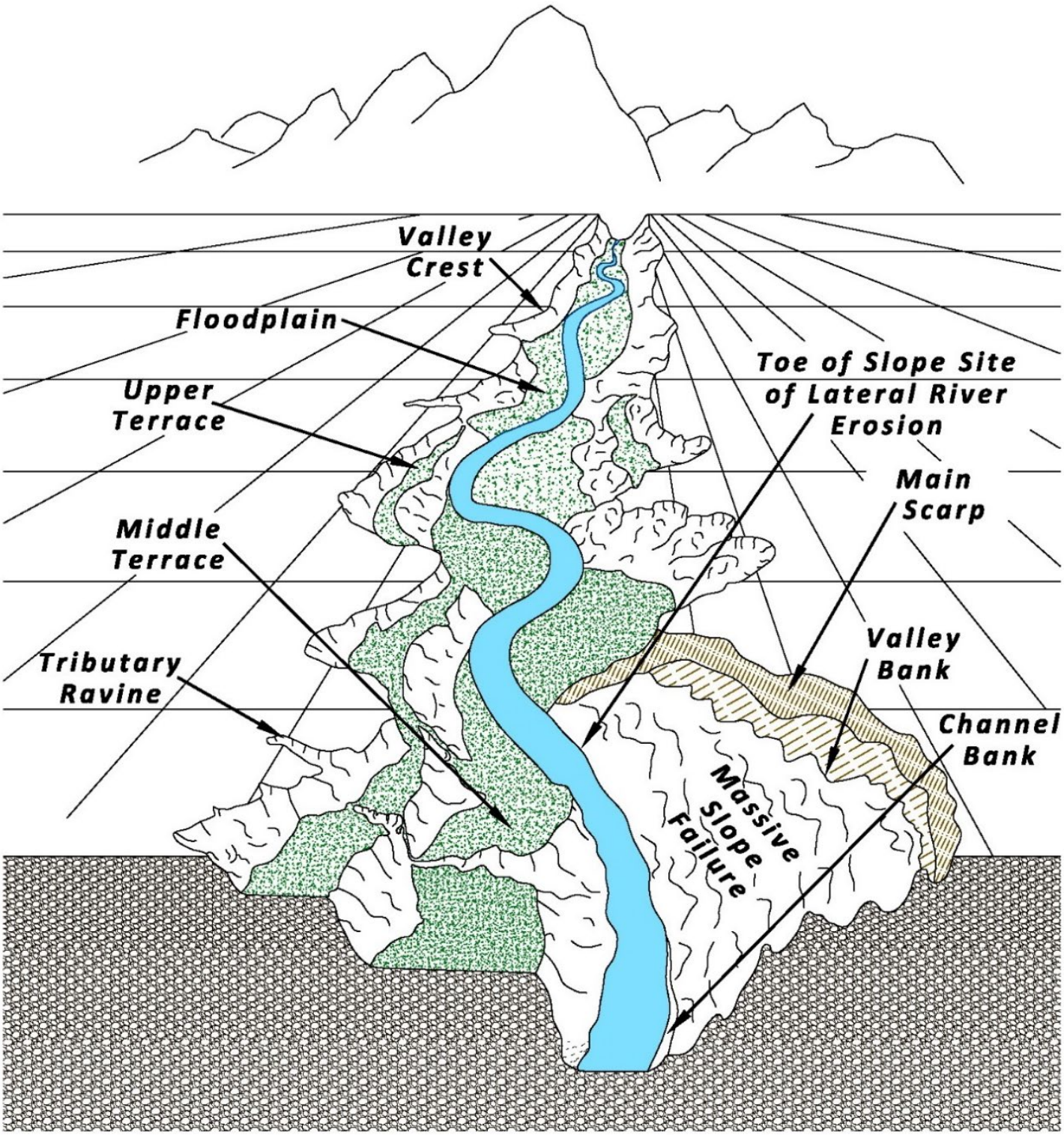


Figure 13.2 –River Valley Geomorphology

(b) requiring certifications from qualified professionals verifying any aspects of the proposal or conditions of approval, such as top and toe of slope, setback buffer zones, and compliance with building setback requirements and structural building plans;

(c) other conditions to ensure the development is safe as reasonably possible.

13.5 The Development Authority and Subdivision Authority may require a flood risk analysis, flood mapping, structural building and flood proofing plans, and/or other reports, analysis and plans prepared by a qualified professional to determine feasibility, suitability, and potential mitigation measures for development permit applications or subdivision applications for properties located in any river valley, drainage course, or within 100 feet (30.48 m) of the high water mark of other waterbodies such as lakes, ponds, reservoirs, creeks, canals, and drainage rights-of-way, both natural and man-made, or in any circumstance where in the opinion of the applicable Authority there is potential risk for flooding.

13.6 Notwithstanding that a use may be permitted or discretionary in a land use district, a proposed development within an area determined to be a Flood Hazard Area by the Development Authority shall be considered a discretionary use.

13.7 Notwithstanding that a use of land may be permitted or discretionary in a land use district where in the opinion of the Development Authority there is a potential risk for flooding, the Development Authority may require any conditions as deemed appropriate on a development permit approval, including but not limited to:

(a) limiting or restricting development on the parcel or applying special setbacks to address the location of improvements on the site;

(b) floodproofing and other mitigating measures;

(c) requiring certifications from qualified professionals verifying any aspects of the proposal or conditions of approval, such as elevations, compliance with building setback requirements and structural building requirements, and compliance with any applicable provincial requirements;

(d) other conditions to ensure the development is safe as possible.

SECTION 14 PROJECTIONS INTO SETBACKS

14.1 APPLICABILITY

Certain elements of buildings and lot improvements may be permitted to project into the yard setbacks prescribed in the land use districts. This section applies to all land use districts but does not apply when the setback requirement is 0 m (0 ft).

14.2 PERMITTED PROJECTIONS

(1) No part of any structure shall encroach into an adjacent property or public rights-of-way;

(2) no part of any structure or any projection shall cause runoff onto an adjacent property;

(3) the following may, subject to relevant provisions of Safety Codes, project into the minimum required yard setbacks of this bylaw:

(a) unenclosed steps providing entry to the basement or first floor of a principal building except into a 3.0 metre side yard required in a lane-less subdivision where no provision is made for a garage or carport on the front or side of a dwelling, to a maximum of:

(i) side yards: 1.5 m (4.9 ft); or
the minimum setback width between the property line and principal building, whichever is the lesser of the two.

(ii) front and rear yards: 50% of the minimum set back.

(b) wheelchair ramps and lifting devices;

(c) fences that comply with the maximum height requirements of the yard on which they are placed;

(d) driveways, sidewalks and curbs;

(e) off-street parking in accordance with the applicable land use district and Section 4 (Corner Lots) of this Schedule;

(f) services meters and mail boxes;

(g) architectural and/or structural features such as but not limited to window sills, cornices, eaves, gutters, chimneys, pilasters, canopies, and window bays, to the discretion of the Development Authority and to a maximum of:

(i) side yards: 0.6 m (1.97 ft)

(ii) front and rear yards: 1.2 m (3.94 ft)

(h) landscaping features;

(i) unenclosed decks and porches to a maximum of:

(i) front yards: to within 2 m (6.56 ft) of the property line.

(ii) secondary front yards: to within 1.0 m (3.28 ft) of the property line

(iii) rear yards: 3.0 m (9.84 ft)

(j) signs, in accordance with Schedule 7; and

(k) patios to a maximum of:

(i) side and/or rear yards: 100%

(ii) front yards: 50%

14.3 EXCEPTIONS

Notwithstanding the permitted projections of Section 14.2 above, the Development Authority may prohibit any projection into any yard setback should it be determined that it may result in material impact to adjacent properties, public rights-of-way, or the amenities of the neighbourhood.

SECTION 15 SITE DRAINAGE AND STORM WATER MANAGEMENT

15.1 APPLICABILITY

The Development Authority may require, in any instance deemed necessary, the preparation and submittal of drainage and storm water management plans to ensure development does not result in surface drainage adversely affecting adjacent lots or public rights-of-way.

15.2 GENERAL REQUIREMENTS

The Development Authority may require the following as a condition of development approval, at the sole cost of the developer:

(1) the preparation of engineered grading, drainage, and/or comprehensive storm water management plans;

(2) a legal land survey and any other documentation required to demonstrate engineered grades and any other measures necessary to meet requirements related to site drainage and storm water management have been met;

(3) the implementation of any measures necessary to control surface drainage, reduce or eliminate grade difference that may result in drainage problems for adjacent lots, and to minimize erosion and slope instability; and

(4) that final grades of the development and/or any other site works related to drainage shall be approved by the Development Authority before the issuance of a Development Permit.

15.3 LOW IMPACT DEVELOPMENT (LID)

LID measures are intended to reduce the quantity of storm water runoff and improve the quality of runoff at its source. The Development Authority may require the following LID measures as part of a development approval:

(1) green or living roofs;

(2) bioretention areas;

(3) porous pavement, paving grids, and vegetative paving blocks;

(4) water re-use;

(5) bioswales;

(6) tree box filters;

(7) low or no water use landscaping; and

(8) any other measure deemed appropriate by the Development Authority.



SCHEDULE 4

DESIGN STANDARDS OF DEVELOPMENT

SCHEDULE 4: GENERAL STANDARDS OF DEVELOPMENT

SECTION 1 GENERAL DESIGN STANDARDS

1.1 APPLICABILITY

Design standards relate to the ways that buildings, lots, streets, blocks and neighbourhoods may relate to one another and how they may be laid out overall. These standards provide direction to existing and proposed subdivision and development with a focus on balancing the conventional requirements of this bylaw with a degree of flexibility that is intended to:

(1) promote a development approach that balances the traditional focus on the automobile with recognition for people as the main users of the built environment;

(2) be applicable to existing subdivision and development as much as is practical given the context-specific constraints that are present in already built-up areas of the Town; and

(3) be applicable to proposed subdivision and development in a comprehensive manner.

The design standards contained in this section shall be applicable to all land use districts unless otherwise stated.

1.2 BUILDING SCALE

1.2.1 Overview

The building scale relates directly and indirectly to the lot scale and takes into account, but is not limited to such factors as the:

(1) relative size and visual interest provided by the building (articulation and scale);

(2) number and/or size and placement of windows and doors facing private and public outdoor spaces such as but not limited to parking lots, patios, pedestrian and cyclist linkages, and streets (transparency);

(3) building design including exterior materials and colour choices as related to adjacent and area development (character); and

(4) the orientation and placement of the building and its entrances in relation to required parking and loading areas and pedestrian and cyclist linkages leading to the lot and building (orientation).

In addition to all other applicable requirements of this bylaw, redeveloped and newly constructed buildings are subject to the standards of this section.

1.2.2 Articulation

(1) General Requirements:

(a) the façade of principal buildings shall not be at the same depth of setback for the façade's total width;

(b) façade articulation shall be achieved through the use of design techniques such as but not limited to:

(i) stepping out or recessing portions of the façade;

(ii) using accent colours and/or textures;

(iii) planting vegetation along the building edges;

(c) principal entrances shall be articulated through the use of design techniques listed in sub-section (1)(b); and

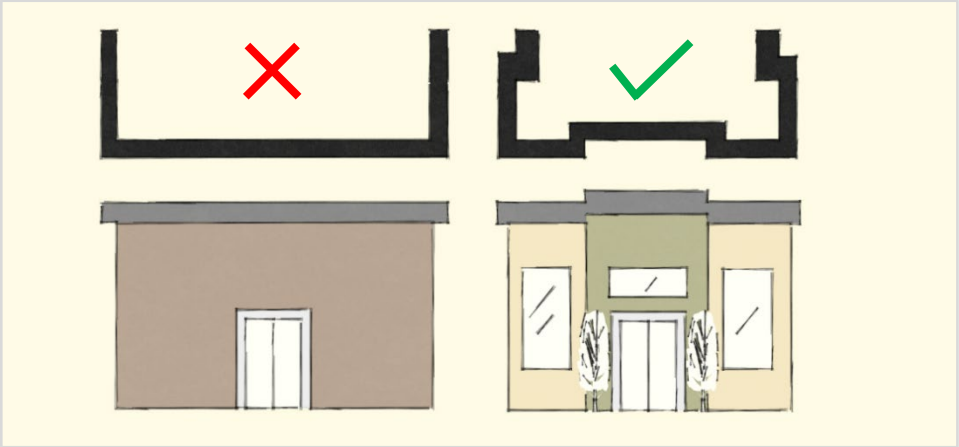


Figure 1.2.1: an example of façade articulation as per 1.2.2(1) of this section.

(d) should a building be built to the maximum allowable height as prescribed in each land use district, the third storey or equivalent height in single or two storey buildings with high ceilings or false fronts, be stepped back a minimum of 1.83 m (6 ft).

(2) Commercial and Industrial development:

(a) commercial buildings and industrial buildings that provide administrative and/or retail space shall orient the façade of such administrative and/or retail space to the street, with any part of the building used for manufacturing or any other non-retail commercial or industrial activity to be oriented behind the façade; and

(b) 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.

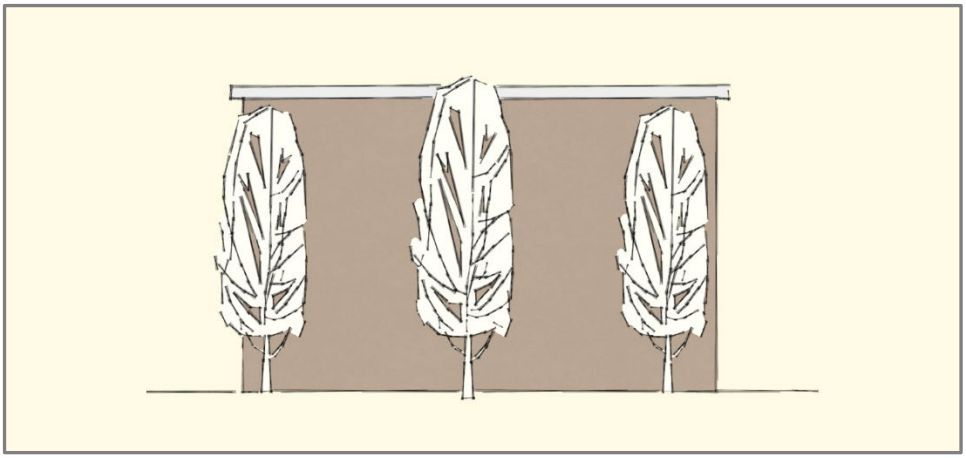


Figure 1.2.2: an example of articulating blank walls with plantings as per 1.2.2(2)(b) of this section.

1.2.3 Scale

Key features of the principal building such as but not limited to primary entrances should be scaled to suit the pedestrian.

1.2.4 Transparency

(1) The façade of the principal building shall be made up of a minimum of 30 percent transparent surfaces;

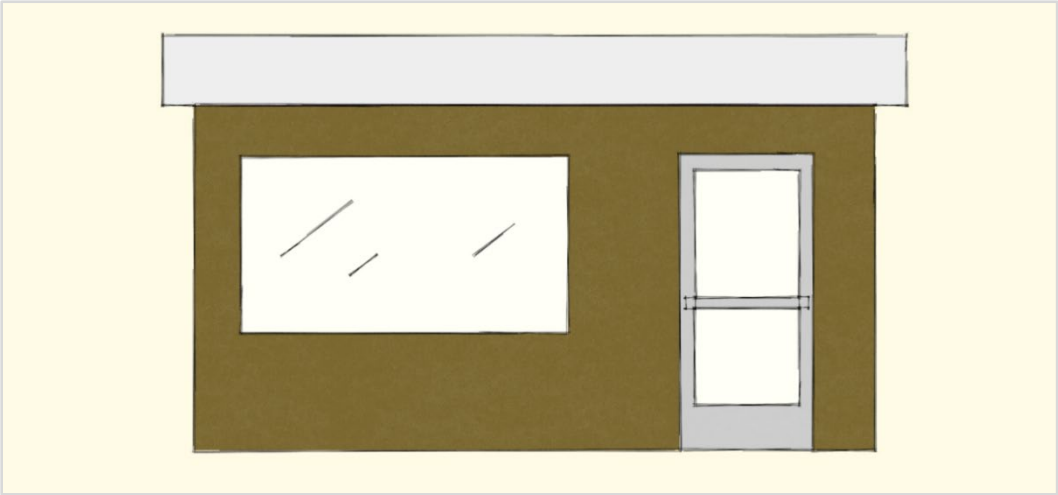


Figure 1.2.3: an example of approximately 30 percent transparent surface as per 1.2.4(1) of this section.

(2) should any side of the principal building other than the façade face a street or other public right-of-way, transparent surface should be incorporated; and

(3) transparent surfaces shall be oriented towards key access linkages to the lot and the principal building, including but not limited to parking areas, sidewalks, pathways, trails, bicycle racks, and outdoor amenity spaces.

1.2.5 Character

(1) All development shall complement and enhance features of the adjacent lots and the overall existing or desired character of the street and area, based on approved statutory or non-statutory plans and/or to the discretion of the Development Authority, through investigation of existing:

(a) building heights, scale, massing, form, orientation, and roof slopes;

(b) architectural features and exterior finishes;

(c) entrances, walkways and linkages;

(d) parking and vehicular access layout;

(e) landscaping and outdoor amenity spaces; and

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

1.2.6 Orientation

(1) General requirements:

(a) the façade and primary entrance of the principal building shall be oriented to the street; and

(b) parking areas shall, where practical, be oriented to the side and rear of the lot.

(2) Non-residential land use districts:

(a) loading areas and service entrances shall be to the side and rear of the lot; and

(b) the principal building should be oriented in such a way that loading areas and service entrances are not visible from the street.

1.3 LOT SCALE

1.3.1 Overview

The intention of this section is to provide a balance between the highest possible function of the lot and respect the relationship that lots have to one another, the development that is to occur on the lots, and the ways in which both relate to adjacent public space.

(1) General Requirements:

(a) through lots or double frontage lots shall not be permitted except where essential to separate residential development from traffic arterials, to overcome specific disadvantages of topography and orientation or if essential to the operation of an industrial use;

(b) in such cases, as deemed by the Development Authority, where through lots may be permitted, the primary access to the lot shall be provided only on the lower classification street;

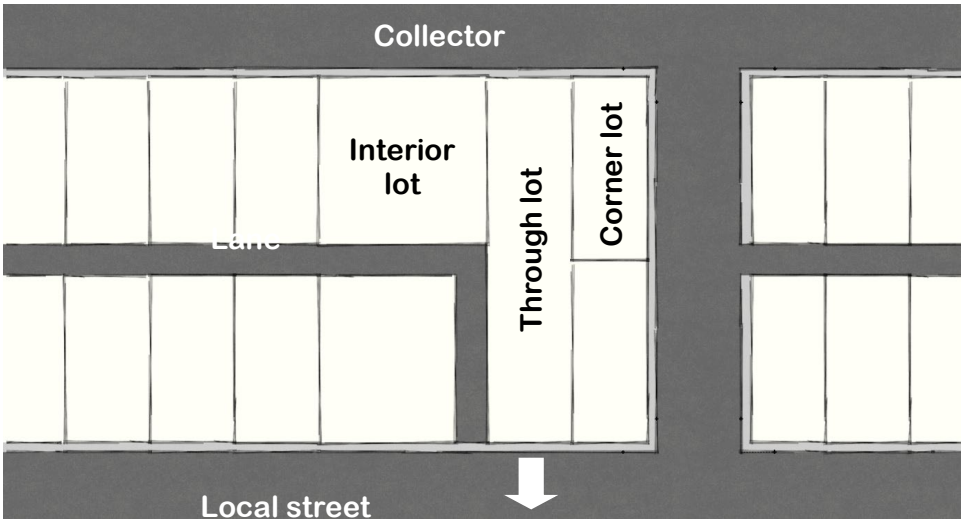


Figure 1.3.1: an illustrative guide to lot types as per 1.3.1(1) of this section.

(c) flag lots shall not be permitted to be less than 0.2 ha (0.5 acres) and shall meet the following design requirements:

(i) the flag lot directly accesses a local street;

(ii) the aggregate width of the narrowest point of the lot is 6.1 m (20 ft);

(d) all lots shall have side lot lines at right angles to street lines or radial side lot lines to curved streets. Unusual lot shapes shall be avoided unless it is required to overcome specific disadvantages of topography and orientation;

(e) the lot line common to the street shall be the front lot line. All lots shall face the front lot line and a similar lot across the street;

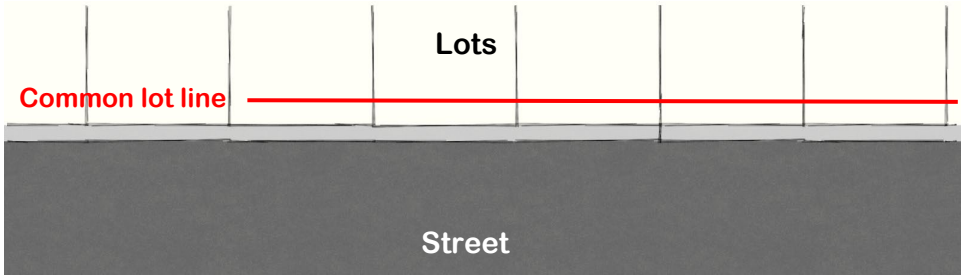


Figure 1.3.2: an example of a common lot line as per 1.3.1(e) of this section.

(f) all lots shall have one lot line adjacent to a public roadway other than a lane;

(g) where feasible, lots shall be oriented in such a way that the rear lot line does not abut the side lot line of any adjacent lot(s), excepting out lots adjacent to collector roads, which may be oriented parallel to the collector and thereby placing the side of the lot line of the lots adjacent to the collector adjacent to the rear of the lots facing the local street;

(h) no lot shall be created that does not meet the minimum requirements of this bylaw, unless such a lot has been permitted by an adopted statutory plan and the use and maintenance of that lot has been specified; and

(i) at the time of subdivision, all corner lots shall dedicate clear vision triangles, in accordance with Section 4 of this Schedule, as right-of-way.

(2) Residential land use districts:

(a) residential lots shall be longer than they are wide, except in instances where:

(i) corner lot orientation makes this unachievable;

(ii) the lot is intended for multiple residential dwelling development and makes use of the consolidation of a number of residential lots that would have previously been suitable only for lower density dwelling types such as single family, duplex, and triplex dwellings.

1.4 STREET SCALE

1.4.1 Overview

The intention of this section is to ensure a balanced approach to the use of streets is achieved. That is, the vehicle is not the only user of the street and therefore the needs of the vehicle should be balanced against those choosing active modes of transportation.

Street scale design should consider, account for, and where possible enhance the level of comfort for active modes of transportation.

(1) General requirements:

(a) where practical and to reduce potential points of conflict between vehicles and pedestrians, vehicular access directly to a lot from the street should be shared with adjacent lots that may also require the same type of access;

(b) on streets with sidewalks and other forms of active transportation rights-of-way, traffic calming measures should be incorporated such as but not limited to:

(i) boulevard landscaping;

(ii) reduced corner radii;

(iii) intersectional and mid-block bulb-outs at key crossing points;

(iv) vertical and horizontal deflection;

(v) partial street closure;

(vi) median barriers incorporating hard and soft landscaping;

(vii) artificial lane narrowing and choke points; and

(viii) any other measures as deemed appropriate by the Development Authority;

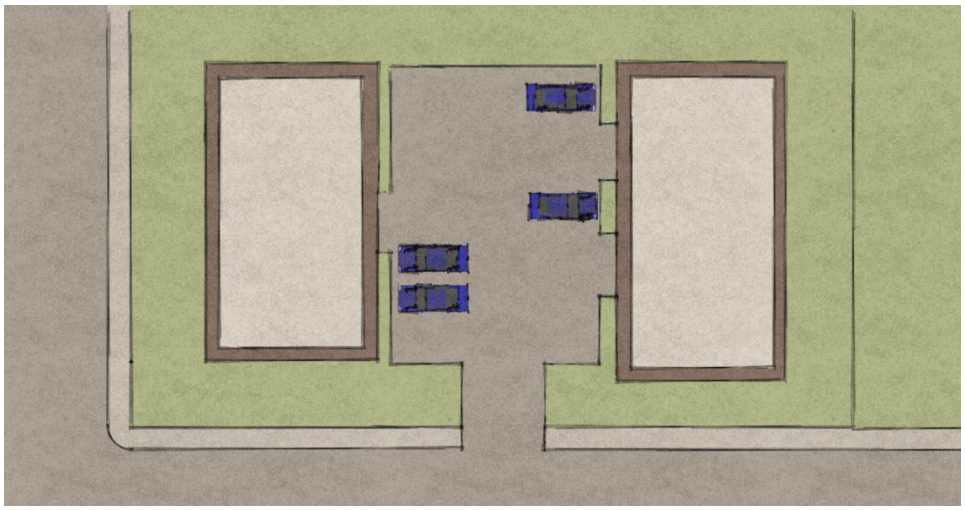


Figure 1.4.1: an example of shared access as per 1.4.1(a) of this section.

(c) traffic calming measures should be incorporated at 30 m (98.4 ft) intervals for local streets and 50 m (164 ft) intervals for collectors;

(d) traffic calming measures for arterial streets should be determined on a case-by-case basis;

(e) traffic calming measures, when incorporated, shall be designed to ensure the access for emergency and protective services vehicles is not negatively impacted; and

(f) all proposed traffic calming measures shall be reviewed by and to the satisfaction of the Town's engineering department.

(2) Residential land use districts:

(a) where possible, street design in residential land use districts and areas where residential districts are the predominate district, should avoid cul-de-sacs that do not provide a through-route for active modes of transportation.

1.5 BLOCK SCALE

1.5.1 Overview

The block scale relates broadly to the lot, street and neighbourhood scales. Block scale design can influence the number of choices automobiles and active modes of transportation have in moving through the urban environment, the distance between destinations, and the overall level of connection of the block to adjacent and surround blocks and neighbourhoods.

The intention of this section is to provide general standards with a focus on the:

(1) number of route choices for motor vehicles and active modes (permeability); and

(2) distance between destinations (connectivity).

1.5.2 Permeability & Connectivity

(1) General requirements:

(a) the maximum dimensions of a block, measured from the centre of the street, should be no greater than 500 m (1640 ft);

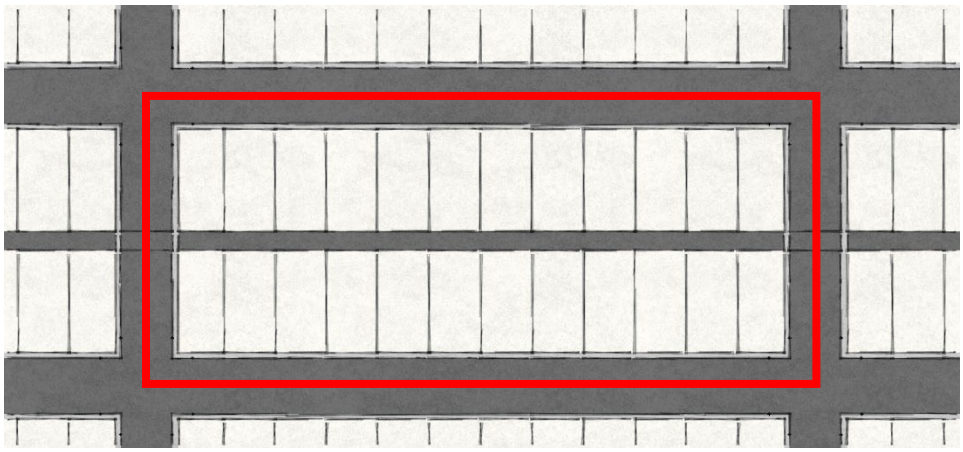


Figure 1.5.1: maximum block dimensions as per 1.5.2(1)(a) of this section.

(b) the length and width of the block should be sufficient to accommodate two (2) tiers of lots, except where a single row of lots back onto an arterial street; and

(c) rear laneways should be incorporated into block design where possible.

1.6 NEIGHBOURHOOD/AREA SCALE

1.6.1 Overview

The neighbourhood or more generally, the area scale relates broadly to the block and street scales. The ability of the neighbourhood/area to relate to adjacent and surrounding development is based on the level of connectivity to other areas, and the overall street layout that is made up of the prevailing block patterns.

This section is intended to provide general standards for the integration of new and existing neighbourhoods/areas, which may result in less traffic congestion at the ‘choke’ points resulting from conventional neighbourhood/area design.

(1) General requirements:

(a) new neighbourhoods/areas should provide:

(i) as many through routes as are practical;

(ii) integration into the prevailing block pattern and street network of existing adjacent areas;

(2) Residential land use districts:

(a) new neighbourhood development shall consider the prevailing block pattern and street network of existing adjacent development when identifying points of neighbourhood/area access;

(b) new neighbourhood/area development shall incorporate as many points of access for the neighbourhood/area as are practical; and

(c) a mix of collector and arterial roads should provide access not only within the neighbourhood, but to and from the neighbourhood.

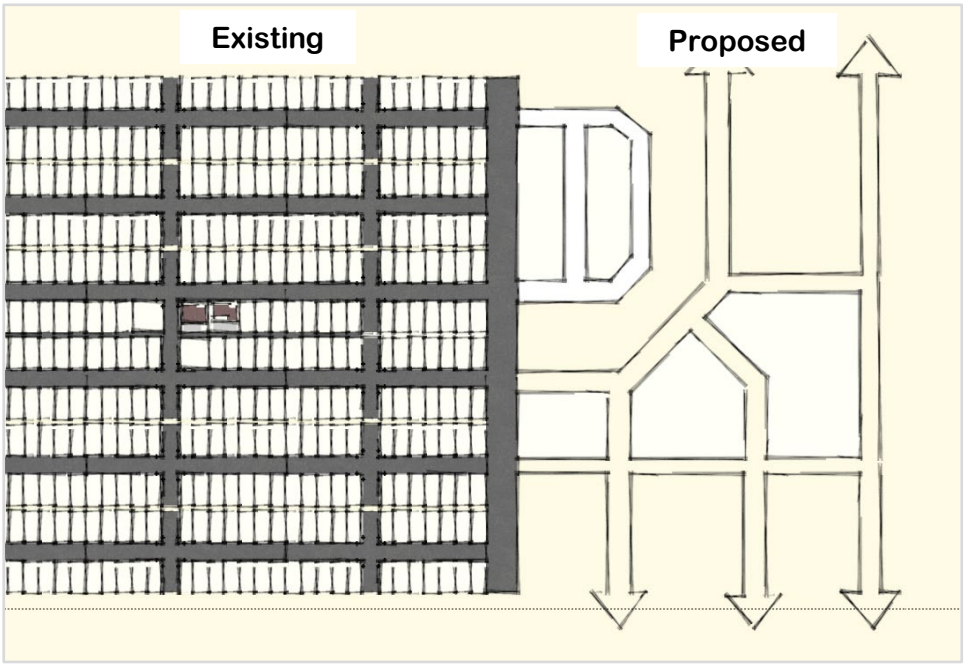


Figure 1.6.1: an example of an existing neighbourhood being considered when new neighbourhood design is proposed as per 1.6.1(2) of this section.

1.7 EXCEPTIONS

The requirements of this section may be waived should the Development Authority deem any of the requirements to be unachievable due to a material impact they may have on the development potential of a site.

As a part of the process of determining whether a requirement of this section may have a material impact on the development potential of a site, the Development Authority may, at the sole cost of the developer, require proof in the form of an analysis and recommendation completed by a qualified professional such as but not limited to an architect, engineer or planner.

SECTION 2 INTERFACE AREAS

2.1 APPLICABILITY

The requirements of this section apply to all circumstances where a non-residential development is proposed to be situated adjacent to a residential development, including mixed-use developments containing residential dwelling units above or behind non-residential development proposed adjacent to residential-only development.

2.2 GENERAL REQUIREMENTS

(1) Development in interface areas shall complement and enhance features of the adjacent lots and the overall existing or desired character of the street and area, based on approved statutory or non-statutory plans and/or to the discretion of the Development Authority, through the investigation of existing:

(a) building heights, scale, massing, form, orientation, and roof slopes;

(b) architectural features and exterior finishes;

(c) entrances, walkways and linkages;

(d) parking and vehicular access layout;

(e) landscaping and outdoor amenity spaces; and

(f) any other matters deemed appropriate by the Development Authority;

(2) development in interface areas shall mitigate potential undesirable impacts on existing uses. Impacts may include but are not limited to issues regarding pedestrian and traffic circulation and safety, parking, light and glare, noise, odours, dust control, security, shading, and visual intrusion. The mechanisms proposed for impact mitigation shall be considered the responsibility of the developer and shall be developed and implemented to the satisfaction of the Development Authority; and

(3) in interface areas site elements such as loading bays, storage areas, trash enclosures, transformers, generators and similar features shall be sited in such a way they are not visible from public rights-of-way and visibility from adjacent lots is minimized as much as is reasonably achievable.

2.3 SIGNAGE

(1) Certain types of signage are prohibited in interface areas, including signage that is animated, electronic moving image/script LED, flashing, or rotating;

(2) the illumination of signage shall only be permitted if is not internal to the sign, does not make use of neon gas, and meets the requirements of Section 15 of Schedule 7; and

(3) signage in interface areas shall complement and enhance the existing or desired character of the street and area.

2.4 PARKING AND LOADING

(1) For multi-unit residential and non-residential development in interface areas off-street parking shall be:

(a) located at the rear and/or side of the lot and shall be screened from public rights-of-way and adjacent lots by landscaping and/or fencing;

(b) permitted one point of access from the street if there is no laneway and may only be permitted from the laneway if there is a laneway, to the discretion of the Development Authority; or

(c) should a reduction to minimum parking standards and/or shared parking be proposed, the Development Authority may require the submission of a Parking Management Plan, in accordance with Section 12.2(5) and (6) of Schedule 3.

2.5 LANDSCAPING

(1) Development applications in interface areas shall be accompanied by landscaping plans prepared in accordance with Section 3 of this Schedule;

(2) trees and shrubs in an interface area shall be planted in a manner that effectively screens non-residential development from residential development. Trees and shrubs may be clustered or grouped within a side or rear yard to serve as a focal point for the landscape treatment but a minimum 1.5 metre landscaped strip shall be provided along the side and rear property lines. The developer will be encouraged to provide trees in a ratio of one tree per 35 square metres of total landscaped area provided on a site. As an alternative, shrubs may be planted for each 35 square metres of landscaped area provided on a site so long as the design incorporates trees along the property line;

(3) on corner lots, in addition to the landscaping required in the front yard as identified in Section 3 (Landscaping) of this Schedule, the developer shall be responsible for landscaping the municipal boulevard from the back of curb to the front and/or secondary front property line;

(4) where a non-residential development abuts any residential lot without an intervening lane, there shall be landscaping parallel to the property line of not less than 1.5 m (4.92 ft) in width throughout that shall make use of trees and shrubs to aid with visual screening between the lots;

(5) as an alternative to the screening requirements that make use of trees and shrubs, as set out in this sub-section, a solid fence or wall may, at the discretion of the Development Authority, be provided along the lot lines that are adjacent to a residential lot; and

(6) should a solid fence or wall be permitted in lieu of trees and shrubs, for the sole purpose of screening a non-residential development from a residential lot, all other landscaping requirements in this section and Section 3 (Landscaping) of this Schedule shall be met.

2.6 OUTDOOR LIGHTING

In addition to the requirements of Section 4 (Outdoor Lighting) of this Schedule, development in interface areas shall meet the following outdoor lighting requirements to the satisfaction of the Development Authority:

(1) development proposed within an interface area may be required to contain a detailed lighting plan for the site including illustrations of light fixture design, height, location and extent of light pool, at the discretion of the Development Authority; and

(2) where freestanding poles are used to provide lighting, they shall be designed to complement the existing or desired character of the street and area.





Figure 2.6.1: examples of freestanding lighting that may fit in with an existing neighbourhood character.

SECTION 3 LANDSCAPING

3.1 APPLICABILITY

The requirements of this section apply to new development on vacant lots and the redevelopment of existing uses and are considered minimum requirements that may be added to depending on the other portions of this bylaw that may apply to each development proposal.

3.2 CLASSIFICATIONS

Landscaping is classified into soft and hard categories, based upon the characteristics of the materials and features used in each:

(1) soft landscaping is generally non-structural and consists of living organisms or materials derived from living organisms such as but not limited to trees, shrubs, grasses, native and non-native plants and flowers; and

(2) hard landscaping is generally structural and consists of non-living materials such as but not limited to brick, concrete, stamped concrete and asphalt, stone, paving blocks, and wood, but does not include driveways, patios and sidewalks.





Figure 3.2.1: an illustrative example of soft (left) and hard (right) landscaping as per 3.2(1)(2) of this section.

3.3 GENERAL REQUIREMENTS

(1) Landscaping shall be to the satisfaction of the Development Authority;

(2) detailed landscaping plans may be required at the discretion of the Development Authority;

(3) the quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development;

(4) the scale and nature of landscaping on a lot shall complement and enhance the development;

(5) the majority of required landscaping shall be concentrated in those yards adjacent to public rights-of-way unless otherwise stipulated;

(6) landscaping materials shall be selected based on the context of the site and the existing or desired character of the street and area, based on approved statutory or non-statutory plans and/or to the discretion of the Development Authority and soft landscaping specifically shall be chosen based on resistance to disease, maintenance requirements, and relative hardiness as compared to the local climate;

(7) trees and shrubs that exist on a lot prior to development occurring shall be preserved and integrated into the required landscaping unless the developer can demonstrate that this requirement cannot be reasonably met;

(8) landscaping shall not unduly affect the drainage of public rights-of-way or adjacent properties;

(9) the Development Authority shall determine the following:

  (a) the minimum number of trees and/or shrubs for the portions of a lot required to be landscaped;

  (b) the minimum distance required between the ground and the lowest branches of trees; and

  (c) the minimum caliper width of trees at the time of planting;

(10) soft landscaping shall be maintained on an ongoing basis;

(11) any tree or shrub that does not survive shall be replaced within one year of discovery or from the time the Development Authority receives notification of the same; and

(12) Low Impact Development (LID) techniques such as but not limited to alternative irrigation system and the use of drought-resistant landscaping techniques such as but not limited to xeriscaping and drought-resistant materials such as but not limited to mulches and gravels is encouraged to minimize the additional watering requirements of some non-native trees, shrubs, plants, flowers, and grasses.

3.4 LANDSCAPED AREAS

The landscaped areas described in this section are considered the minimum area to be landscaped and may be added to, depending on the type and location of development.

(1) Landscaping of all lots shall occur within the entire front yard and secondary front yard except for those areas required for pedestrian and vehicular movement, parking, and for any other structures and/or uses approved to be located in the front and/or secondary front yard;

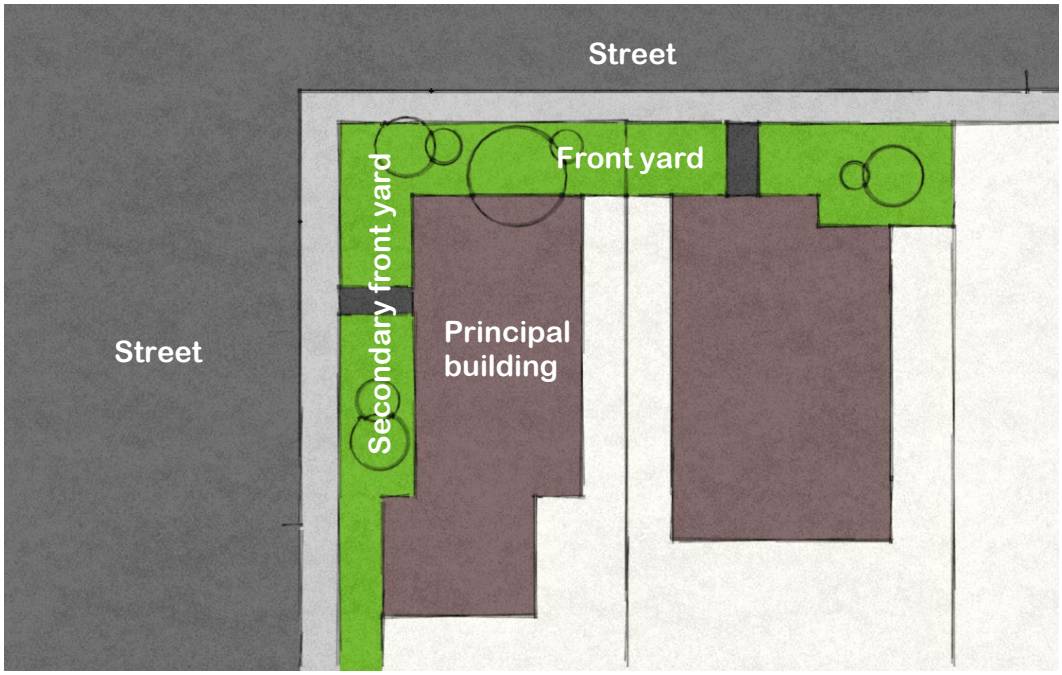


Figure 3.4.1: an illustrative example of areas required to be landscaped in accordance with 3.4(1) of this section.

(2) in addition to all other landscaping requirements, all Town boulevards and other public r-o-w adjacent to a lot that is intended to be landscaped shall be landscaped by the developer and shall be maintained by adjoining landowners to the satisfaction of the Development Authority;

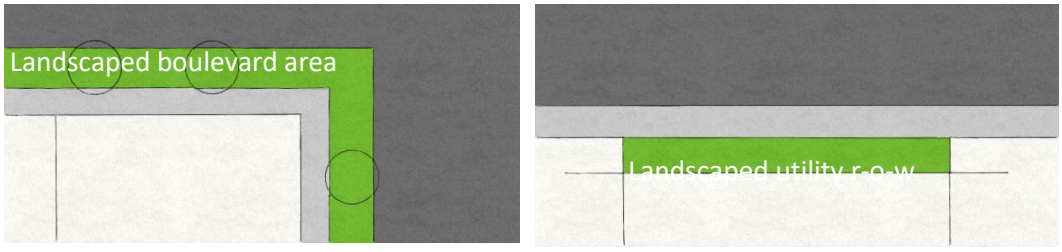


Figure 3.4.2: an example of lands required to be landscaped as per 3.4(2) of this section.

(3) in addition to sub-section (1) and the landscaping requirements of any other portion of this bylaw, for developments where off-street parking is in the rear and/or side yards, landscaping shall be required for areas visible from adjacent public rights-of-way not required for parking stalls or vehicular movement; and

(4) notwithstanding sub-section (1-3), any other portion of a lot that may require additional landscaping for the benefit of adjacent properties and/or views from public rights-of-way may be determined at the discretion of the Development Authority.

3.5 SECURITY

The Development Authority may require an approved form of financial security to be provided to ensure the satisfactory completion and maintenance of required landscaping. Should the security be required the following shall apply:

(1) the form of security shall be to the satisfaction of the Development Authority;

(2) the calculation of the security shall be 125 percent of the total cost of landscaping and the first year of maintenance, based on estimates approved by the Development Authority and provided by the landscaping company that will be completing the work, or the registered landscape architect who has prepared the approved landscaping plan;

(3) the security either in part or as a whole shall be returned upon inspection of the completed landscaping by the Development Officer, depending on whether deficiencies have been identified;

(4) whatever portion of the security that represents the cost of the first year of maintenance may be withheld for a period determined by the Development Authority should the condition of the landscaping not meet the minimum requirements of this section; and

(5) should it be determined that any portion of the landscaping has not survived or was not completed in accordance with the requirements of this bylaw and/or any approved landscaping plan, the Development Authority shall use that portion of the security required to rectify the deficiency.

SECTION 4 OUTDOOR LIGHTING

4.1 APPLICABILITY

Outdoor lighting requirements specified in this section are applicable to all new development and the redevelopment of all existing development that requires the replacement of existing outdoor lighting fixtures, or the installation of new outdoor lighting fixtures.

4.2 REQUIREMENTS

Where outdoor lighting is required for any development to illuminate the lot, building or any other portion of the site, the type, location and orientation of the lighting shall:

(1) not produce any form of light pollution, including but not limited to light trespass, glare, over-illumination, light clutter or up-lighting;

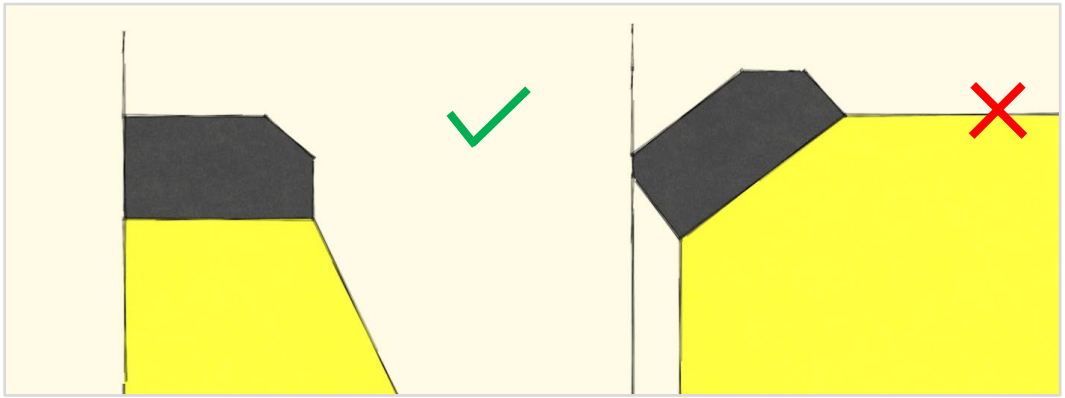


Figure 4.2.1: an example of proper vs. improper adjustable light placement as per 4.2(3) of this section.

(2) make use of full cut-off fixtures and appropriate bulb strengths; and

(3) angle adjustable light fixtures such that they are horizontal to and parallel with the ground over which they are intended to illuminate.

4.3 EXEMPTIONS

(1) Season specific temporary outdoor lighting that does not comply with the requirements of this section shall be permitted on a non-permanent basis; and

(2) street lighting may produce some light trespass but is subject to all other requirements of this section.

SECTION 5 SCREENING

5.1 APPLICABILITY

The requirements of this section shall be met in any instance that the Development Authority deems it appropriate to require the screening of a part or all of a building or any other structure or use on a lot from adjacent lots and/or public rights-of-way, including instances where screening has not been noted as a potential requirement of the proposed development in this bylaw. All requirements of this section are in addition to the screening requirements of any other section of this bylaw.

5.2 GENERAL REQUIREMENTS

(1) Acceptable methods of screening include fencing, solid walls, berms or vegetation, or any combination thereof that meet the standards of this bylaw, or other types of screening that may be proposed at the discretion of the Development Authority;

(2) all types of screening shall:

(a) ensure a minimum opacity of 90 percent;

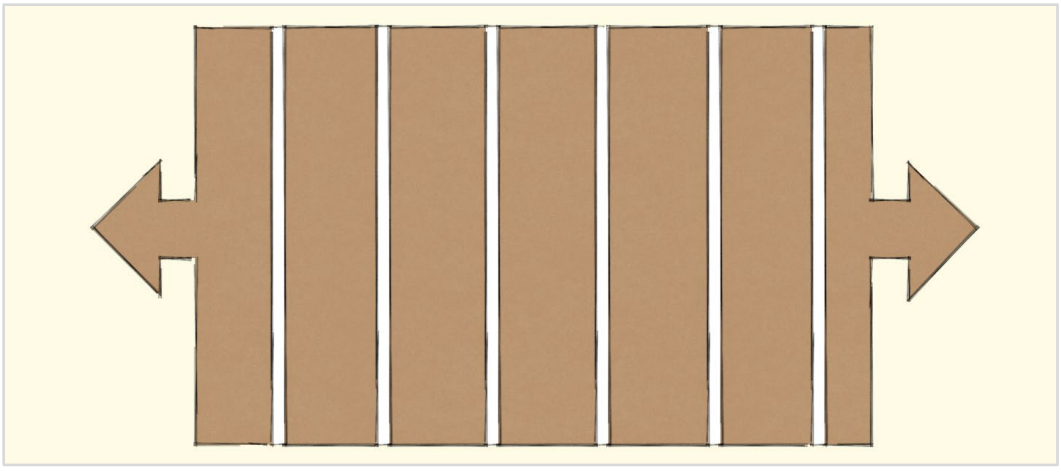


Figure 5.2.1: an example of screening with approximately 90 percent opacity.

(b) be maintained to the standard at which it was originally approved;

(3) vegetation used for the purposes of meeting screening requirements shall be:

(a) of a drought-resistant variety;

(b) of a species that does not lose foliage in the fall and winter months;

(c) at a minimum of 75 percent the height required to meet the screening requirements at the time of planting;

(4) chain link fencing shall not be permitted as screening unless opaque slats are included in all of the chain link fencing intended for the purposes of screening.

5.3 NON-RESIDENTIAL LAND USE DISTRICTS

(1) All non-residential land use districts shall be required to screen the following, in addition to screening requirements prescribed in other sections of this bylaw, if they are not already out of the view of the public and/or adjacent lots:

(a) garbage and recycling bins;





Figure 5.3.1: examples of garbage bin and utility box screening as per 5.3(1)(a)(b) of this section.

(b) mechanical and utility boxes;

(c) air conditioning units mounted along unfenced side yards; and

(d) any other structure as deemed necessary by the Development Authority;

(2) should a fence or solid wall be proposed for the purposes of meeting the screening requirements and the height of the structure to be screened or the area to be screened is of a size that the maximum fence or solid wall height of 2.0 m (6.56 ft) is insufficient, the fence or solid wall shall be increased in height to a point where the structure or area intended to be screened is sufficient.

SECTION 6 VEHICLE-ORIENTED DEVELOPMENT

6.1 APPLICABILITY

Any use that directly incorporates vehicles into the operation of the building(s), including but not limited to drive-through facilities for the purposes of serving food or any other provision, vehicle washing facilities such as car and truck washes, fueling stations, oil change facilities, or any combination of the above, shall be subject to the requirements of this section.

6.2 GENERAL REQUIREMENTS

(1) All vehicle-oriented uses shall be designed and developed to the satisfaction of the Development Authority;

(2) vehicle-oriented uses should be located only where the operation and associated traffic flows will not unduly or materially impact adjacent land uses and/or the normal functioning of surrounding transportation rights-of-way;

(3) minimum queuing space shall be provided as follows:

(a)	restaurant:	30.5 m (100 ft) from order box to pick-up window
(b)	fuel station or gas bar:	9.1 m (29.8 ft) from each end on pump island
(c)	bank machine:	22.9 m (75 ft) from bank machine window
(d)	car or truck wash:	15.2 m (50 ft) from wash bay entrance
(e)	vehicle services: (drive-in bay)	15.2 m (50 ft) from vehicle entrance
(f)	other:	As determined by the Development Authority

(4) the minimum queuing space requirements of sub-section (3) may be varied by the Development Authority depending on the projected intensity of the proposed development and associated traffic flows; and

(5) a maximum of two vehicle access points to and from the site shall be permitted and shall be sited to the satisfaction of the Development Authority.

6.3 SITE AND BUILDING DESIGN

(1) Required off-street parking and queuing lanes should be located at the side and rear of the building;

(2) principal building entrances should be oriented to the street;

(3) vehicle access points to and from the site shall be located as far from street intersections as possible;

(4) parking stalls and queuing lanes adjacent to other lots or public rights-of-way shall be buffered by a strip of 2.0 m (6.56 ft) in width that is landscaped, fenced or has a solid wall placed on it to buffer the vehicle-oriented use from adjacent uses;

(5) parking stalls shall be buffered from queuing lanes by a strip of 1.0 m (3.28 ft) in width that is landscaped in accordance with this bylaw;

(6) site amenities such as but not limited to picnic benches, outdoor seating, garbage receptacles, recycling containers and bicycle parking facilities shall be placed along the side(s) of the building facing the street;

(7) pedestrian circulation shall be clearly demarcated in and across parking and queuing areas through the use of paint, differentiation between paving materials and textures, raised pavement, or any other means deemed appropriate by the Development Authority;

(8) in instances where the size, location or orientation of the lot results in the placement of the queuing lane or off-street parking in the front yard of the lot, a strip of 3.0 m (9.84 ft) in width that is landscaped to meet the screening standards of this bylaw shall be required; and

(9) in instances where payment and/or pick-up windows are included in the use, the side of the building on which any of the windows are located should not be oriented to any exterior yard so as to face a street.



SCHEDULE 5

USE SPECIFIC STANDARDS OF DEVELOPMENT

SCHEDULE 5: USE SPECIFIC STANDARDS OF DEVELOPMENT

SECTION 1 ALTERNATIVE ENERGY SOURCES

1.1 APPLICABILITY

The Development Authority is authorized to issue development approvals for alternative energy sources such as, but not limited to, solar collectors, and small wind energy systems, provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.

1.2 SOLAR COLLECTORS

A solar collector attached to a wall or roof of a building may be permitted 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 1.3 m (4 ft) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district;

(b) shall not extend beyond the outermost edge of the roof;

(2) A solar collector mounted to a wall:

(a) shall be located such that it does not create undue glare on neighbouring property or public roadways;

(b) shall be located a minimum of 2.3 m (7.5 ft) above grade;

(c) may project a maximum of 1.5 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;

(d) may project a maximum of 0.6 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 ground mounted solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be processed subject to the applicable land use district and the following additional standards:

(a) shall be located such that it does not create undue glare on neighbouring property or public roadways;

(b) shall not exceed 1.8 m (6 ft) in height above existing grade.

1.3 SMALL WIND ENERGY SYSTEMS

(1) The following definitions apply to this section:

(a) blade means an element of a wind energy system rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind;

(b) blade clearance means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc;

(c) rotor's arc means the largest circumferential path travelled by a blade;

(d) 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 has a rated capacity that does not exceed the allowable rated capacity of 3 kW and which will be used primarily to reduce on-site consumption of utility power and is CSA approved;

(e) 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;

(f) tower means the structure which supports the rotor above grade;

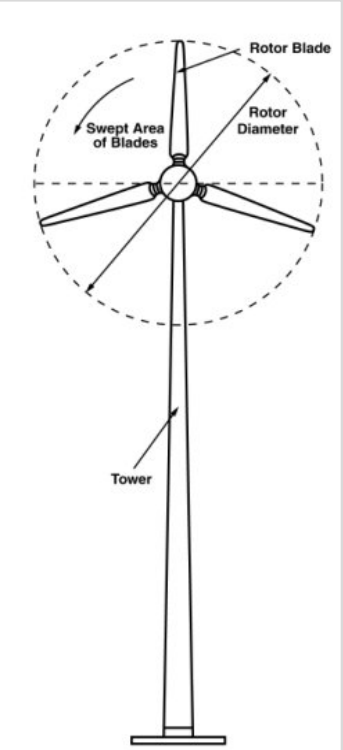


Figure 1.3.1: SWES diagram.

(2) the following requirements shall apply to small wind energy conversion systems:

(a) 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:

(i) 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 12.2 m (40 ft) in height;

(ii) Type B Small Wind Energy System: This use is defined as a Small Wind Energy System that has a tower which is greater than 12.2 m (40 ft) in height but does not exceed 24.4 m (80 ft) in height;

(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 the rated output in kilowatts, safety features and sound characteristics, and the type of materials used in the tower, blade and 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; and

(g) location of existing buildings or improvements;

(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) NavCanada; and

(d) any other federal or provincial agencies or departments deemed necessary;

(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 3.0 m (10 ft) to the property boundaries of the installation site;

(7) there shall be a limit of one Small Wind Energy System per parcel;

(8) 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 (10 ft) from any other structure on the parcel on which the system is located. On parcels 4.0 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;

(b) the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels;

(9) the system's tower shall not exceed a maximum height of 12.2 m (40 ft) on a parcel of less than 0.4 ha (1 acre), a maximum of 19.8 m (65 ft) on a parcel of 0.4 ha (1 acre) to less than 2.0 ha (5 acres), and maximum height of 24.4 m (80 ft) on a parcel 2.0 ha (5 acres) or more;

(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 4.6 m (15 ft) from ground level unless the system is enclosed by a 1.8-metre (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's maximum power shall not exceed 3 kW;

(17) the system shall be located in the rear or side yard;

(18) small wind turbines shall not exceed 60 dB(A), or in excess of 5 dB(A) above the background noise at the property line, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms;

(19) brand names or advertising associated with the system or the system's installation shall not be visible from any public place; and

(20) 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.

SECTION 2 BED AND BREAKFASTS

2.1 APPLICABILITY

The requirements of this section apply to all bed and breakfast developments in the Town and are in addition to all other local and provincial requirements regarding the safe operation of bed and breakfast facilities.

2.2 GENERAL REQUIREMENTS

Bed and Breakfast developments shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and Breakfast developments shall be an incidental and subordinate use to the principal use and restricted to the dwelling unit, and:

(1) advertising may only be permitted in compliance with Schedule 7 (Signage);

(2) alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building;

(3) 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;

(4) a development permit does not exempt compliance with health regulations or any other provincial and municipal requirements including a business license;

(5) employees working in the business shall be limited to the residents of the dwelling unit unless one additional parking stall per non-resident employee can be provided on the lot where the bed and breakfast is situated;

(6) the accommodation shall be limited to a maximum of four (4) guest rooms and a maximum of eight (8) guests in addition to the permanent residents;

(7) 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;

(8) guest rooms shall not be permitted to contain cooking or kitchen facilities;

(9) meals may be provided to registered guests only and meals for guests shall be prepared in the common kitchen of the principal residence;

(10) one off-street parking space is required for each guest room in addition to the off-street parking requirements for the dwelling;

(11) the applicant shall be responsible for compliance with the Alberta Health Standards and Guidelines and the National Building Code: Alberta Edition requirements for Bed and Breakfast accommodations; and

(12) where the property is serviced by private water and septic systems that the impact of the proposed use on the existing systems be reviewed and approved by the building code inspector.

SECTION 3 CHILDCARE FACILITY

3.1 APPLICABILITY

The requirements of this section are provided in two (2) parts. The parts of this section are categorized based on the Province of Alberta's *Early Learning and Child Care Act*, which differentiates between the two (2) primary forms of childcare facilities recognized in Alberta that require additional regulation associated with this bylaw:

(1) Day Homes:

defined in part as those facilities operating out of a residence that provide services to care for no more than six (6) children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, not including those children who reside in the home on a permanent basis, and that may be unlicensed but shall be approved by the Province.

(2) Daycares:

defined in part as those facilities that provide services to care for seven (7) or more children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, and that shall meet the licensing requirements of the Province.

3.2 DAY HOMES

Day homes shall not place any signage related to the operation of the day home on the property or in the window of the residence where the day home is operation out of, other than the signage provided by and related to the approval of the day home by the Province of Alberta.

3.3 DAYCARES

All daycare facilities may be approved subject to the following conditions and requirements:

(1) if determined by the Development Officer, prior to deeming an application permit complete, the applicant for a childcare facility may be required to meet and consult with all adjacent landowners in the vicinity of where the use is proposed;

(2) 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;

(3) all signage must comply with Schedule 7 (Signage);

(4) off-street parking is required in accordance with Schedule 3 Section 12;

(5) the development shall not generate traffic problems within the district;

(6) a minimum of one (1) on-site pick-up and drop-off space for every 10 children is required and the location of passenger loading zones for a childcare facility may be specified by condition of a development permit; and

(7) the development must have screening for any outdoor play areas to the satisfaction of the Development Authority; and

(8) all applications for a childcare facility shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies and provide copies to the Development Authority.

SECTION 4 GROUP HOMES

4.1 APPLICABILITY

The requirements of this section apply to all Group Homes, including those facilities that serve children, youth, or adult residents.

4.2 GENERAL REQUIREMENTS

(1) The applicant for a group home shall be required to meet and consult with all adjacent landowners in the vicinity of where the use is proposed and submit a summary of the consultation as part of the development permit application;

(2) All applications for group homes shall provide a floor plan for each level of the building and the intended use for the space shall be labelled;

(3) All signage must comply with Schedule 7 (Signage);

(4) Off-street parking is required in accordance with Schedule 3 Section 12;

(5) All applications for group homes shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies and the group home shall comply with provincial standards. A copy of all approvals must be kept current and submitted to the Development Authority;

(6) The use of accessory buildings, accessory structures or accessory uses on site shall be identified with the development permit application for consideration by the Development Authority;

(7) The site must allow for secure storage and pick up of garbage and recycling material located away from public areas;

(8) The Development Authority may establish the maximum number of residents allowed in a group home facility on a case specific basis with attention given to the land use district in which the use is located and the type of facility seeking approval;

(9) In any residential district, no exterior alterations shall be which would be inconsistent with the residential character of the building or property or adjacent buildings or property;

(10) The applicant is required as part of the development permit application, to provide information on the following:

(a) the type of client served;

(b) the number of clients accommodated;

(c) potential risk to adjacent landowners; and

(c) the number of staff employed

(11) The total occupancy by clients and staff shall be specified for each development by condition of a development permit;

(12) The use shall not generate traffic problems within the neighborhood.

4.3 GROUP HOME, LIMITED

In addition to Section 4.2, a Group Home, Limited application is subject to the following requirements:

(1) If operating within a single detached dwelling, the dwelling must be located on a street with a rear lane and is not permitted to be located within cul-de-sacs or lane-less streets.

4.4 GROUP HOME

In addition to Section 4.2, a Group Home application is subject to the following requirements:

(1) If operating within a single detached dwelling, siting considerations will include that the dwelling:

(a) is located on a corner lot;

(b) shall have a rear lane;

(c) provide space for a loading area; and

(d) provide or be located adjacent to open space.

SECTION 5 HOME OCCUPATIONS

5.1 APPLICABILITY

The requirements of this section are applicable to all home occupations, as defined by this bylaw, with the exception of defined uses such as a Bed and Breakfast, Day Homes, Group Homes, and Lodging Houses. Home occupations in the Town are categorized based on the level of measurable impact that each category of home occupation may have on the dwelling, lot, adjacent properties and the street on which the occupation may be located.

5.2 GENERAL REQUIREMENTS

Regardless of category, all home occupations shall meet the following requirements:

(1) except with the approval of the Development Authority, no person other than the applicant shall be engaged in 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 with a residence or 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) advertising may only be permitted in compliance with this section and Schedule 7 (Signage);

(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) off-street parking shall be provided and utilized for all business vehicles associated with a home occupation;

(10) no offensive noise, vibration, smoke, dust, odours, heat or glare discernible beyond the property lines shall be produced by the use;

(11) 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;

(12) all permits issued for home occupations shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighbourhood;

(13) a home occupation permit issued may be subject to review each year by the Development Officer to determine if the home occupation is in compliance with the Land Use Bylaw and any conditions placed on the approved permit;

(14) a home occupation permit may be issued temporarily in accordance Administration Section 3.9;

(15) 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.

(16) the applicant shall be responsible for compliance with applicable Alberta Health Standards and Guidelines and National Building Code: Alberta Edition requirements;

(17) the issuance of 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; and

(18) the total number of home occupations per dwelling unit shall be determined based on the cumulative impact to the site, as determined by 5.4 of this section.

5.3 APPLICATION REQUIREMENTS

The following information shall be provided when applying for a home occupation:

(1) proof of ownership or residency;

(2) description of business;

(3) materials, equipment and/or vehicles to be used;

(4) number of resident and non-resident employees;

(5) number of business/client visits per day;

(6) number of parking spaces on the property;

(7) type of signage proposed;

(8) whether the sale of goods is proposed and if so, what volume per day;

(9) if outdoor storage is proposed; and

(10) any other information the Development Authority may require to determine the category of home occupation.

5.4 ASSESSMENT OF MEASURABLE IMPACT

The defining factor categorizing home occupations is measurable impact. The cumulative impact of factors identified through the information provided in 5.3 of this section shall form the basis by which the category of home occupation is determined, by the Development Authority, as outlined in the following table:

Impact Factor	Home Occupation Categories		
	1	2	3
Non-resident employees	None	1	2
Commercial vehicles	None	None	1
Commercial trailers	None	None	1

Outdoor storage	None	None	Development Authority's discretion
Off-street Parking stalls	None	2	3
Client visits	None	1 – 5 per day	5 + per day
Signage	1 window	1 window	1 window + 1 free-standing
On-site sales	None	Development Authority's discretion	Development Authority's discretion
Development Permit	Not required	Required	Required

5.5 CATEGORY-SPECIFIC REQUIREMENTS

(1) A Home Occupation shall meet all requirements of the category that it is determined to fit within;

(2) the off-street parking stalls required of category 2 and 3 Home Occupations may be made up of those stalls required for the principal dwelling unit(s) on the lot, but shall not be considered to meet the parking requirements of the Home Occupation if any vehicles associated with the Home Occupation displace personal vehicles associated with the dwelling unit(s) on the lot;

(3) for a category 3 Home Occupation, a commercial vehicle and/or trailer associated with the Home Occupation shall:

(a) be parked off-street and in a location on the lot where the visual impact to the street is minimized;

(b) not be parked for any length of time in a laneway on on-street, except in instances where loading of the vehicle or trailer requires this temporarily;

(4) in accordance with Schedule 7 (Signage), the signage associated with a Home Occupation shall be:

(a) for all Home Occupation categories, window signage, no larger than 0.37 m^2 (4 ft^2);

(b) for Home Occupation 3 one freestanding sign no larger than 0.37 m^2 (4 ft^2) in area and 1.52m (5 ft) in height;

(c) for any signage associated with a Home Occupation, made of a material that is complementary to the principal dwelling;

(d) not be directly illuminated in any way;

(5) the sales of goods and/or services associated with the Home Occupation shall be to the discretion of the Development Authority;

(6) outdoor storage associated with a Home Occupation 3 shall be screened in such a way that the storage of associated materials is not visible outside of the lot, to the Development Authority's satisfaction.

SECTION 6 MOVED-IN BUILDINGS and MOVED-IN DWELLINGS

6.1 APPLICABILITY

Manufactured homes, modular homes and ready-to-move homes are exempt from this section and shall instead comply with all other applicable sections of this bylaw.

6.2 GENERAL REQUIREMENTS

The following requirements apply to moved-in dwellings and moved-in buildings and for the purposes of this section, both shall be referred to as 'the building':

(1) the 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 building shall comply with all provincial and municipal health and fire regulations prior to occupancy and release of cash deposit;

(3) the quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area;

(4) the requirements of the building shall be established by the Development Authority at the time of approval of the application and shall form a part of the conditions of the development permit;

(5) a report by the building inspector regarding each application shall be filed before any such application shall be considered;

(6) a limit of the time of completion and full compliance with all stipulated requirements shall be established by the Development Authority at the time of the approval of the application;

(7) the application shall be accompanied by recent colour photographs of all elevations of the moved-in building;

(8) the Development Officer shall require a minimum deposit of $5,000 to ensure the conditions of the development permit are met. If the cost to complete the work in the conditions of approval is greater than the deposit, construction may be completed by the Town and additional costs may be charged against the property taxes;

(9) return of the deposit is contingent on the Development Officer verifying the completion of all the conditions of this schedule and the development permit, such as:

  (a) sod being installed in the front yard;

  (b) siding on the structure;

  (c) hard surface or gravel in a parking area;

  (d) walkway from the dwelling to the sidewalk;

  (e) down spouts for drainage; and

  (f) other aspects required in the development permit;

(10) should an on-site inspection by the Development Officer be required prior to the moving of the structure, this will be at the applicant's expense.

SECTION 7 KENNELS

7.1 APPLICABILITY

This section applies to the keeping of domesticated dogs for the purposes of providing temporary accommodation and care for such animals, or for the purposes of breeding such animals.

7.2 GENERAL REQUIREMENTS

(1) The requirements of this section apply to the keeping of dogs in coordination with the requirements of the Town's *Dog Control Bylaw*;

(2) kennels are prohibited in the Residential (R), Residential Multi-Unit 1 (R-MU1), Residential Multi-Unit 2 (R-MU2), Residential Manufactured Home (R-MH), Residential Manufactured Home Community (R-MC), Residential Large Lot (R-LL), Commercial Central (CC), Commercial Neighbourhood (CN), Public and Institutional (PI), Airport (AP) and River Valley Lands (RVL) land use districts;

(3) the keeping of five (5) but not more than nine (9) dogs shall be considered a minor kennel;

(4) the keeping of ten (10) or more dogs shall be considered a major kennel;

(5) the Development Authority may, when issuing a development permit for a private or commercial kennel, determine the maximum number of dogs allowed to be kept at any one time;

(6) an application for a development permit for a kennel (private or commercial) shall be made to the Development Officer and shall include:

(a) a completed development permit application form (Appendix A);

(b) the prescribed fee;

(c) a site plan indicating the legal description, all property lines and easements, and the location of existing and proposed development in relation to lot boundaries; and

(d) floor plans, elevation and sections that show the location of the outdoor and indoor areas of the proposed kennel, points of access, and any such other specifics as required by the Development Authority;

(7) buildings and exterior exercise areas of a kennel shall be oriented to the rear of the principal building or lot and shall be constructed such that:

(a) potential nuisance related to matters such as but not limited to noise and odour shall be minimized through the use of soundproofing materials and adequate ventilation systems;

(b) should the building within which the kennel's indoor facilities are located be within a building that is associated with other uses, separate air exchange systems in the kennel's indoor facilities shall be provided such that they are not tied into the air exchange systems are not tied together;

(c) should the building within which the kennel's indoor facilities are located be within a building within which the sole use is the kennel, the building shall provide adequate air exchange (heating, cooling and ventilation) systems such that the comfort of dogs shall be provided at all times, regardless of outside weather conditions;

(d) buildings and exterior exercise areas shall provide adequate opportunities for physical separation of dogs for the purposes of feeding, sleeping, and if any dog(s) that may be kept in a kennel that are considered aggressive in accordance with the Town's *Dog Control Bylaw*;

(e) fences provide a fully enclosed exterior area from which dogs cannot escape and in the Commercial General – CG, Business Industrial – BI and Industrial General – IG land use districts, shall be constructed such that any part of the fence adjacent to or straddling adjacent property lines shall be at least ninety (90) percent opaque;

(8) all dogs shall be required to be kept inside from 9 pm until 7 am or any other such time as is determined to be appropriate by the Development Authority;

(9) all kennels shall be required to obtain a business license from the Town.

SECTION 8 LODGING HOUSES

8.1 APPLICABILITY

The requirements of this section apply to all lodging houses in the Town and are in addition to all other local and provincial requirements regarding the safe operation of lodging house facilities.

8.2 GENERAL REQUIREMENTS

Lodging houses shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood and furthermore shall be an incidental and subordinate use to the principal use and restricted to the dwelling unit, and:

(1) advertising may only be permitted in compliance with this section and Schedule 7 (Signage);

(2) alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building;

(3) 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;

(4) a development permit does not exempt compliance with health regulations or any other provincial and municipal requirements;

(5) employees working in the business shall be limited to the residents of the dwelling unit unless one additional parking stall per non-resident employee can be provided on the lot where the lodging house is situated;

(6) 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;

(7) guest rooms shall not be permitted to contain cooking or kitchen facilities;

(8) one off-street parking space is required for each guest room in addition to the off-street parking requirements for the dwelling; and

(9) 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.

SECTION 9 MANUFACTURED HOMES and MANUFACTURED HOME COMMUNITY

9.1 APPLICABILITY

The placement and finishing of new and used manufactured homes and new manufactured home communities shall meet the requirements of this and all other applicable sections of the bylaw.

9.2 GENERAL REQUIREMENTS

(1) The roofline of manufactured home shall be a minimum 3:12 pitch and covered with wood, metal or asphalt shingles that are typical of those used in residential construction;

(2) any addition to a manufactured home, such as but not limited to enclosed patios, entrance porches, carports, storage areas, additional rooms, or any other roofed addition, shall require a Development Permit and additionally shall:

(a) be of a design and finish that incorporates the exterior of the addition into the existing portion of the dwelling such that the addition is indistinguishable other than from the shape or protrusion from the main structure;

(b) not create a situation where the dwelling encroaches into any of the yard setbacks prescribed in the associated land use district, unless a variance waiver has been granted by the Development Authority in accordance with Administration Section 4 (Development Permit Rules and Procedures);

(3) in accordance with the requirements of the associated land use districts, manufactured homes shall be placed on a suitable foundation and shall be required to meet the following additional standards:

(a) the maximum height of the exposed portion of any type of foundation should be no greater than 0.9 m (3 ft) above the finished grade;

(b) any portion of an approved concrete or wooden block foundation shall be skirted from the lowest point of the finished portion of the exterior of the manufactured home to grade with materials of a colour, texture and appearance deemed suitable by the Development Authority; and

(c) any portion of an approved continuous concrete foundation shall be parged and painted with a colour deemed suitable by the Development Authority;

(4) all manufactured homes and accessory structures shall have eaves and downspouts, proper site grading and all surface drainage shall be contained on-site and directed into approved municipal infrastructure; and

(5) the Development Authority may require a security deposit of a minimum of $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure that any conditions of the associated Development Permit are met.

9.3 USED MANUFACTURED HOMES

(1) The age of manufactured homes shall be determined by subtracting the date on which the Development Permit application is made, from the original construction date of the manufactured home. Evidence of the original construction date may be required, in a form suitable to the Development Authority.

(2) Any used manufactured home, regardless of age, shall meet all requirements of this section, including those requirements outlined in Section 9.2 above. Additionally, used manufactured homes shall meet the following requirements:

(a) used manufactured homes shall be in a state of good condition as determined by the Development Authority, including the Development Authority's consideration of the current state of all exterior elements of the home including but not limited to siding, paint, trim, shingles, fascia, soffit, windows, decks, porches, door handles, railings, and steps;

(b) all exterior elements of the home include but not limited to those listed in sub-section (2)(a), shall show minimal or no signs of wear, such as but not limited to the:

(i) discoloration, cracking, peeling or damage to any painted surfaces;

(ii) rusting, bending or breaking of any metal portion of the home's exterior;

(iii) discoloration, hazing, cracking or breaking of any windows;

(iv) missing or lifted shingles, or any other damage to the roof;

(v) shifting, stress or any other damage to decks, porches, steps or any other exterior element of the home;

(vi) any other form of wear on any other element of the exterior of the home, to the discretion of the Development Authority;

(3) any application for a Development Permit to locate a used manufactured home shall include recent colour photographs of all elevations, including additions.

9.4 MANUFACTURED HOME COMMUNITY

Prior to the redesignation to Residential Manufactured Home Community: R-MC Council shall consider by resolution a conceptual design scheme for the community design. A comprehensive plan shall be in accordance with, but not necessarily limited to, the following:

(1) the conceptual design scheme shall incorporate detailed aesthetic considerations such as:

(a) substantial landscaping design of the entire community in general, and of individual sites in particular;

(b) treatment of communal areas, both indoor and outdoor;

(c) consistent character and detailing for street furniture such as lamp standards, litter bins, benches, street signs, and accessories of this nature;

(2) the community design and subsequent placement of manufactured home on lots shall integrate well with adjoining residential development so as not to be obtrusive;

(3) the design of the community shall be such that the net site density of the community does not exceed 20 units per hectare (8 units per acre);

(4) a minimum of 10 percent of the manufactured home community area may be required to be developed for the use and enjoyment of the inhabitants, at the discretion of the Development Authority;

(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, any applicable utility companies, and the Town 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's 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 community to allow access to individual lots within the community 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 community. Dead-end roads shall be discouraged; however, where design alternatives are not available, a minimum 16.5 m (54.1 ft.) radius shall be provided for vehicle turn-around purposes. At the time of conceptual design scheme submission, the minimum radius may be modified based on municipal needs and standards;

(e) all roads in the manufactured home community shall be paved;

(f) a minimum right-of-way of 12.19 m (40 ft.) is required for all roads within the manufactured home community;

(7) Additions to Manufactured Homes

(a) any addition to a manufactured home in a manufactured home community shall be of a design and finish that 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 manufactured home 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 manufactured home;

(8) Storage Compound

(a) the developer of the manufactured home community shall provide, within the community, an area to accommodate the storage of recreational vehicles as defined in this bylaw;

(b) the size of this storage compound shall be a percentage of the total lot 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 vegetation that shall be planted within the manufactured home community. The landscaping plan should provide a park-like atmosphere and must be completed 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 may be required to be designated to open space in order to accommodate recreational activities, at the discretion of the Development Authority. The open space shall include:

(a) a playground for younger children; and

(b) benches and a walkway for passive recreation;

(11) Siting requirements

(a) manufactured home community should be located such that the internal road system is directly connected to arterial or collector roads where possible;

(b) should direct connection to arterial or collector roads not be possible, the developer shall be required to provide suitable connections to such roadways to the satisfaction of the Development Authority;

(12) Drawings to be submitted by Applicants

(a) Site Plan

(i) a scaled site plan shall be submitted showing the manufactured home community and its immediate surroundings; and

(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) Site Servicing Plan

(i) the site servicing plan shall be based on the site plan;

(ii) the site servicing plan shall indicate the location of all utilities necessary for the provision of the following services to the area to be developed including but not limited to water supply, sanitary sewer, storm sewer, power, natural gas, telephone, cable, internet and 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; and

(iv) an engineered storm water management plan shall be provided to the satisfaction of the Development Authority;

(c) Layout Plan Showing Typical Manufactured Home Lots

(i) the layout plan shall indicate typical arrangement of manufactured home; and

(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 manufactured home lots, and entrances to the community;

(13) 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 conceptual design scheme , must be suitably and effectively screened to the satisfaction of the Development Authority; and

(14) Community Maintenance/Storage Uses

The design of the community shall include an area or accessory building for the use of community maintenance and storage uses to be constructed for the care and maintenance of the community.

SECTION 10 MODULAR HOMES and READY-TO-MOVE (RTM) HOMES

10.1 APPLICABILITY

The requirements of this section apply to all modular homes including ready-to-move and modular homes in addition to modular homes, excepting out the requirement of modular homes to meet CSA standards, and ready-to-move and modular homes to meet the current *National Building Code: Alberta Edition*.

10.2 GENERAL REQUIREMENTS

(1) The Development Authority shall issue a development permit for a modular home provided that:

Requirements for Modular & Ready-to-Move Homes (RTM)	Categories	
	A	B
Factory built unit that meets CSA standards and building code (CSA A277)	✓	✓
Dwelling is securely fasten and placed on:		
Basement	✓	
Concrete slab		✓
Concrete strip footing		✓
Pile or pier footing		✓

Minimum roof pitch shall not be less than 4/12	✓	✓
Minimum floor area shall not be less than 74.3 m^2 (800 ft^2)	✓	✓
Minimum width of dwelling – 7.3 m (24 ft)	✓	✓
Maximum length of dwelling – 20.0 m (66 ft)	✓	✓
Maximum height of exposed foundation – 0.6 m (2 ft)		✓

(a) 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;

(b) to ensure compatibility of housing types, the variation of roof lines between modular homes and conventional homes may be limited at the discretion of the Development Authority;

(c) at the discretion of the Development Authority, the exterior finish, colour and roofing material may be stipulated as a condition of approval; and

(d) the dwelling shall conform to any architectural controls that may apply;

(2) 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 would serve to improve the quality or compatibility of a proposed development;

(3) 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;

(4) the applicant/developer shall submit professional building plans illustrating the exterior design, floor plan, elevations and setbacks;

(5) the quality of the completed dwelling shall be at least equal to the quality of the other dwellings in the area;

(6) if there is any doubt as to the required standards being met, the Development Officer may refer the application to the Municipal Planning Commission for a decision; and

(7) the Development Authority may require a security deposit of a minimum of $5000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure that any conditions of the associated Development Permit are met.

SECTION 11 MULTI-UNIT RESIDENTIAL DEVELOPMENT

11.1 APPLICABILITY

This requirements of this section apply to all multi-unit residential development consisting of multiple dwelling units in the same building, excluding duplexes and mixed-use development containing dwelling units, and are in addition to all other applicable sections of this bylaw, including but not limited to Section 1 of Schedule 4 (Design Standards of Development).

11.2 GENERAL REQUIREMENTS

In addition to all other requirements of this bylaw, all applications for multi-unit residential developments shall provide the following:

(1) design plans including:

(a) elevations of all sides of the proposed multi-unit residential structure;

(b) the location, orientation and massing of all structures on the lot;

(c) the location and total number of parking stalls and points of access proposed to provide vehicular access to the lot;

(d) the location, orientation and details of garbage storage areas including the screening proposed for such areas;

(e) stages of development, if applicable;

(f) landscaping proposed for the lot;

(g) any other element of the proposed development to the discretion of the Development Authority;

(2) the design, orientation and massing of the building in which the dwelling units are located shall:

(a) not make use of the duplication of façade treatment along any one side of the building facing the street or streets if located on a corner lot, without articulating and differentiating between dwelling units on the same side of the building through the use of techniques such as but not limited to partial offsetting of the façade, complementary colour variations and the mixing of exterior building materials, varying roof lines, and landscaping at the base of the building;

(b) take into consideration the setbacks and maximum heights of buildings on adjacent lots, or setback requirements of the land use district associated with adjacent lots;

(c) if located adjacent to or on the same street as residential dwellings of a lower density, such as single detached and duplex dwellings, blend in with the lower density residential dwellings, to the satisfaction of the Development Authority;

(3) the principal entry for each dwelling unit, with the exception of condominiums and apartments shall be separate and directly accessible from ground level, including through the use of steps in the case of dwelling units with basements.



Figure 11.2.1: an example of multi-family (right) blending in with single family (left) development.

In addition to all other requirements of this bylaw, all Discretionary B applications for multi-unit residential developments shall provide the following:

(4) a summary of the questions and concerns gathered from a public open house held by the applicant as a means of consultation on the project. Every household within 30m (98.4 ft.) of the rear plus within 90m (295.3 ft.) of the front and corner of the block shall be notified. All notices will be generated and distributed by the Development Officer and paid for by the applicant.

11.3 DENSITY

The number of units in a multi-unit residential development may be prescribed by the district, but are also based on:

(1) the requirements contained in this bylaw, including but not limited to the measurable standards of maximum lot coverage, building height, minimum unit sizes, parking, loading and access requirements, and the Floor Area Ratio as outlined in the land use districts that list multi-unit dwellings as permitted or discretionary uses;

(2) notwithstanding sub-section (1), the Development Authority may reduce the maximum density of units that may be permitted within a multi-unit residential development as determined by sub-section (1), based on consideration of the:

(a) density of existing development on the street;

(b) adequacy and proximity of community facilities such as schools, shopping and recreational facilities including but not limited to parks and open space, and other community facilities as deemed appropriate by the Development Authority;

(c) adequacy of utilities to accommodate the proposed development;

(d) impacts of future land use on the transportation infrastructure; and

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

11.4 AMENITY SPACE

Amenity space may be categorized as private, common (accessible to all dwelling units in a multi-unit residential development) and public, on-site and off-site and can be indoors, partly or entirely outdoors, or any combination thereof depending on the development.

(1) Private amenity space development for multi-unit residential development shall be:

(a) provided for each dwelling unit in the form of a yard, patio, balcony or rooftop space;

(b) a minimum of 4.6 m^2 (49.5 ft^2) for patios and balconies and additionally the minimum depth from the point of access shall be 1.5 m (4.9 ft);

(c) only be accessible through the dwelling unit to which they are a part of; and

(d) for rooftop space, dedicated only to dwelling units directly below it and accessible through the use of common access points such as hallways and stairwells;

(2) common amenity space shall be:

(a) to the discretion of the Development Authority for multi-unit residential developments with ten or fewer dwelling units;

(b) required for multi-unit residential developments with more than ten dwelling units other than townhouses and row houses;

(c) provided for in the form of indoor and/or outdoor space;

(d) in the case of indoor space, consist of a minimum area of 37.2 m^2 (400 ft^2) contained within the same building as the mixed-use development;

(e) in the case of partially or fully outdoor space, make up a minimum of 25 percent of the total lot area and fully contained within the mixed-use development lot or site;

(f) accessible to all dwelling units within a mixed-use development;

(g) made up of any of the following indoor spaces:

(i) common rooms for the purposes of group entertainment;

(ii) fitness facilities such as but not limited to swimming pools, saunas, steam rooms and fitness rooms;

(h) made up of any of the following outdoor spaces:

(i) communal patios, balconies or rooftop spaces;

(ii) landscaped yards and/or gardens;

(3) public amenity space shall be:

(a) contained off-site from the multi-unit residential development but may be adjacent to the lot or site of the multi-unit residential development;

(b) considered in lieu of private amenity space in instances where the provision of adequate indoor and/or outdoor amenity space is demonstrated by the developer to not be achievable on-site;

(c) developed at the expense of the developer should sub-section (3)(b) apply;

(d) a minimum of 25 percent of the total area of the mixed-use development site;

(e) a maximum of 150.0 m (492.1 ft) from the mixed-use development;

(f) made up of any combination of indoor/outdoor space including but not limited to passive and active recreational space that may contain landscaped areas, walking and cycling trails, sports fields and facilities; and

(g) fully accessible to the public.

11.5 MULTIPLE BUILDINGS ON THE SAME LOT

The location of multi-unit residential development excepting section 11.8 consisting of more than one building on a single lot, in addition to all other requirements of this bylaw, shall provide the following minimum separation distances between such buildings oriented to face one another:

(1) 10.0 m (32.8 ft) for exterior windows of common living areas of dwelling units such as but not limited to living and dining rooms and kitchens;

(2) 6.0 m (19.7 ft) for habitable rooms other than those described in sub-section (1), such as but not limited to bedrooms and home offices; and

(3) 3.0 m (9.8 ft) for non-habitable rooms such as entryways, bathrooms and areas of the exterior of a multi-unit residential development with blank walls.

11.6 PARKING AND LOADING

(1) Off-street parking shall be located in the rear and/or side yard and shall be screened from public rights-of-way and adjacent lots by landscaping and/or fencing;

(2) access for off-street parking shall be permitted one point of access from the street if there is no laneway and may only be permitted from the laneway if there is a laneway, to the discretion of the Development Authority;

(3) notwithstanding sub-sections (1) and (2), parking for townhouses and row houses may, at the discretion of the Development Authority, be located in the front yard in the form of driveways and or attached garages oriented to the front of the dwelling unit.

11.7 LANDSCAPING

In addition to Section 3 (Landscaping) of Schedule 4 (Design Standards of Development), multi-unit residential development shall meet the following landscaping requirements:

(1) 25 percent of the total lot area shall be provided as landscaped area, the majority of which shall be focused along yards adjacent to public right-of-way other than laneways, and accompanied by an approved landscaping plan, to the discretion of the Development Authority, excepting out multi-unit residential development that makes use of zero setback allowances if provided for in the associated land use district;

(2) trees and shrubs shall be planted and should be clustered or grouped within a front and/or side/ secondary front yard to serve as a focal point for the landscape treatment and to blend in with landscaping that may be present on adjacent lots. The developer is encouraged to provide trees in a ratio of one tree per 35 m^2 of total landscaped area provided on a lot;

(3) landscaping of main building accesses shall include soft materials other than grasses, including but not limited to shrubs and trees, and hard materials that together highlight the access; and

(4) on corner lots, in addition to the landscaping required in the front yard as identified in sub-section (2) above, the developer shall be responsible for landscaping the municipal boulevard, if present, from the back of curb to the front and/or secondary front property line.

11.8 DWELLING GROUP

(1) A Dwelling, Group is subject to the following additional standards:

(a) Design of the dwelling group shall consider the height, building design and nature of surrounding residential development.

(b) The arrangement of the structures in a Dwelling, Group is subject to the approval of the Development Authority and the requirements of the National Building Code- Alberta Edition.

(c) A landscaping plan shall be submitted with the development permit application. The Development Authority may require that a landscape plan be prepared by a professional. An irrigation plan may also be required.

(d) A minimum of 10 percent of the lot area is to be provided for common open space and onsite amenities such as playground equipment, barbeque areas, recreation areas or other similar features. The minimum open space requirement may be increased as required by the Development Authority depending upon the density of the proposed development.

(e) A minimum 1.5 m (5 ft) wide landscaped buffer strip is required between the parking lot and an adjacent residential lot. The Development Authority, depending on the intensity of the development, may increase the minimum required width of the landscaped buffer strip.

SECTION 12 NATURAL RESOURCE EXTRACTION & PROCESSING

12.1 APPLICABILITY

The requirements of this section apply to all applicants for the extraction of specified natural resources in the Town, and the processing of the same resources, if carried out within the Town boundaries. Furthermore, the requirements of this section and all other requirements of this bylaw do not absolve the applicant from obtaining the required provincial and federal approvals needed in order to lawfully undertake natural resource extraction and/or processing activities.

12.2 REDESIGNATION REQUIREMENT

(1) All ‘Natural resource extractive uses’ shall apply for redesignation to Direct Control – DC.

(2) Prior to a decision being made, the proponent shall hold a public meeting (open house) in order to solicit the views of the public in regard to the application for a natural resource extractive uses development. Notices for the meeting shall be circulated to every MD of Willow Creek household within 1.6 km of the proposed development and advertised in the local newspaper a minimum of 5 days prior to the meeting.

(3) Application for redesignation shall include:

(a) operation plans;

(b) details of roads, access points and traffic volumes;

(c) location and phasing of vegetation clearance, stripping of topsoil and storage of topsoil;

(d) identification of areas to be left undisturbed;

(e) weed control and management plan;

(f) reclamation planning;

(g) acknowledgement of the historic resources value for the property and need to gain clearance where appropriate; and

(h) analysis of impact (noise, dust, hours of operation, security, ground water) on adjacent property or structures including a locational plan that includes distances to all other development and the location and number of residences along the entire access road from the nearest highway to the proposed development site.

(4) The Council shall consider the effects of visual intrusion, dust, noise, traffic, and water pollution when evaluating applications for redesignation.

12.3 GENERAL REQUIREMENTS

(1) Both Class 1 and Class 2 sand and gravel pits as defined in the provincial *Code of Practice for Pits* shall require a development permit approved by the municipality to operate;

(2) the Development Authority shall solicit and consider the comments of the following parties prior to deciding on an application for a natural resource extraction use:

(a) Alberta Environment; and

(b) any landowners within 500 metres (1640.4 ft) of the lot proposed for a natural resource extraction use;

(3) a sand and gravel pit may be considered for approval provided that:

(a) if it is **less than 5 hectares (12.5 acres)** in size, a reclamation plan must be provided to the satisfaction of the municipality and meet the minimum requirements of the *Environmental Protection and Enhancement Act* and the *Conservation and Reclamation Regulation*; or

(b) if it is **5 hectares (12.5 acres) or greater,** a reclamation plan must be filed with Alberta Environment that complies with its regulations and the recommendations of its Land Reclamation division, and a copy provided to the municipality;

(4) for the purposes of the regulation of natural resource extraction activity, extraction and processing shall be considered different uses, but may be applied for under the same Development Permit;

(5) topsoil shall be stockpiled and used to reclaim the portions of the development where the natural resource being extracted has been exhausted;

(6) progressive reclamation shall be a required practice as a part of any natural extraction resource activity carried out in the Town;

(7) reclamation shall be completed in accordance with any and all local, provincial and federal requirements, to the satisfaction of the Town and when required Alberta Environment, to no less than the grade at which the land that was disturbed existed prior to natural resource extraction activities;

(8) should reclamation to a grade lower than the grade that was present prior to natural resource extraction occurring result in a site that may be more developable in the opinion of the Town's engineer or another qualified Town representative, sub-section (6) shall not apply;

(9) for all natural resource extraction activities in the Town, resources shall be extracted and reclamation completed as quickly as possible so as to minimize the amount of time extraction and/or crushing may occur on the site;

(10) new natural resource extraction areas should not be opened, nor should existing working areas (defined as the area used for excavation, stockpiling, and crushing) be extended if unmitigated damage may occur to nearby land having high recreation, wildlife, scientific or archaeological value;

(11) should natural resource extraction activity result in the water table being breached at any time, extraction activity shall cease immediately upon such a breach occurring, and shall not commence again until it has been determined that the breach will not cause any negative environmental effect, to the satisfaction of the Town and/or Alberta Environment;

(12) the Development Authority may refuse to approve an application for natural resource extraction in or adjacent to the river valley, if it is of the opinion that the area is unsuitable from the Town's perspective, or the perspective of any provincial or federal agency that may have jurisdiction to provide feedback on and regulate applications and activities within river valley lands; and

(13) the Development Authority shall take into consideration the *MD of Willow Creek: Environmentally Significant Areas in the Oldman River Region; Cottonwood 1989* in making a decision on an application for a resource extraction use and may deem a development application to be unsuitable in accordance with that report.

12.4 NUISANCE MITIGATION

(1) In the areas shown on the Wind Tolerance Map any and all activity that may produce dust on a site approved for natural resource extraction activity, including but not limited to extraction, stockpiling, crushing, and loading extracted materials for transporting, shall cease immediately when sustained wind speeds exceed 50 km/h and shall not commence again until sustained wind speeds have dropped below 50 km/h;

(2) should there be any disagreement between sources of information stating that wind speed is or is not sustained at 50 km/h, the information obtained by the Town shall take precedence;

(3) the crushing and/or washing of sand and/or gravel or other natural resource on the same site the natural resource has been extracted from may be prohibited, depending on the comments received from the circulation of the application to those landowners and/or occupants within 500.0 m (1640.4 ft) of the proposed natural resource extraction site;

(4) for natural resource extraction activity that occurs on any lots whose closest border is within 100.0 m (328.1 ft) of the built-up area of the Town (as defined in Schedule 8: Definitions), a form of screening satisfactory to the Town shall be in place prior to the commencement of the resource extraction and any subsequent work, such as reclamation, occurring on the lot;

(5) signage that meets the requirements of Schedule 7 (Signage), shall be placed at the perimeter of the lot on which the natural resource extraction is to occur, and specifically at any points of ingress and egress, and shall contain information indicating the activity occurring on the lot, and any safety requirements that may need to be met prior to entering the lot;

(6) the operator of the natural resource extractive use shall have a water truck on-site at all times;

(7) the working area (defined as the area used for excavation, stockpiling, and crushing) of a natural resource extraction operation shall not be located closer than 100.0 metres (328.1 ft.) to a residential dwelling, the separation distance being measured from the edge of the dwelling to the nearest edge of the planned working area of the sand and gravel extraction operation; unless all of the following requirements can be met:

(a) the owners or occupants of all residents closer than 100.0 m (328.1 ft) from the working area agree to the proximity of the working area in writing;

(b) the applicant can demonstrate in plans and during the period of time when the working area is active, that no activity other than excavation will occur on lands in closer proximity to residences than 100.0 m (328.1 ft);

(c) the applicant agrees to excavate and progressively reclaim the area that is closer than 100.0 m (328.1 ft) to residences first, and as quickly as is practical, giving consideration to external circumstances such as but not limited to weather and other unforeseen factors that may extend the period of time required to extract such an area;

(d) the applicant agrees to hours of operation within the working area that is closer than 100.0 m (328.1 ft) to residences, to no earlier than 8 am as a starting time on weekdays, and 9 am on weekends, and no later than 8 pm as a finishing time;

(e) all of the above requirements (7)(a-d) shall be reflected in plans submitted by the applicant;

(8) for natural resource extraction activities 100.0 m (328.1 ft) or further from a residence, operations shall commence no earlier than 7 am on weekdays, or 9 am on weekends, and operations shall cease no later than 8 pm on weekdays or weekends;

(9) the Development Authority shall consider the effects potential nuisances such as but not limited to visual intrusion, dust, noise, traffic, and air and water pollution and how it may impact adjacent land uses when evaluating applications for these types of development permits;

(10) the Development Authority may require that the developer enter into a Road Use Management Agreement with the Town and/or Municipal District in order control traffic on municipal roads and manage dust control and/or maintenance issues;



Town of Fort Macleod

Wind Tolerance Map

Gravel Extraction Wind Tolerance Area (west of line)

Town Bounday

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 400 800 1200 1600

February 20, 2015 N:\Willow-Creek-MD\Fort-Macleod\Fort Macleod Projects\Fort Macleod with Gravel Deposits.dwg

AERIAL PHOTO DATE: May 7, 2013

(11) in addition to the above requirements, the following shall be submitted with a development permit application for natural resource extraction:

(a) submission of operation plans;

(b) details of roads, haul routes, access points and traffic volumes;

(c) surface access agreement with the landowner;

(d) location and phasing of vegetation clearance and stripping of topsoil;

(e) identification of areas to be left undisturbed; and

(f) reclamation performance guarantees in a form of security deemed acceptable by the Town; and

(12) the Development Authority may place conditions on an approved development permit that regulate elements of the resource extraction activity such as but not limited to days and hours of operation, setbacks, control or mitigation of dust and noise, berming or screening, monitor ambient air quality, and any other matter as determined by the Development Authority, beyond those requirements found in this section.

12.5 LAND USE REDESIGNATION AND SUBDIVISION

(1) The redesignation of lands to a residential land use district, or the subdivision of lands already residentially designated should not be permitted within 100.0 metres (328.1 ft) of the boundary of the working area of a resource extraction operation.

SECTION 13 SECONDARY SUITES

13.1 APPLICABILITY

The requirements of this section, with the exception of the general requirements, which apply to all secondary suites, are categorized based on the context of the suites and how they may be incorporated into a principal dwelling, detached garage, or as stand-alone garden suites in rear yards.

13.2 GENERAL REQUIREMENTS

All secondary suites shall meet the following requirements:

(1) only one secondary suite may be developed per lot;

(2) variances or waivers of setbacks or any other measureable standard in conjunction with applications for secondary suites shall be decided upon by the Municipal Planning Commission;

(4) all required off-street parking shall be designed and developed to the standards set out in Section 12 (Parking and Loading) of Schedule 3 (General Standards of Development);

(5) development of a new secondary suite shall meet all requirements of the National Building Code: Alberta Edition and National Fire Code: Alberta Edition as a condition of approval;

(6) a secondary suite shall not be separated from the principal dwelling or any part of the lot on which the principal dwelling is located through a condominium conversion or subdivision;

(7) a secondary suite shall be restricted to a lot occupied by all single unit dwelling types (Modular Home, Moved-In, Ready-To-Move and Single Detached) excepting a Manufactured Home. Additionally, a Semi-detached dwelling subdivided along each party wall, or Townhome subdivided along each party wall may also qualify.;

(8) a secondary suite shall not be permitted in a duplex, triplex, or any other variation of multi-unit dwelling;

(9) notwithstanding sub-section (13), the maximum number of bedrooms in a secondary suite shall be three (3), or however many can be reasonably accommodated while meeting all other requirements of this bylaw, whichever is the lesser of the two options;

(10) a secondary suite shall not be approved where a bed and breakfast, lodging house, Group Home or Childcare Facility has been previously approved;

(11) the Development Authority, as a condition of approval, may request proof that the utility services to the principal dwelling are capable of carrying the additional load of the proposed secondary suite;

(12) a secondary suite shall not be developed on the same lot as a home occupation 2 or 3 (see Section 5 of this Schedule), unless it can be proven to the Development Authority that the impact resulting from the home occupation is limited, adequate parking is provided and the amenities of the neighbourhood are not negatively affected; and

(13) the minimum floor area of a secondary suite shall be 30 m^2 (322.9 ft^2).

13.3 EXISTING SECONDARY SUITES

Existing secondary suites include any suite that existed prior to the passing of this bylaw. In addition to the requirements of 13.2 of this section, excepting thereout the building code requirement of 13.2(5) if it can be proven that the suite was developed prior to December 31, 2006, existing secondary suites shall meet the following requirements:

(1) an existing secondary suite developed after December 31, 2006, shall comply with all National Building Code: Alberta Edition and National Fire Code: Alberta Edition requirements, including separate heating and ventilation systems for the principal dwelling unit and secondary suite, as a condition of approval;

(2) an existing secondary suite shall meet all other requirements of this section and any other applicable section of this bylaw.

13.4 BASEMENT SUITES

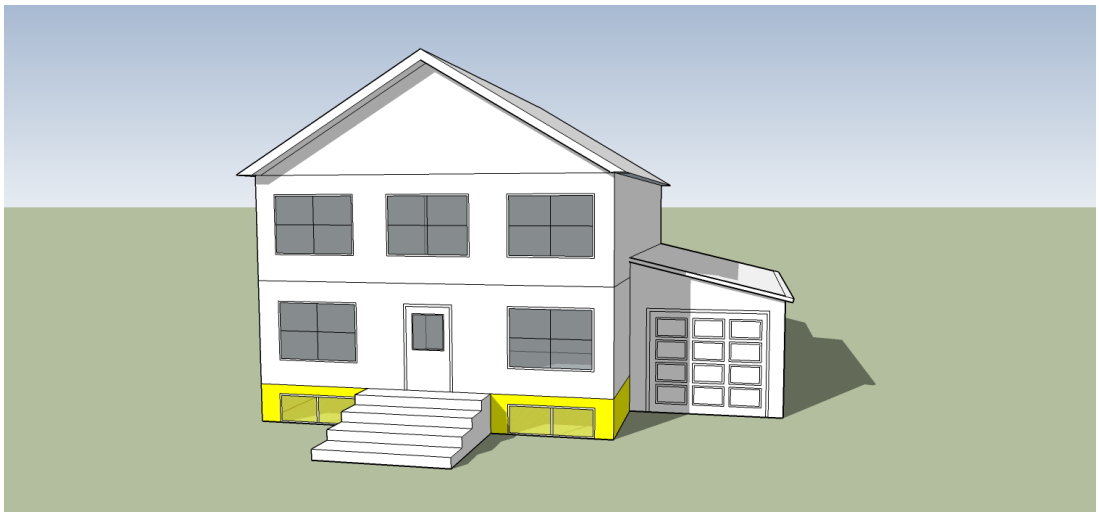
Basement suites are located below grade, in the basement of a qualified residential building, . In addition to the requirements of 13.2 of this section, the following requirements apply to basement suites:

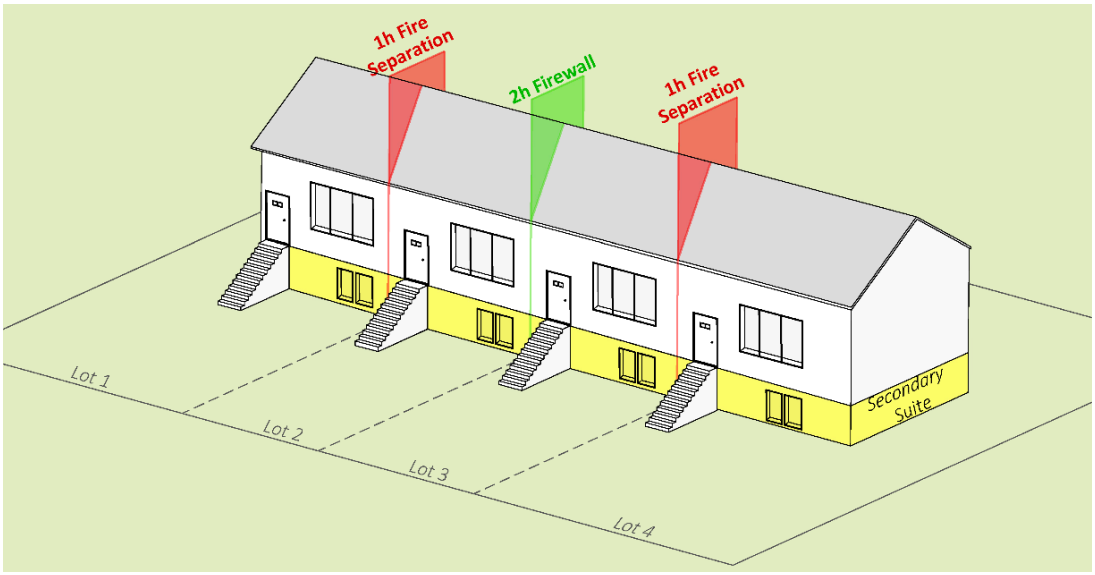
(1) the maximum floor area of a basement suite shall not exceed the floor area of any one storey of the dwelling above grade;

(2) a basement suite shall be developed in such a way that the exterior of the principal dwelling shall appear as any other dwellings of that type;

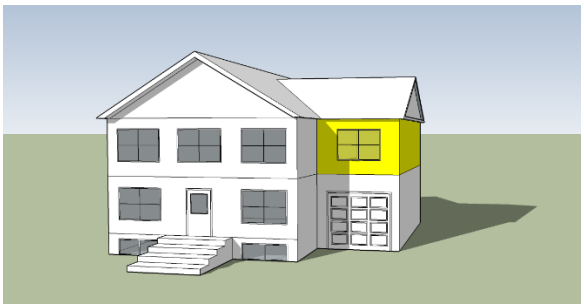
(3) a basement suite shall have an entrance separate from the entrance of the principal dwelling, either from a common indoor landing, or from the exterior of the principal dwelling; and

(4) should the entrance be directly from the exterior of the dwelling, it shall be on the side or rear of the structure.





13.5 GARAGE SUITES





Garage suites may include a secondary suite within the same structure as an attached or detached garage and located above the garage in either instance. In addition to the requirements of 13.2 of this section, garage suites shall meet the following requirements:

(1) the maximum height to roof peak of the garage shall be 7.5 m (24.6 ft) or the height of the principal dwelling's roof peak, whichever is the lesser of the two;

(2) in no instance shall the roof peak of a garage suite be higher than the roof peak of the principal dwelling;

(3) the roof slope of the garage should be the same as or similar to the roof slope of the principal dwelling, to the discretion of the Development Authority;

(4) a separate entrance from the entrance to the garage, either from a common indoor landing or from the exterior of the structure, shall be provided;

(5) garage suites that are a part of a detached garage shall only be permitted on lots with laneways excepting lots within the Country Residential: CR and Residential Large Lot: R-LL districts;

(6) a garage suite shall not be developed on a lot until a principal dwelling has been erected on the same lot;

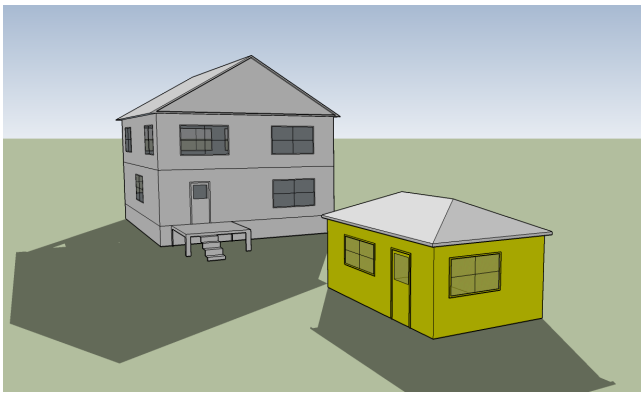
(7) the maximum floor area of the suite shall not exceed the floor area of the garage, not including shared mechanical rooms and common areas;

(8) the minimum setback from the principal dwelling shall be 3 m (9.84 ft);

(9) the minimum side yard setback shall be 1.2 m (3.93 ft); and

(10) the portion of the building intended for use as a garage shall not be permitted to be used as additional living space.

13.6 GARDEN SUITES



Garden suites are detached completely from the principal dwelling and are standalone structures constructed at grade. In addition to the requirements of 13.2 of this section, garden suites shall meet the following requirements:

(1) The maximum height to roof peak shall be 4.5 m (14.8 ft);

(2) A garden suite shall only be permitted on lots with laneways excepting lots within the Country Residential: CR and Residential Large Lot: R-LL districts;

(3) A garden suite shall not be developed on a lot until a principal dwelling has been erected on the same lot;

(4) The maximum floor area of a garden suite shall be 74.32 m^2 (800 ft^2);

(5) The minimum setback from the principal dwelling shall be 3 m (9.84 ft);

(6) The minimum side yard setback shall be 1.2 m (3.9 ft); and

(7) The exterior finish of a garden suite, including but not limited to materials, textures, and colours, shall match or compliment the exterior finish of the principal dwelling, to the satisfaction of the Development Authority.

SECTION 14 BREWERIES, DISTILLERIES AND WINERIES

14.1 APPLICABILITY

The requirements of this section, with the exception of the general standards found in Schedule 3 which apply to all breweries, distilleries and wineries and where applicable Schedule 6 Overlays, are provided to guide and regulate development.

14.2 GENERAL REQUIREMENTS

(1) That the developer or applicant provide copies of all approved Alberta Gaming, Liquor and Cannabis licenses as a condition of the development permit.

(2) Breweries, distilleries and wineries shall not generate odour, dust, waste or delivery traffic in excess of that which is characteristic of the District in which it is located.

(3) There shall be no outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business.

(4) Any public entrances, outdoor public spaces and outdoor private non-safe hospitality areas shall not be located next to an abutting residential use, existing at the time of approval.

(5) That when the use is located in an industrial district, the maximum floor area of a display and sales area located in a building is the greater of:

(a) 38.0 m^2; or

(b) 20.0 percent of the gross floor area of the use to a maximum of 465.0 m^2.

SECTION 15 CANNABIS REGULATION

15.1 APPLICABILITY

The requirements of this section, with the exception of the general standards found in Schedule 3 which apply to all Cannabis Retail Stores and Cannabis Production Facilities, are provided to guide and regulate development. Where applicable Schedule 6 Overlays, shall be applied to cannabis retail stores.

15.2 CANNABIS RETAIL STORE

All cannabis retail stores shall meet the following requirements:

(1) Prior to applying for a municipal development permit for a Cannabis Retail Store, the applicant is required to apply to the Alberta Gaming, Liquor and Cannabis (AGLC) for a determination of eligibility to obtain a license and submit verification of the AGLC eligibility as part of the development application.

(2) As part of the development application, the applicant shall demonstrate how the building location and design comply with all requirements under the *Alberta Gaming, Liquor and Cannabis Regulation*.

(3) That the developer or applicant or owner provide copies of all approved AGLC licenses as a condition of the development permit.

(4) The business must obtain and maintain a current Town of Fort Macleod business license.

(5) The hours of operation for the business shall be limited to 10 am to 11 pm daily.

(6) All signage for the Cannabis Retail Store use shall be in accordance with the *Alberta Gaming, Liquor and Cannabis Regulation* and Schedule 7 of this bylaw.

15.3 CANNABIS PRODUCTION FACILITY

All cannabis production facilities shall meet the following requirements:

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

(2) The owner or applicant must obtain 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 done in a manner where 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 must not be within 75.0 metres of a residential or a public institutional district, measured from the building foundation containing the use to the nearest property line of a parcel designated as a residential or a public institutional district.

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

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

(b) the quantity 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) The minimum number of motor vehicle parking stalls shall be based on the parking requirements under Schedule 3 Section 12.

SECTION 16 SHIPPING CONTAINERS

16.1 APPLICABILITY

The requirements of this section, with the exception of the general requirements, which apply to all shipping containers, are categorized based on the land use district the use is proposed.

16.2 GENERAL REQUIREMENTS

(1) Shipping containers shall only be allowed in land use districts where listed as a Permitted or Discretionary Use under Schedule 2. Shipping containers are prohibited in all other districts.

(2) Any shipping container shall be subject to the following general standards:

(a) 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).

(b) There shall be a legal principal use on the property where the shipping container is proposed.

(c) Shipping containers are permitted to be used for storage only and shall not be used as a building or as a construction material.

(d) The Development Authority may regulate the maximum number of shipping containers permitted on a lot.

(e) Shipping containers shall not be stacked.

(f) The Development Authority may require as a condition of approval that a shipping container(s) be screened from view or landscaped to make it aesthetically pleasing.

(g) The Development Authority may require as a condition of approval that any shipping container be sandblasted and painted a neutral or complementary colour to match the existing building(s) on the property.

(h) 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.

(i) 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.

(j) Removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant or landowner. The Development Authority may require as a condition of approval the posting of a security guaranteeing the removal of the container and compliance with the conditions of the permit.

16.3 PERMANENT SHIPPING CONTAINERS

(1) A permanent shipping container is subject to the following additional provisions:

(a) the maximum lot coverage and setback requirements for accessory structures in the applicable land use district;

(b) the shipping container may only be permitted in the secondary front, rear, or side yard; and

(c) the shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.

16.4 TEMPORARY SHIPPING CONTAINERS

(1) A shipping container may be placed on a residential lot for a period of 60 days or placed temporarily on a construction site for the period of construction, in any land use district where listed as a permitted or discretionary use with an approved development permit, subject to the following provisions:

(a) temporary shipping containers are subject to the standards in subsection 16.2 above;

(b) the shipping container is needed in connection with construction of a development for which a development permit has been issued;

(c) the 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;

(d) setbacks for a temporary shipping container shall be as required by the Development Authority;

(e) in residential districts, temporary shipping containers are limited to 20 feet in length;

(f) the Development Authority has the authority to determine the maximum amount of time a shipping container is permitted on a lot; and

(g) the shipping container shall be removed immediately upon completion of construction or sooner as may be required by the Development Authority.

SECTION 17 RESIDENTIAL SALES CENTER

17.1 APPLICABILITY

A residential sales center as defined in this bylaw and per the requirements below is to be a limited use that is provided to support the sale of residential product and may also function as a construction office.

17.2 GENERAL REQUIREMENTS

(1) The construction of or use of an unoccupied dwelling unit for the purpose of a residential sales center for the sale of other dwellings units by the same builder for other dwellings units within the same approved subdivision requires a Development Permit.

(2) The dwelling occupied as a residence shall not be used as a sales office or as facility to demonstrate a builder's construction quality or methods except in accordance with the land use rules for Home Occupations in Schedule 5 Section 5.

(3) There shall be a maximum of one (1) residential sales center for every 20 parcels in a single-phase subdivision; or no more than one (1) residential sales center for every 10 lots within a single phase of a multi-phase approved subdivision. In a subdivision of less than 20 lots, One (1) residential sales center may be allowed.

(4) Development Permits may be issued prior to the registration of a phase of a subdivision providing that the phase has received approval by the Subdivision Authority, there is a Development Agreement in place and there is a gravel surfaced road constructed from the developed municipal road to the show parcel in accordance with the Development Agreement.

(5) The conditions of the Development Permit for the residential sales center(s) may include the following:

(a) Advertising signs and features providing details of these features including location, type and number were submitted as part of the application. All advertising signs and features shall be removed immediately upon the cessation of use of the building as a residential sales center.

(b) The residential sales center shall not be open to the public for viewing unless and until the road is paved to municipal standards to the residential sales center from the municipal road and there are at least four (4) off-street parking spaces per residential sales center to be constructed to a minimum standard of a compacted gravel surface in subdivisions that do not have curb and gutter.

(c) There shall be signs posted at adjacent occupied residences by the residential sales center builder indicating that these homes are private and not for viewing.

(d) The residential sales center shall be closed to the public within 30 days of the date that 90% of the homes are occupied in the phase of the subdivision or within 30 days of the date that 90% of all the lots in the subdivision are occupied, whichever occurs first.

(e) The advertised hours that the residential sales center is open to the public shall not be earlier than 9:00 am or later than 6:00 pm, except that during the first 14 days of the use of the building as a residential sales center where extended public viewing hours may be permitted for no more than three (3) of the 14 days.

(f) The conditions of the permit do not limit the private showing by appointment of the residential sales center at any time.

SECTION 18 CAMPGROUNDS

18.1 APPLICABILITY

The development of a campground is intended to augment the community's recreational amenities and provide opportunities for both local and visitors to enjoy the natural features and existing infrastructure that the Town has in abundance.

18.2 PLAN REQUIREMENTS

(1) Prior to redesignation or the creation of a new development or expansion of existing development, an area structure plan or conceptual design scheme may be required depending on the size of the development or its potential impacts. This plan should include but is not limited to the following:

(a) site plans and drawings – although professional plan preparation is preferable, the diagrams may be accepted if they are clear and accurate and include the required setbacks as described in the district in relation to all proposed development;

(b) compliance with all local and provincial policies or requirements including but is not limited to Stepping Back from the Water, National Building Code – Alberta Edition, the Recreation Area Regulation, Bear Smart, FireSmart, and the Public Lands Act;

(c) identification of other hazards such as flood or mass wasting prone lands or environmentally sensitive areas, including historic and other resources;

(d) sewer system – Connection to the municipal sewer system is preferred but where unavailable will be determined using the soils data provided in accordance with the Alberta Private Sewage Systems: Standard of Practice. Pump out systems are preferred adjacent to water bodies;

(e) domestic water – Connection to the municipal water system is preferred but where unavailable these systems will be to the satisfaction of the approval authority and in compliance with the Water Act;

(f) roadways and access points – including the standards for construction and signage both on-site and off-site;

(g) provision for other utilities and services – including comments from the appropriate supplier;

(h) stormwater surface drainage control – which is required to protect water bodies and adjacent parcels;

(i) development concept – including lot density, permanent vs non-permanent buildings, how the proposal minimizes its development footprint and preserves agricultural land, and land tenure;

(j) analysis of impact on adjacent property or structures including a locational plan that includes distances to all other development and the location and number of residences along the entire access road from the nearest highway to the proposed development site;

(k) an emergency response plan outlining fire and medical procedures shall be submitted to the municipality and as a condition of the development permit. Acceptance of the plan will be at the sole discretion of the Municipality.

(l) proposals for campgrounds shall provide the intention for duration of stay and as part of the development application process.

(m) landscaping and appearance; and

(n) any other information that Council or the development officer may consider necessary.

18.3 SUPPLIMENTAL USES

(1) Campground development may include as supplementary uses any or all of the following:

(a) bathroom facility,

(b) laundry facility,

(c) camp kitchen(s)

(d) recreation amenities

(e) manager's residence.

Each shall be identified in the area structure plan or concept plan.

SECTION 19: DATA MINING OPERATION

19.1 APPLICABILITY

Data mining operations are an intensive use requiring scrutiny of its power needs and external impacts on adjoining uses.

19.2 GENERAL REQUIREMENTS

(1) An application for a data mining operation shall be accompanied by all the application submission requirements in accordance Administration Section 4.3 Development Permit Applications as well as the following information:

(a) floor plans, elevations and renderings conveying all proposed buildings and structures that will form part of the facility including trailers, shipping containers, semi-trucks and related storage buildings;

(b) a breakdown of the number of computer units, fans and any pertinent information concerning their anticipated noise impacts;

(c) noise impact assessment (NIA) completed by a qualified professional which measures sound from the proposed facility to the nearest dwelling/ or building. The assessment shall be undertaken in accordance with the principles specified in AUC Rule 012 or a comparable standard, regardless of whether the proposed operation involves the on-site generation of electric energy.

(d) a fire protection plan; and

(e) any other information that may be required by the Development Authority.

19.3 Proposals for data mining operations integrating an on-site power plant or backup power source shall indicate the total MW at full build-out, and any pertinent information concerning their anticipated noise impacts. All structures related to energy generation shall be indicated on the site plan.

19.4 An application for a data mining operation that draws its power from the electricity grid shall be accompanied by verification in writing from the electrical service provider that the projected electrical consumption of the proposed use can be accommodated and that the utility supply equipment and related infrastructure is sufficiently sized to accommodate the proposal.

19.5 The applicant shall submit from the Alberta Utilities Commission:

(a) a copy of proof of exemption of an approval for applications utilizing an on-site power plant generating less than 10 megawatts (MW)

(a) a copy of any approvals required by for applications utilizing an on-site power plant generating 10 MW or more.

19.6 Facilities used in conjunction with data mining operations shall integrate noise management strategies to achieve noise compliance, including but not limited to exhaust baffles, roof and side extensions on the exhaust side of buildings, sound-absorbent padding, and fire-resistant sound-absorbing walls. Where the above measures do not adequately mitigate sound to achieve noise compliance specified in section 19.5, a more sophisticated sound mitigation solution shall be required prior to commencement of operations.

19.7 At all times during the operation of the data mining operations noise compliance shall be:

	Dwelling density per quarter section of land					
Proximity to Transportation	**1 to 8 dwellings**		**9 to 160 dwellings**		**Greater than 160 dwellings**	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
Category 1	50 dB	40 dB	53 dB	43 dB	56 dB	46 dB
Category 2	55 dB	45 dB	58 dB	48 dB	61 dB	51 dB
Category 3	60 dB	50 dB	63 dB	53 dB	66 dB	56 dB

Category 1: dwelling(s) distance is more than or equal to 500 metres (m) from heavily travelled roads or rail lines and not subject to frequent aircraft flyovers from proposed development.

Category 2: dwelling(s) distance is more than or equal to 30 m, but less than 500 m from heavily travelled roads or rail lines and not subject to frequent aircraft flyovers from proposed development.

Category 3: dwelling(s) distance is less than 30 m from heavily travelled roads, or rail lines or subject to frequent aircraft flyovers from proposed development.

	Daytime	Nighttime
Other parcels zoned for Industrial purposes	75 dB	70 dB

19.8 In response to noise complaints:

(a) by residents, the data mining operation that is the subject of those complaints may, at the discretion of the Development Authority, be required to undertake sound level testing at the location of the most affected dwelling to demonstrate that the noise threshold in is not exceeded.

(b) by operators of other properties within the Industrial land use district, the Development Authority may determine that noise compliance testing is required to demonstrate compliance.

(c) any required compliance testing shall be undertaken at the cost of the developer.

SECTION 20 CONDOMINIUM CONVERSION APPLICATION

20.1 APPLICABILITY

The *Condominium Property Act RSA 2000* provides the opportunity for landowners to convert existing buildings into condominiums. This Act requires the Town's approval prior to registration of such conversions. An application process for a conversion is required.

20.2 CONDOMINIUM CONVERSION PROCESS

(1) An applicant is required to submit the following information as part of the application process:

(a) one application for condominium conversion completed in full and signed by the landowner(s) or the person authorized to act on behalf of the landowner(s);

(b) one copy of the Certificate of Title obtained from any Registries office. The copy is to be validated within 30 days of the submission of the application;

(c) copies of all instruments which are registered against the parcels and affects the use of the land;

(d) Authorization Form – if applicant is not the owner, a letter must be provided from the owner authorizing the applicant to act on his/her behalf;

(e) condominium conversion application per unit fee as outlined in the Town's fee schedule;

(f) three copies of the proposed condominium as prepared by a registered Alberta Land Surveyor in accordance with the *Condominium Property Act* and the *Condominium Property Regulation*;

(g) an National Building Code – Alberta Edition Review of the subject building or copies of all final inspections for the property constructed if constructed within the last two years.

(h) any other information the municipality deems necessary.

(2) The review consists of comparing the plan to the development permit issued when the building was constructed to ensure the number of units and the on-site parking required are consistent between the development permit and the condominium plan.

(3) The plan is also reviewed in respect to the status of property taxes and the National Building Code – Alberta Edition Review.

(4) Approval for a conversion is granted by signing a certificate of local authority.

20.3 PROHIBITED APPLICATIONS

(1) The municipality may prohibit any application with respect to a building that was constructed prior to August 1, 1966, or for which the building permit was issued prior to August 1, 1966, if it considers it proper to do so, as permitted by section 10(2) of the *Condominium Property Act*.

SECTION 21 MIXED-USE DEVELOPMENT

21.1 APPLICABILITY

For the purposes of this section, mixed-use development refers to those situations where non-residential uses may be located below residential dwelling units in a multi-storey building (vertical mixed-use), or behind a non-residential use in a single-storey building (horizontal mixed-use), as provided for in the permitted and/or discretionary uses lists of the Commercial General, Commercial Neighbourhood and Commercial Central land use districts.

Other instances of this bylaw where uses may be mixed such as home occupations and developments where commercial or industrial are the principal and secondary uses on a site or lot are not subject to the requirements of this section.

21.2 GENERAL REQUIREMENTS

(1) The requirements of this section are to the satisfaction of the Development Authority;

(2) dwelling units in vertical mixed-use development shall always be located on the storey(s) of the building that are above non-residential uses;

(3) notwithstanding sub-section (2), a dwelling unit may be located in the rear of a non-residential use in the Commercial General or Commercial Neighbourhood land use district, subject to the discretionary uses requirements of this bylaw;

(4) non-residential uses shall have a separate entrance from any dwelling unit in the same building, either from the outside of the building or from a common indoor point of access such as but not limited to a hallway, landing or stairwell;

(5) notwithstanding sub-section (4), residential dwelling units above non-residential dwelling units in the Downtown and Provincial Historic Area Overlay areas (see Schedule 6: Overlays) shall locate the entrance to the dwelling unit at the rear of the building;

(5) Schedule 4 Section 2 (Interface Areas) applies to all mixed-use development that is identified as being within an interface area;

(6) regardless of whether mixed-use development is in or out of an interface area, the development shall complement and enhance features of the adjacent lots and the overall existing or desired character of the street and area, based on approved statutory or non-statutory plans and/or to the discretion of the Development Authority, through investigation of existing:

(a) building heights, scale, massing, form, orientation, and roof slopes;

(b) architectural features and exterior finishes;

(c) entrances, walkways and linkages;

(d) parking and vehicular access layout;

(e) landscaping and outdoor amenity spaces; and

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

21.3 BUILDING DESIGN, MASSING AND ORIENTATION

(1) Vertical mixed-use buildings shall meet the following requirements:

(a) overhanging balconies shall not be permitted above non-residential uses and instead the storeys of residential development above non-residential development shall be stepped-back an adequate distance to meet the minimum private outdoor amenity space standards specified in this section;

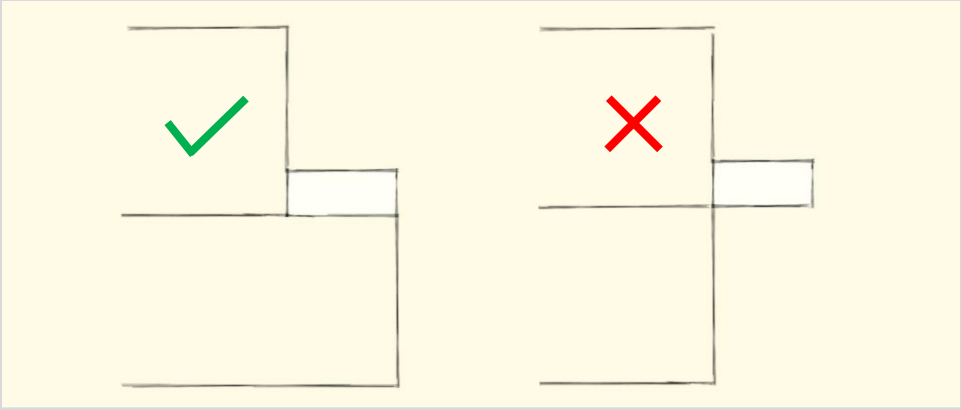


Figure 21.3.1: permitted vs. prohibited forms of balconies for residential units above non-residential uses as per 21.3(1)(a) of this section.

(b) non-residential development on the ground floor should have transparent windows and doors make up a minimum of 30 percent of the street facing façade;

(c) development on any storeys above the ground floor should have transparent windows and doors make up a minimum of 30 percent of the street facing façade;

(d) the main access for ground floor non-residential development shall be oriented towards the street and to pedestrian walkways internal to the site, if applicable; and

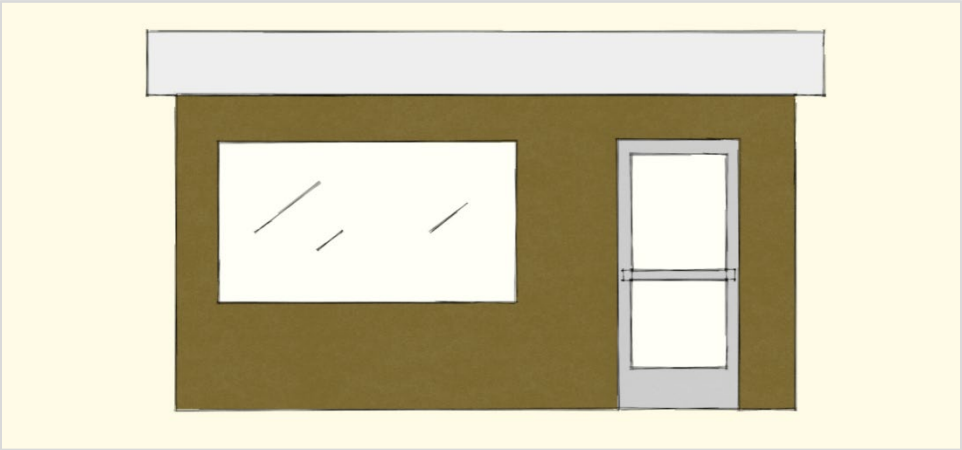


Figure 21.3.2: an illustrative example of approximately 30 percent transparency as per 21.3(1)(c) of this section.

(e) all dwelling units should be oriented such that they each receive sun exposure the majority of the year.

(2) Horizontal mixed-use buildings shall meet the following requirements:

(a) dwelling units shall always be located behind non-residential development;

(b) non-residential development shall always make up the street facing façade;

(c) non-residential development should have transparent windows and doors make up a minimum of thirty (30) percent of the street facing façade; and

(d) notwithstanding the general requirements of this section, dwelling units shall always have access directly to the outdoors, either as the main and only point of access to the unit(s) or in addition to a shared indoor access.

21.4 AMENITY SPACE

Amenity space may be categorized as private, common (accessible to all dwelling units in a mixed-use development) and public, on-site and off-site and can be indoors, partly or entirely outdoors, or any combination thereof depending on the development.

(1) Private amenity space for vertical mixed-use development shall be:

(a) provided for each dwelling unit in the form of a balcony or rooftop space;

(b) a minimum of 4.6 m^2 (49.5 ft^2) and for balconies the minimum depth from the point of access shall be 1.5 m (4.9 ft);

(c) only be accessible through the dwelling unit to which they are a part of; and

(d) for rooftop space, dedicated only to dwelling units directly below it and accessible through the use of common access points such as hallways and stairwells.

(2) Private amenity space for horizontal mixed-use development shall be:

(a) provided for each dwelling unit in the form of a patio, deck or landscaped area;

(b) a minimum of 10.0 m^2 (107.6 ft^2); and

(c) accessible only through the dwelling unit that it is a part of.

(3) Common amenity space shall be:

(a) to the discretion of the Development Authority for mixed-use developments with ten or fewer dwelling units;

(b) required for mixed-use developments with more than ten dwelling units;

(c) provided for in the form of indoor and/or outdoor space;

(d) in the case of indoor space, consist of a minimum area of 37.2 m^2 (400 ft^2) contained within the same building as the mixed-use development;

(e) in the case of partially or fully outdoor space, make up a minimum of 25% of the total lot area and fully contained within the mixed-use development lot or site;

(f) accessible to all dwelling units within a mixed-use development;

(g) made up of any of the following indoor spaces:

(i) common rooms for the purposes of group entertainment;

(ii) fitness facilities such as but not limited to swimming pools, saunas, steam rooms and fitness rooms;

(h) made up of any of the following outdoor spaces:

(i) communal patios, balconies or rooftop spaces;

(ii) landscaped yards and/or gardens.

(4) Public amenity space shall be:

(a) contained off-site from the mixed-use development but may be adjacent to the lot or site of the mixed-use development;

(b) considered in lieu of private amenity space in instances where the provision of adequate indoor and/or outdoor amenity space is demonstrated by the developer to not be achievable on-site;

(c) developed at the expense of the developer should sub-section (4)(b) apply;

(d) a minimum of 25 percent of the total area of the mixed-use development site;

(e) a maximum of 150.0 m (492.1 ft) from the mixed-use development;

(f) made up of any combination of indoor/outdoor space including but not limited to passive and active recreational space that may contain landscaped areas, walking and cycling trails, sports fields and facilities; and

(g) fully accessible to the public.

21.5 SIGNAGE

In addition to the requirements of any other section of this bylaw, signage in mixed-use development shall not unduly interfere with the dwelling units by way of the placement, illumination of or any other situation that may result in potential negative impacts to dwelling units in the building.

21.6 PARKING AND LOADING

(1) Off-street parking shall be located in the rear and/or side yard and shall be screened from public rights-of-way and adjacent lots by landscaping and/or fencing;

(2) access for off-street parking shall be permitted one point of access from the street if there is no laneway and may only be permitted from the laneway if there is a laneway, to the discretion of the Development Authority;

(3) non-residential uses may be granted a partial or full waiver to the off-street parking requirements of Section 12 (Parking and Loading) of Schedule 3, based on factors such as but not limited to the projected amount of vehicular traffic to be generated by the use, proximity to existing on-street and/or off-street parking, and the potential for required parking to be shared depending on business hours and the number of dwelling units; and

(4) should a reduction to minimum parking standards and/or shared parking be proposed, the Development Authority may require the submission of a Parking Management Plan, in accordance with Section 12.2(5) and (6) of Schedule 3.

21.7 LANDSCAPING

(1) Development applications for mixed-use development shall be accompanied by landscaping plans prepared in accordance with Section 3 (Landscaping)of Schedule 4;

(2) trees and shrubs shall be planted in a manner that effectively screens mixed-use development from residential-only development. Trees and shrubs may be clustered or grouped within a side or rear yard to serve as a focal point for the landscape treatment but a minimum 1.5 metre landscaped strip shall be provided along the side and rear property lines and any other area of the lot that abuts a residential-only lot. The developer is encouraged to provide trees in a ratio of one tree per 35 square metres of total landscaped area provided on a site. As an alternative, shrubs may be planted for each 35 square metres of landscaped area provided on a site so long as the design incorporates trees along the property line;

(3) landscaping of main building accesses including shared accesses to non-residential and residential points of access shall include soft materials other than grasses and hard materials that together highlight the access;

(4) on corner lots, in addition to the landscaping required in the front yard as identified in (2) above, the developer shall be responsible for landscaping the municipal boulevard from the back of curb to the front and/or secondary front property line;

(5) as an alternative to the screening requirements that make use of trees and shrubs, as set out in this section, a solid fence or wall may, at the discretion of the Development Authority, be provided along the lot lines that abut a residential lot; and

(6) should a solid fence or wall be permitted in lieu of trees and shrubs, for the sole purpose of screening a mixed-use development from a residential lot, all other landscaping requirements in this sub-section and Section 3 (Landscaping) of Schedule 4 shall still apply.

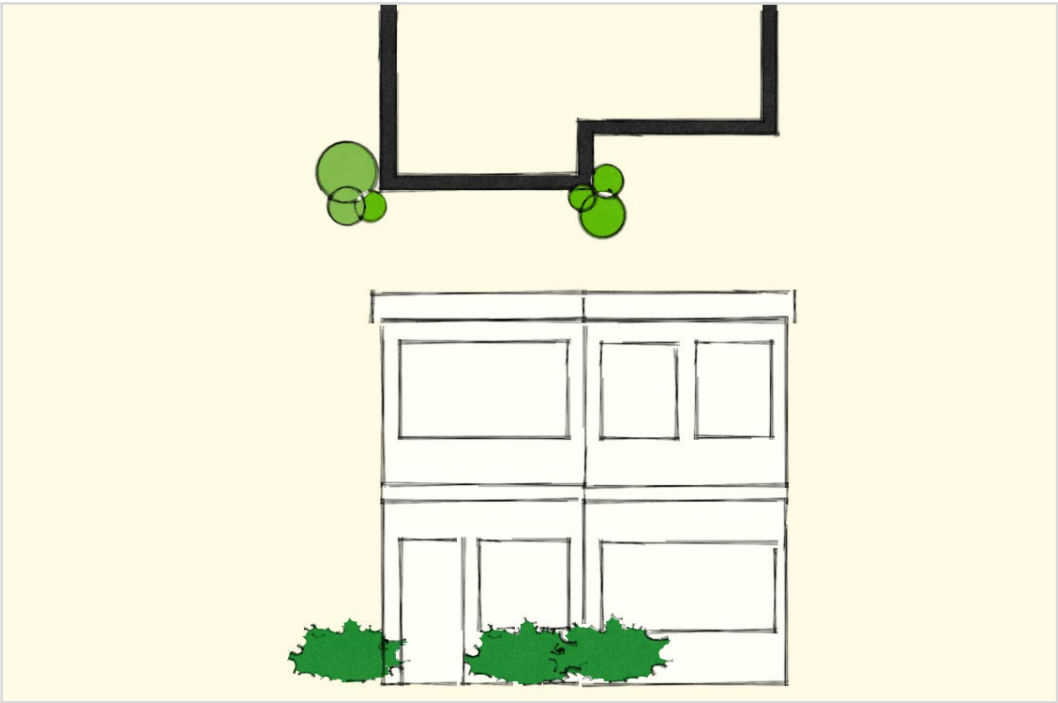


Figure 21.7.1: an illustrative example of highlighting an entrance with soft landscaping as per 21.7(3) of this section.

21.8 EXCEPTIONS

Notwithstanding any of the requirements of this section, in instances where mixed-use development is to be located in already established areas and a specific requirement is demonstrated to have a material impact on the development potential of the site, the developer shall provide an alternative means of meeting the requirement, to the satisfaction of the Development Authority.

SECTION 22 SANDBLASTING, WELDING AND FABRICATION FACILITIES

22.1 APPLICABILITY

The requirements of this section pertain to the negative externalities of industrial use that have a direct effect on public and residential uses, surface water, and land both on-site and off-site.

22.2 GENERAL REQUIREMENTS

(1) Where the proposed use is located within 150.0 m (492.1 ft) of an existing or future residential use, park and recreation facilities, River Valley Lands or Public and Institutional land use districts, all welding, fabrication, and sandblasting shall be fully contained within a building or other suitable structure designed to contain noise, odours, and dust.

(2) In all instances, the building or structure containing any approved sandblasting, welding, or fabrication operation shall be located no closer than 90.0 m (295.3 ft) to an adjacent residential dwelling.

(3) Required yards, buffers and landscaped areas shall not be used for storage, parking, loading, unloading or similar uses.

(4) The operator is prohibited from disposing of any shop wastes into a storm drain, septic tank, onto the ground or into surface water.

(5) All materials must be stored in the proper containers with the correct label in accordance with any provincial environmental regulations or procedures.

(6) The applicant may be required to store materials and waste indoors or under cover whenever possible to prevent moisture from seeping into the container.

SECTION 23 SHORT-TERM RENTAL

23.1 APPLICABILITY

The requirements of this section pertain to the management of a dwelling unit or portion thereof as a temporary accommodation, tourist accommodation or vacation rental booked through vacation rental sites, such as but not limited to Airbnb and VRBO. Dwelling units eligible for permits vary based on owner occupancy, dwelling type, and neighborhood setting.

Short-Term Rental is prohibited in residential districts except where they are expressly listed as a permitted or discretionary use. Where an owner does not live/reside in the dwelling as their primary residence (non-owner occupied) but rents out the house or rooms as accommodation is prohibited.

23.2 GENERAL REQUIREMENTS

(1) Short-term Rental development is required to have a Business Licence.

(2) The number of rental units and number of bedrooms per unit shall be stated on the application form and included as a condition of approval in the development permit. The Development Authority may limit the number of rental units and/or the number of bedrooms per unit on a case-by-case basis having regard for suitability and potential impacts to the town, street, or area neighbors.

(3) The Development Authority may, with its discretion, place any conditions it deems reasonable, on a development permit approved for Short-term Rentals to manage potential impacts to neighbors or ensure the use is operating within the regulations and standards of the bylaw.

(4) Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Fort Macleod Community Standards Bylaw.

(5) As a recreational vehicle (camper trailer) is not a dwelling unit, they shall not be used as accommodation for the owner/operator other residents of the property or for the Short-term Rental guests.

(6) The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit.

23.3 APPLICATION REQUIREMENTS

(1) Short-term Rentals require a development permit. A permit may be revoked at any time if, in the opinion of a designated officer, the operator has violated any provision of this bylaw or the conditions of a permit.

(2) Parking shall be provided as required by the Development Authority.

(3) Keep and maintain by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer.

(4) Provide personal contact information of the operator to the designated officer that is kept accurate and up to date during the duration of the active operation of the dwelling as a Short-term Rental.

(5) Signage shall only be displayed as allowed for in this bylaw and includes:

(a) one window sign, no larger than 0.4 m^2 (4 ft^2);

(b) not be directly illuminated in any way.

(6) Be responsible for contacting the municipal Safety Codes officials and complying with requirements applicable to the dwelling or dwelling unit conforming to the National Building Code – Alberta Edition as required, particularly regarding fire safety.

(7) Be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the Development Authority when requested.

(8) Be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or the Development Authority.

(9) Comply with any requirements and obligations relating to the Public Health Act, Housing Regulation as applicable.

(10) If pets are allowed in the Short-term Rental, the yard for the property must provide an enclosed and fenced area to keep pets contained on-site.

(11) Where the property is serviced by private water and/or septic systems, the impact of the proposed use on the existing systems be reviewed and approved by the building code inspector.



SCHEDULE 6

OVERLAYS

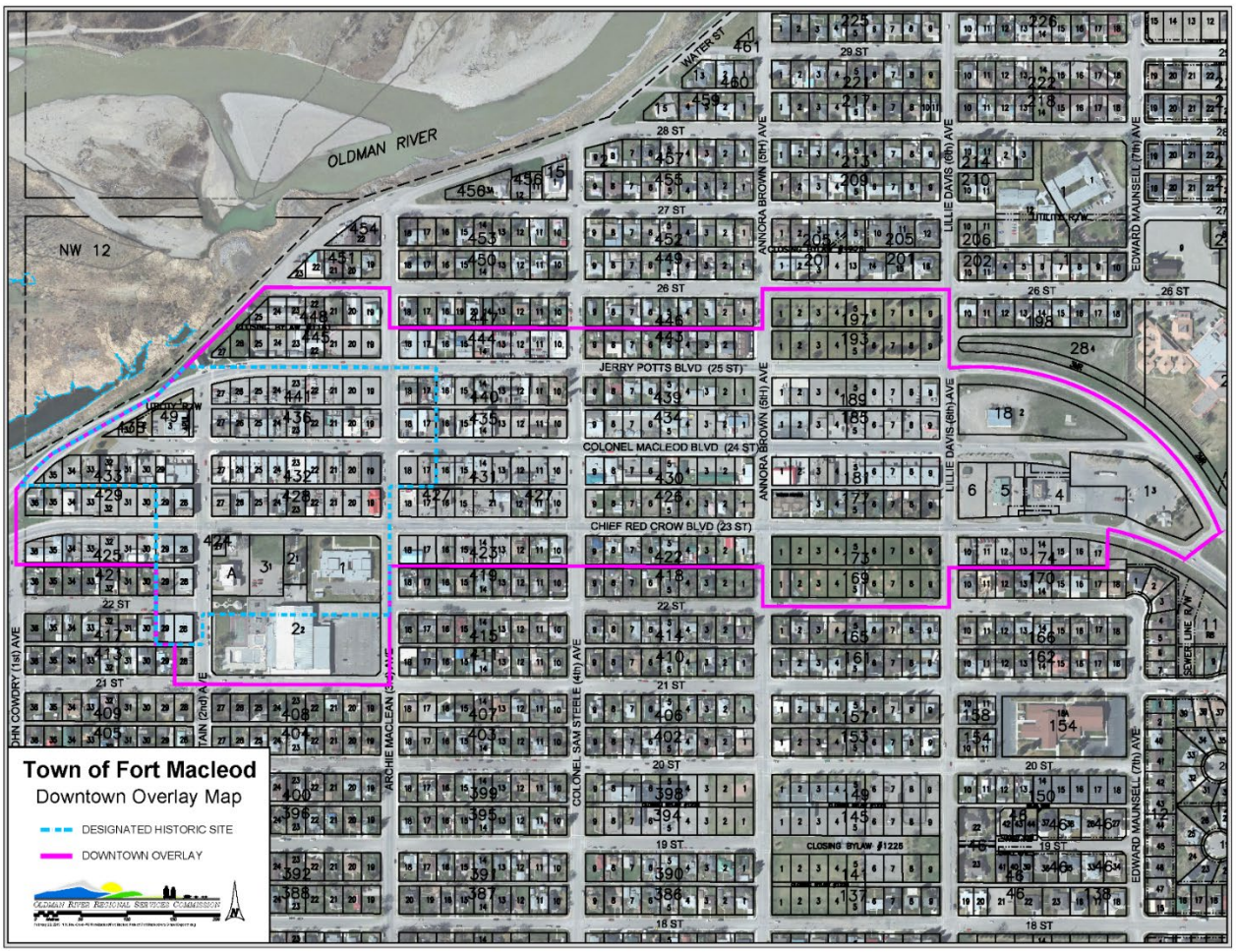
SCHEDULE 6: OVERLAYS

SECTION 1 DOWNTOWN OVERLAY

1.1 APPLICABILITY

The intent of the Downtown Overlay is to maintain and enhance the historic development patterns of the mixture of uses that exist and that may be developed in the downtown area of Fort Macleod, as identified by the Downtown Overlay map in 1.2 of this section. The requirements of this section are above and beyond the requirements contained in each of the land uses that may be affected by this overlay, and if there is a conflict between the requirements of a land use district and this section, this section shall take precedence.

1.2 DOWNTOWN OVERLAY MAP



(1) All accessory buildings and structures shall take access from the lane;

(2) there shall not be front driveways or parking areas approved that access from either 23 Street or 25 Street.

1.3 BUILDING ALTERATIONS, MAINTENANCE, REPAIRS, REHABILITATION AND ADDITIONS

Where a development involves the alteration, repair or rehabilitation of or an addition to an existing building, the development should be designed:

(1) to complement the character of the area and development on adjacent lots and the overall existing or desired character of the street and area, based on approved statutory or non-statutory plans and/or to the discretion of the Development Authority, through investigation of existing;

(a) building heights, scale, massing, form, orientation, and roof slopes;

(b) architectural features, exterior finishes and colour schemes;

(c) entrances, walkways and linkages;

(d) parking and vehicular access layout;

(e) landscaping and outdoor amenity spaces; and

(f) any other matters deemed appropriate by the Development Authority;

(2) where a development involves the alteration of or an addition to an existing building, the development should be designed to ensure that architectural details having historic character are maintained.

1.4 NEW CONSTRUCTION

Where a development involves new construction, the development should be designed:

(1) to complement the character of the area and development on adjacent lots and the overall existing or desired character of the street and area, based on approved statutory or non-statutory plans and/or to the discretion of the Development Authority, through investigation of existing;

(a) building heights, scale, massing, form, orientation, and roof slopes;

(b) architectural features, exterior finishes and colour schemes;

(c) entrances, walkways and linkages;

(d) parking and vehicular access layout;

(e) landscaping and outdoor amenity spaces; and

(f) any other matters deemed appropriate by the Development Authority;

(2) where a development involves the alteration of or an addition to an existing building, the development should be designed to ensure that architectural details having historic character are maintained.

1.5 SIGNAGE

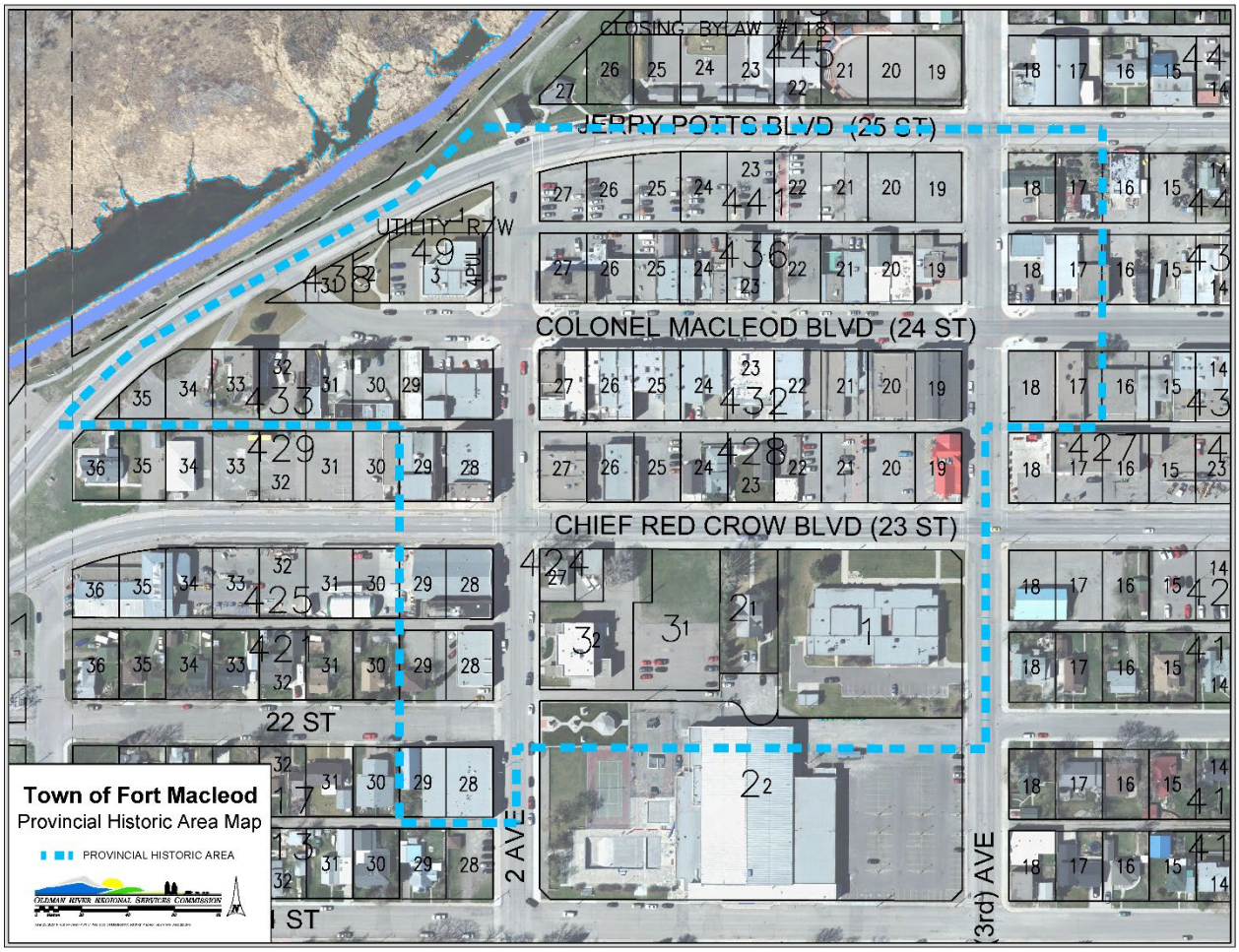
(1) All signage within the Downtown Overlay shall meet the requirements of Section 18 of Schedule 7 (Signage).

SECTION 2 PROVINCIAL HISTORIC AREA OVERLAY

2.1 APPLICABILITY

The intent of the Provincial Historic Area Overlay is to maintain and enhance the historic development patterns of the Provincial Historic Area of Fort Macleod, as identified by Provincial Historic Area Overlay map in 2.2 of this section, and as enacted by Alberta Regulation 158/1984 (Provincial Historic Area Establishment Regulation). The requirements of this section are above and beyond the requirements contained in the Downtown Overlay and each of the land uses that may be affected by this overlay, and if there is a conflict between the requirements of a land use district and this section, this section shall take precedence.

2.2 PROVINCIAL HISTORIC AREA OVERLAY



2.3 ACCESS DESIGN

(1) All accessory buildings and structures shall take access from the lane;

(2) there shall not be front driveways or parking areas approved that access from either 23 Street or 25 Street.

2.4 BUILDING ALTERATIONS, MAINTENANCE, REPAIRS, REHABILITATION AND ADDITIONS

(1) Where a development involves the alteration, repair or rehabilitation of or an addition to an existing building, the development shall be designed:

(a) whenever possible, to retain the existing masonry and mortar;

(b) where the retention of the existing mortar is not possible, to duplicate the original mortar, as far as practicable, in composition, colour and texture;

(c) whenever possible, to retain the original colour and texture of masonry surfaces belonging to the historic period;

(d) so as to stabilize and repair weakened structural members and systems and generally to make the building structurally sound;

(e) to repair or replace visible deteriorated material with new material that duplicates the old as closely as possible;

(f) to retain all architectural details;

(g) to preserve or replace all architectural features, including dormer windows, cornices, brackets and chimneys, that give a roof its distinctive character;

(h) to preserve the original roof shape, when roofing is done;

(i) if possible, to retain and repair original window and door openings, frames, sash, glass, door lintels, pediments and hardware;

(j) if possible, to ensure that all repair work improves the thermal performance of each building;

(2) where a development involves the alteration of or an addition to an existing building, the development shall be designed to ensure that architectural details having appropriate historic character as defined by the historic character that exists in the Provincial Historic Area Overlay and that may be further determined by reference to historic photos and documents of the historic development in the same area, are maintained.

2.5 NEW CONSTRUCTION

Where a development involves new construction, it shall be designed to ensure that:

(1) the design of building incorporates architectural details having historic character such as entrances, windows, ornaments, awnings, canopies, that are historically appropriate and compatible with existing buildings in terms of scale and detail;

(2) the colours of the building materials and signs are compatible with the historic character of the historic area;

(3) setbacks are in keeping with the rest of the street;

(4) historically appropriate materials in historically appropriate shapes and sizes are selected for surface treatment.

2.6 SIGNAGE

All signage within the Provincial Historic Area Overlay shall meet the requirements of Section 18 of Schedule 7 (Signage).

2.7 REQUIRED CIRCULATIONS

All development permit applications within the Provincial Historic Area shall be referred to the Fort Macleod Built Heritage Advisory Board (BHAB) and Alberta Culture for comments before the application is dealt with. The Committee shall respond within 10 days.

SECTION 3 GATEWAYS OVERLAY

3.1 APPLICABILITY

The requirements of this section are intended to ensure a minimum aesthetic standard is met when development occurs in the areas of the Town considered most prominent when entering or leaving Fort Macleod, which are herein referred to as gateways. The requirements of this section are above and beyond the requirements of any other part of this bylaw. The requirements of this section apply to all areas identified are depicted on the land use district map and the map in this section.

3.2 GENERAL REQUIREMENTS

(1) Exterior building materials shall be durable and of a high quality;

(2) highly reflective exterior building materials are discouraged;

(3) the design, massing, layout and orientation of buildings should complement the existing or desired character of the area as described in any applicable approved statutory or non-statutory plan and/or to the discretion of the Development Authority. In addition, the following standards apply:

(a) 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;

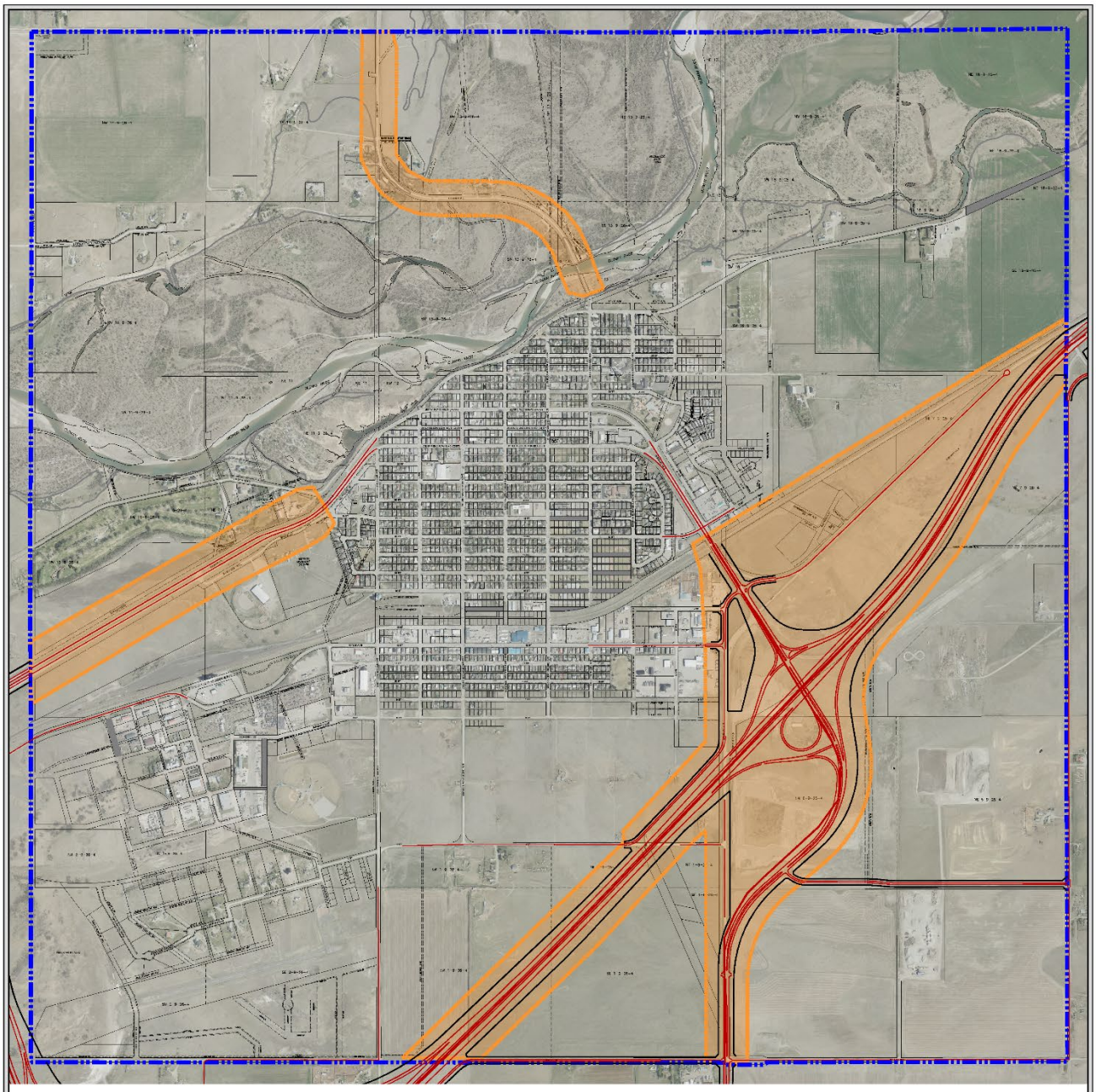
(b) a high degree of transparency should also be incorporated into street-oriented building facades, through the placement of doors and windows at a minimum of 30 percent coverage of the street-oriented building facades;

(c) buildings shall be oriented, and the massing designed to highlight the interface between individual lots and the street, 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; and

(4) all vents, gutters, downspouts, flashing and electrical conduits shall be the same colour as the adjacent surface, unless acting as an accent to the overall colour scheme of the building exterior.

3.3 SIGNAGE

In addition to the requirements of Schedule 7 (Signage), signage in gateways shall be architecturally integrated with surrounding development and should complement the existing or desired character of the area as described in any applicable approved statutory or non-statutory plan and/or to the discretion of the Development Authority.



Town of Fort Macleod

Gateways Map

- Town Bounday
- Gateway
- Proposed Highway Alignment
- Proposed Highway Right-of-Way

AERIAL PHOTO DATE: May 15, 2021

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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3.4 TRANSPORTATION DESIGN, PARKING AND LOADING

The design and layout of transportation rights-of-way should minimize the potential for traffic safety issues including, but not limited to, congestion and points of conflict between different modes of motorized and active transportation. The following standards shall apply:

(1) accesses to individual lots shall be shared, where possible, to minimize points of conflict between automobiles and active modes of transportation;

(2) parking lots shall be shared where possible;

(3) parking lots should be located in the rear and/or side yards of lots;

(4) loading areas shall be located along the rear or side of the building and visually screened from the street through the use of fencing, landscaping, and the orientation of the principal building; and

(5) pedestrian crossings shall be included at every crossing including points of vehicular access to individual lots, and at main points of pedestrian traffic in parking lots and clearly marked and stylized through means such as but not limited to texturing, painting and signage to complement the existing or desired character of the area as described in any applicable approved statutory or non-statutory plan and/or to the discretion of the Development Authority.

3.5 LANDSCAPING

Gateways are of high visual value to the Town and therefore, in addition to the requirements of Schedule 4 Section 3 (Landscaping), the following requirements shall apply:

(1) development applications in gateways shall be accompanied by landscaping plans prepared in accordance with this bylaw;

(2) landscaping in gateways shall complement and enhance the existing landscaping on adjacent lots, along the street and in the area;

(3) all areas of a lot not covered by buildings, outdoor storage, pedestrian parking or vehicular movement or any other structures necessary for the approved use, shall be landscaped;

(4) existing soft landscaping retained on a site may be considered as full or partial fulfilment of the required landscaping;

(5) where space on the lot permits, trees and shrubs should be grouped;

(6) all boulevard areas shall be the developer's responsibility to landscape and shall incorporate trees and shrubs, the minimum number and type of which shall be at the discretion of the Development Authority;

(7) groupings of trees and shrubs should be located at the main entrance to the lot and the principal building;

(8) landscaping shall screen structures such as but not limited to transformers, utility boxes, outdoor storage areas, trash enclosures and generators and shall make use of trees and shrubs and fencing, if permitted, of a density that blocks a minimum of ninety (90) percent of the structures from view;

(9) as an alternative to the screening requirements that make use of trees and shrubs, as set out in this section, a solid fence or wall may, at the discretion of the Development Authority, be provided; and

(10) should a solid fence or wall be permitted in lieu of trees and shrubs, for the sole purpose of meeting sub-section (9) above, all other landscaping requirements in this section and Schedule 4 Section 3 shall be met.



SCHEDULE 7

SIGNAGE

SCHEDULE 7: SIGNAGE

SECTION 1 DEFINITIONS

1.1 APPLICABILITY

For the purpose of the Land Use Bylaw and this Schedule, the following definitions apply:

1.2 DEFINITIONS

A-BOARD means a temporary portable 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.

ABANDONED SIGN means a sign which advertises or identifies an activity, business, owner, product, leasee 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.

BALLOON SIGN means any inflatable device used or employed as a sign that is anchored to the ground or to a building or structure. Balloon signs are considered a form of portable signage.

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.

BILLBOARD SIGN means a freestanding structure constructed to provide a medium for advertising where the subject matter consists of off-premises sign content and where the copy can be periodically replaced.

CANOPY means a permanent fixture fitted over windows and doors and used for shelter, advertising or decoration.

CANOPY SIGN means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

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.

COMMUNITY AND SPECIAL EVENTS SIGNAGE means any sign that displays details regarding events that are temporary in nature and occur only during certain seasons or for specific purposes such as but not limited to holidays, concerts and tradeshows, celebrations, and other such activities. Community and special events signage is considered temporary signage for the purposes of permitting and shall meet all requirements of temporary signs.

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.

COPY AREA means the entire area within a sign that contains the advertising message, decorations, or other elements of the signage related to the specific nature of the advertising message or announcement.

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 DISPLAY means sign copy that makes use of technologies that allow sign copy to be changed without manually or mechanically replacing the sign face or components. Electronic display includes technologies such as but not limited to electronic screens, televisions, computer video monitors, liquid crystal displays, and light emitting diode displays. Electronic display copy can include animation or motion. Signs that are externally illuminated with LED light bulbs do not constitute electronic display.

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 0.3 m (1 ft) from the building.

FAÇADE means the entire front of a building including decorative architectural features such as but not limited to a parapet or false front.

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.

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 Land Use Bylaw. See Schedule 5 Section 5.5.

ILLUMINATION means lighting and in the particular instance of illumination and signage, means the lighting of a sign from the outside of the sign, typically from above or below the sign, or the lighting of a sign from inside the sign.

INFLATABLE SIGN means any sign that depends upon the pressure of air or some other gaseous substance to maintain structural integrity and provide the proper shape and orientation for the sign to display properly. All inflatable signs shall be considered temporary signs and shall meet all requirements of temporary signs.

LUMINOSITY means the measurement of brightness.

LUX means a metric for measuring the amount of light received by a surface (illuminance). The LUX measurement will decrease the farther away someone is from the subject light source. For the purposes of this bylaw, LUX is measured with a light meter sensor to determine the brightness of a sign with electronic display.

MARQUEE means a permanent structure that projects over a public place, usually an entrance, and is permanently attached to and supported by a building.

MEMORIAL SIGN means a tablet or plaque memorialize a person, event, structure or site, provided said sign is not located in conjunction with any commercial or industrial use.

MULTI-TENANT SIGN means any type of sign that may contain sign content that advertises more than one tenant and/or business.

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.

NIT means a metric for measuring how much light an object emits (luminance). For the purposes of this bylaw, NIT is measured with a light meter sensor to determine the amount of light emitted from a sign with electronic display.

OFF-PREMISES SIGN means any 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.

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.

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.

PORTABLE SIGN means a sign that is not permanently affixed to a building, structure, or the ground.

PROJECTING SIGN means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.3 m (1 ft) horizontally from a structure or building face.

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 below for applicable sign type: e.g. freestanding sign, temporary sign, etc.

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 below Section 13 (Projecting Signs).

SIGN means a development of a sign that includes any announcement, declaration, demonstration, display, illustration or insignia, used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

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.

SIGN CONTENT means the wording/lettering, message, graphics or content displayed on a sign.

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, temporary, 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 60 days), including portable signs, balloon signs, developer marketing signs, land use classification signs, construction signs, political poster signs, window signs, banner signs, A-board signs, inflatable signs, special events signs, or any other sign that is not permanently attached to a building, structure or the ground.

THEME SIGN means any sign that is part of a series or group of signs incorporating a distinctive theme, design, or logo.

WINDOW SIGN means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.

SECTION 2 PROHIBITED SIGNS

2.1 APPLICABILITY

Prohibited signs are not permitted in any part of the Town due to the potential for nuisance, potential negative impact and safety concerns for adjacent and area properties, public rights-of-way, and the traveling public.

2.2 PROHIBITED SIGNS

(1) 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) Any sign which creates traffic or a pedestrian hazard either due to its design or location shall not be permitted.

(3) Signs which emit amplified sounds or music.

(4) In any non-residential district excluding Public and Institutional - PI, signs that employ changeable content, animation, electronic display or pictorial scenes at a luminosity, intensity and/or interval which may create a public hazard or nuisance are prohibited.

(5) Any signs located within the public right-of-way or on public property, except for signs approved by the Town of Fort Macleod, 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 signs for special events organized by a non-profit association, group or organization for a display time period not to exceed 24 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 3 Signs Not Requiring a Permit).

(8) Signs located on fences, except as allowed under Section 3.2 or by the Development Authority for a temporary sign only.

(9) All signs within a residential district excepting those approved with a Home Occupation, a Childcare Facility, Bed and Breakfast, Market Garden, Kennel, and Short-Term Rental.

(10) 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.

(11) 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.

SECTION 3 SIGNS NOT REQUIRING A PERMIT

3.1 APPLICABILITY

Signs in this section do not require a development permit due to the size, temporary nature, and/or innocuous nature or the inherent need for the sign in question, such as but not limited to traffic signage.

3.2 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) Signs posted by the Town that display the specifics of a development permit application;

(2) Construction signs which do not exceed 3.0 m^2 (32.39 ft^2) in area provided such signs are removed within 14 days of the completion of construction.

(3) In any non-residential district, a banner sign which is 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) Any traffic or directional and informational signage erected by the Town, Province of Alberta or Federal government.

(6) Municipal signs for municipal purposes (e.g. traffic or directional information signage, community service bulletin board signs, etc.).

(7) 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 0.4 m^2 (4 ft^2) in area.

(8) Vehicle signs except as prohibited in Section 2 (Prohibited Signs) of this Schedule.

(9) Entrance or exit signs used for the purpose of directing traffic providing:

(a) those signs that do not display any advertising message, other than a business logo,

(b) the sign area does not exceed 1.0 m^2 (10.7 ft^2) in area, and

(c) the sign height does not exceed 1.2 m (3.9 ft).

(10) In any non-residential district, A-board signs 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.

(11) 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.

(12) All signs for public buildings, except for freestanding signs and any signs that contain movement/motion (i.e. rotate, etc.) employ animation, electronic display, or changeable content, which shall require the approval of the Development Authority.

(13) 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.

(14) Real estate open house A-board signs provided they are removed within 24 hours of the open house.

(15) On-premises directional and informational signage and incidental signs 0.4 m^2 (4 ft^2) or less in area.

(16) Any window sign painted on, attached to or installed on a window provided that no more than 50% of the subject window area is covered.

(17) 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 the safe and orderly movement of pedestrians or vehicles, or restrict the sight lines for pedestrians or motorists;

(d) signs shall not exceed 2.97 m^2 (32 ft^2) in area, 1.83 m (6 ft) in height, and be self supporting;

(e) signs shall not be posted for more than 60 days; and

(f) signs shall be a minimum of 3.0 m (9.8 ft) from any road access and a minimum of 5.0 m (16.4 ft) from any intersection.

(18) Home Occupation, Bed and Breakfast and Childcare Facility window sign no larger than 0.37 m^2 (4 ft^2).

SECTION 4 GENERAL STANDARDS AND REGULATIONS FOR ALL SIGNS

4.1 APPLICABILITY

The requirements of this section apply to all signs in the Town of Fort Macleod, except for those that meet the requirements of Section 3 of this Schedule.

4.2 GENERAL REQUIREMENTS

(1) Unless otherwise specified, a Development Permit application is required for all signs.

(2) The Development Officer may refer any Development Permit application for a sign to the Municipal Planning Commission for a decision.

(3) In any non-residential district, no more than three (3) signs are permitted on any building with a single frontage, or no more than five (5) signs for buildings with two or more frontages.

(4) All signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

(5) All signs shall be of quality construction and of a design suitable for public display and all signs shall be maintained in good repair and a safe and tidy manner.

(6) Sign proposals within Interface Areas shall consult Schedule 4 Section 2.

(7) 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.

(8) A sign shall not be erected on any property unless permission is granted in writing from the registered property owner.

(9) Sign alterations (e.g. change in size, shape, type, illumination, sign projection style, etc.) shall not be made without first obtaining the required permits or written authorization.

(10) Any signs that rotate, employ animation, electronic display, or changeable content require approval of the Municipal Planning Commission.

(11) The copy area of all signs that make use of electronic changeable content shall not exceed 3.7 m^2 (40 ft^2).

(12) In all cases, the required distance from overhead power and service lines, as set forth in the Alberta Electrical Utility Code in conjunction with CSA Standard C22.3 No. 1:20, Overhead Systems shall be maintained.

(13) 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.

(14) The source of light for all sign illumination shall be steady and suitably shielded, and of a level of luminosity that does not cause undue impact to neighbouring properties, the motoring public, or any other potentially impacted persons as determined by the Development Authority.

(15) Subsequent to approval from the Municipal Planning Commission, 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.

(16) 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.

(17) 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.

(18) 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.

(19) Signage for group home facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size;

(c) sign must be located in the buildings window.

4.3 GENERAL REGULATIONS FOR SIGNS WITH ELECTRONIC DISPLAY

(1) Signs with electronic display must be a minimum distance of 15.24m (50 ft) from an intersection.

(2) Signs with electronic display, except electronic display signs for schools, shall not be located within 15.24m (50.0 ft) of a residential land use district measured from the edge of the sign to the property line of a residential parcel.

(3) If the rear of a sign with one-sided electronic display is visible to the public, it shall be finished with a material suitable to the Development Authority.

(4) A sign featuring electronic display must be equipped with a functioning ambient light sensor and must be set to operate so as not to exceed the following limits at all times when the electronic display feature is functioning, as measured from the sign face at its maximum brightness:

(a) a maximum of 7,500 nits from sunrise to sunset, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada; and

(b) a maximum of 500 nits from sunset to sunrise, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada; and

(c) the light levels around the Electronic Display must not at any time exceed the ambient light level by more than 5.0 LUX.

(5) If a Development Authority determines that the brightness or light level of an electronic display exceeds the limits set out in subsection 4.3(4), or impairs the vision of motorists, the Development Authority may direct the Development Permit holder to change the settings in order to bring the electronic display into compliance with this bylaw with 24 hours' notice.

(6) If any component of electronic display fails or malfunctions such that the electronic display is no longer operating in compliance with this bylaw or with the conditions of a Development Permit, the Development Permit holder must ensure that the electronic display is turned off until all components are fixed and operating in compliance.

(7) The Development Permit holder for a sign with electronic display must ensure that a Development Authority is at all times in possession of the name and telephone contact information of a person(s) having access to the technology controls for the sign, who can be contacted 24 hours a day if the sign malfunctions.

(8) All electronic signs adjacent to a designated Alberta Highway shall during the application process be circulated to Alberta Transportation for comment and may be subject to an Alberta Transportation Roadside Development Permit.

(9) Regardless of sign type, Electronic Displays may contain off-premises sign content for other businesses within the Town of Fort Macleod.

SECTION 5 SIGN PERMIT APPLICATION REQUIREMENTS

The following requirements shall be met for each development permit for a sign application, to the satisfaction of the Development Authority:

(1) 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, an agent for instance, 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 the sign manufacturer or company and the lawful sign owner;

(b) a letter of authorization from the affected registered property and/or building owner (if the applicant is 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 size, height, and area of the proposed sign(s), including any supporting structures;

(c) details with respect to the sign content (i.e. wording/lettering, text, message, graphics, etc.);

(d) the sign colour and design scheme;

(e) materials specifications;

(f) location of the property boundaries of the parcel upon which the proposed sign(s) is to be located;

(g) utility rights-of-way, access easements and any other related encumbrances;

(h) location of existing building(s) on the site;

(i) the type of illumination, animation, electronic display, and/or changeable content, if any, and details with respect to the proposed luminosity intensity and/or interval;

(j) for signs with electronic display, the setback distance(s) from the proposed sign(s) to the nearest intersection, provincial highway, and/or to residential land use districts;

(k) If a sign is to be attached to a building, the details regarding the extent of the projection and the type of anchoring to be used to affix the sign to the building.

SECTION 6 DISPLAY STYLES AND ILLUMINATION

(1) The content of any sign type (e.g. temporary, freestanding, billboard, etc.) may be expressed using one or a combination of more than one of the following display 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.

(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.

(2) Any change in display style requires the submission of a new development permit application.

(3) 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.

(4) Animation, electronic or changeable content signs may be erected at site specific locations within the municipality subject to the issuance of a development permit. For the purpose of this bylaw, any existing animation or changeable copy signs are to remain operational. An animation or changeable copy sign will be allowed, subject to the issuance of a development permit at:

(a) 1600 - 6 Avenue, legally described as Block OT, Plan 92B and Lots 1 to 9, Blocks 109, 113 and 117, Plan 92B, F. P. Walshe School, Livingstone Range School Division.

SECTION 7 TEMPORARY SIGNS

(1) All temporary signs require a development permit except those signs exempted in Section 3 of this Schedule.

(2) A development permit for a temporary sign shall be valid for the period specified in the development permit approval, to the discretion of the Development Authority, but for a period of no longer than 60 days.

(3) Once the permit has expired for a temporary sign at a location address, re-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) No posters or signs shall be placed on any public utility such as a power pole.

(6) No posters or signs shall be placed on municipal, provincial or federal signage.

(7) Temporary signs shall not be projected using animation, digital or electronic changeable copy.

(8) The Development Authority must only approve the location of the temporary 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.

(9) All temporary signs shall be located within the property lines of the location address shown on the development permit application.

(10) At the discretion of the Development Authority temporary signs may contain off-premises sign content as defined in Section 1 of this Schedule.

(11) 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.

(12) Temporary signs shall not be allowed in any residential land use district unless placed on Town boulevards and permission has been obtained from the Development Authority.

(13) No temporary 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.

(14) The copy area of a temporary sign shall not exceed 3.7 m^2 (40 ft^2).

SECTION 8 CANOPY SIGNS

(1) All canopy signs require a development permit except those signs exempted in Section 3 of this Schedule.

(2) No part of a canopy sign shall project more than 1.2 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 2.4 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) 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 entering into an encroachment and hold harmless agreement with the Town of Fort Macleod. At the Town's discretion, the agreement may be registered on title.

SECTION 9 WINDOW SIGNS

(1) In any residential district, a maximum of one window sign per lot not to exceed 0.7 m^2 (8 ft^2) in area may be permitted.

(2) In all other districts, a window sign painted on, attached to or installed on a window may cover no more than 50 percent of the subject window area.

SECTION 10 FREESTANDING SIGNS

(1) All freestanding signs require a development permit except those signs exempted in Section 3 of this Schedule;

(2) No more than one freestanding sign per business frontage may be erected.

(3) the maximum sign height of a freestanding sign shall be 9.1 m (30 ft).

(4) Freestanding signs shall have a minimum separation distance of 30.0 m (98.4 ft) for those signs located on the same side of a roadway.

(5) Freestanding signs shall not contain off-premises sign content.

(6) No temporary signs shall be suspended on or between support columns of any freestanding sign.

(7) 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 projects and/or uses.

(8) No freestanding sign shall overhang public right-of-way;

(9) freestanding signs shall have colour, design and size compatible with the materials, proportions and detailing of the associated development;

(10) electrical power supply to a freestanding sign shall be located underground;

(11) Excepting Home Occupation 3 free standing sign, the maximum sign area for a freestanding sign shall not exceed 7.5 m^2 (80.73 ft^2) for the first 10.0 m (32.8 ft) of linear lot frontage, with an allowance of 0.2 m^2 (2.15 ft^2) increase beyond 7.5 m^2 (80.73 m^2) for each additional metre of linear lot frontage, to a maximum of 10 m^2 (107.64 ft^2).

SECTION 11 FASCIA SIGNS

(1) All fascia signs require a development permit except those signs exempted in Section 3 of this Schedule.

(2) The total maximum sign area permitted for fascia signs is 20 percent of the area formed by each building face or bay.

(3) A fascia sign shall not project more than 0.3 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 2.4 m (8 ft) and the maximum projection shall be no greater than 0.3 m (1 ft).

SECTION 12 MURAL SIGNS

(1) All mural signs require a development permit except those signs exempted in Section 3 of this Schedule.

(2) No more than one mural sign shall be allowed per building unless specifically authorized by the Municipal Planning Commission.

(3) The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Municipal Planning Commission.

(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 Municipal Planning Commission 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).

SECTION 13 PROJECTING SIGNS

(1) All projecting signs require a development permit except those signs exempted in Section 3 of this Schedule.

(2) Projecting signs are prohibited in all land use districts except the Commercial General – CG, Commercial Central – CC and Business Industrial – BI land use districts.

(3) 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.

(4) Projecting signs shall have a minimum vertical clearance of 2.4 m (8 ft) measured between the lower sign edge and grade.

(5) A projecting sign shall not project more than 1.4 m (4.6 ft) from the surface of the building to which it is attached.

(6) 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) 6.1 m (20 ft); or

(c) to the satisfaction of the Development Authority.

(7) One projecting sign per business area may be allowed provided the maximum sign area does not exceed 2.78 m^2 (30 ft^2) in area.

SECTION 14 BILLBOARD STRUCTURES AND SIGNS

(1) Billboards structures shall be allowed only on Town controlled property.

(2) Any person wanting to erect a billboard structure shall first enter a lease agreement with the Town for the land. Leases will be issued at the sole discretion of the Town and subleasing is not allowed.

(3) The border design of the billboard structure shall incorporate a typical building front of the Provincial Historic Area. The supports of the structure shall be of either brick or stone facing to accommodate the historic nature of the Town.

(4) All signs that are fabricated for private businesses for placement adjacent to the highway system are to be well designed, attractive, professional looking in general appearance, and shall meet all design, siting and illumination requirements of Alberta Transportation.

SECTION 15 ROOF SIGNS

(1) No more than one roof sign may be permitted in conjunction with an approved commercial or industrial land use.

(2) The sign area of a roof sign shall not exceed 8.36 m^2 (90 ft^2).

(3) No part of a roof sign shall project horizontally beyond any exterior wall, parapet or roofline of the building upon which it is located.

(4) The height of a roof sign shall be proportionate to the size of the building with the sign height limited to 60% of the building height

SECTION 16 PORTABLE SIGNS

(1) Portable signs shall be considered temporary signs.

(2) The sign area of a portable sign shall not exceed 3.7 m^2 (40 ft^2).

(3) No more than one portable sign per frontage or where there are two or more frontages, a total of two portable signs may be located on a single lot or parcel, except in a designated tourism signage are where more than two portable signs may be located at the discretion of the Development Officer or Municipal Planning Commission.

(4) No portable sign shall extend or project into any public place or beyond the boundaries of the lot or premises upon which it is sited without the approval of the Development Officer or Municipal Planning Commission.

(5) Each development permit application for a portable sign shall state the length of time that a portable sign may remain on the premises.

SECTION 17 TOURISM SIGNAGE AREAS

(1) Council may designate by resolution specific tourism signage areas along routes likely to be traveled by tourists within and approaching the Town of Fort Macleod.

(2) The following signage may be located in a designated tourism signage area:

(a) specific attraction signage and theme signage provided the theme, design, colour and type is consistent with signage advertising the same or specific attraction and meets the other requirements of this section;

(b) directional and information signage as required by Alberta Transportation or the Town of Fort Macleod;

(c) special events signage provided it meets the approval of the Development Officer or the Municipal Planning Commission and remains on the site for a period of no longer than a total accumulation of 30 days per calendar year; or

SECTION 18 OVERLAY AREAS SIGNAGE

18.1 APPLICABILITY

For the purposes of this section, parcels or lots located within the Downtown and Provincial Historic Area overlays are subject to following requirements when erecting signage within the designated areas.

18.2 GENERAL REQUIREMENTS

(1) No new signage shall be erected on parcels or lots located within the Downtown and Provincial Historic Area overlays unless in the opinion of the Development Officer or the Municipal Planning Commission, such signage is compatible with the historic nature of the area.

(2) All development permit applications for signage within the Provincial Historic Area shall be referred to the Built Heritage Advisory Board (BHAB) and Alberta Culture for comments before the application is dealt with. The Committee shall respond within 10 days.

(3) The sign area of a fascia sign or a wall sign shall not exceed the lesser of 4.6 m^2 (50 ft^2) or 15 percent of the exterior wall area upon which such signage is attached or located.

(4) The sign area of a freestanding sign shall not exceed 4.6 m^2 (50 ft^2).

(5) New signs should be compatible with the historic context and custom of the respective building and of the service, function, products or identity that they advertise.

(6) The colour, design, format, lettering style and size of signs in any development should be compatible with the historic material, proportions, detailing and character of the respective building.

(7) Signs must not be mechanically mobile and lighting must be continuous.

(8) A sign attached to a building located within the Downtown and Provincial Historic Area overlays shall not be higher than:

(a) in the case of a one storey building within a continuous horizontal parapet about the roof, the top of the parapet; or

(b) in any other case, whichever of the following is the lowest:

(i) 7.92 m (26 ft) above grade;

(ii) the bottom of the sills of the first level of windows above the first storey; or

(iii) the lowest point of the roofline.

(9) A sign, if attached as to project outwards from the face of a building, located within the Downtown and Provincial Historic Area overlays must:

(a) have no more than two faces;

(b) project no more than 1.4 m (4.6 ft) from the building;

(c) not extend higher than whichever of the following is the lowest:

(i) 7.92 m (26 ft) above grade;

(ii) the bottom of the sills of the first level of windows above the first storey; or

(iii) the lowest point of the roofline.

(d) not have exposed guy wires or turnbuckles; and

(e) not exceed 1.5 m^2 (16 ft^2) in area.

(10) There shall not be more than one sign attached so as to project outwards from the face of a business establishment for each entrance door to it.

(11) The sign shall not be attached to a roof, chimney, smokestack, elevator tower or penthouse.

(12) A support for the sign shall not extend above the cornice of the building to which the sign is attached.

(13) The location, theme, construction materials, size and installation technique for all signs and murals shall minimize the impact to the buildings and shall not cause harm to the structural integrity of the building or its exterior.

SECTION 19 ENFORCEMENT

If a sign is erected without a permit, has fallen into a state of disrepair beyond what is deemed acceptable by the Development Authority, or is in violation of any requirement of this bylaw or any other applicable regulation, the owner of the sign shall:

(1) be notified of the violation and any corrective measures required, as per Administration Section 5.2;

(2) be subject to all other actions the Development Authority is permitted to undertake as per the *MGA*, as outlined in Administration Section 5, including but not limited to:

(a) subject to obtaining consent from the owner or occupier of the lands, entering onto the lands on which the signage is located to undertake works required to correct the violation, and the recovery of any costs associated with the same;

(b) the charging of a fine of not more than $10,000.00 in addition to the recovery of costs associated with the correction of the violation; and

(c) the obtaining of a court order, should the owner or occupier of the land on which the violation has taken place refuse to provide consent to enter onto the lands or refuses any other action permitted to be requested by the Development Authority, as per the *MGA*.

(3) Any abandoned sign shall be removed at the property owner's expense. If abandoned signs are not removed the Town may remove the sign.

(4) Non-compliance with any regulation of this Bylaw may result in the Town removing a sign without notice and any cost associated with its removal may be charged to the sign owner. A sign recovery charge of $200 will be required prior to the return of the sign to the owner.

(5) Any signs removed by the Town may be held for 30 days after removal at the owner's risk. Should the signs not be claimed by the owner after 30 days from the date of removal, the signs will be disposed of at the discretion of the Town.



SCHEDULE 8

DEFINITIONS

A

Abattoir means a development where livestock is slaughtered and the meat is cut, cured, smoked, aged, wrapped, or frozen for sale or distribution.

Accessory Building means a development that is physically separate from the principal building on the lot on which both are located and which is subordinate and incidental to the principal building. An example of a typical accessory building would be a shed or garage.

Accessory Structure means a development of any structure that is physically separated from the principal building and is subordinate and incidental to the principal building and/or use of the site. An example of a typical accessory structure would be a flagpole, play structure, swimming pool, storage tank, wind fence, or free-standing pergola.

Accessory Use means a use customarily associated with, but subordinate to, another use on the same lot or district which is a permitted or discretionary use pursuant to this bylaw.

Active Modes means any form of human-powered transportation such as but not limited to walking, bicycling, in-line skating, skateboarding, non-mechanized wheel chairing, snowshoeing and skiing.

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 National Building Code: Alberta Edition, and a roof.

Adjacent means a lot, land or site that is contiguous, or would be contiguous if not for a highway, road, river or stream, in accordance with the *MGA*. Additionally and for the purposes of this bylaw, adjacent can also mean a lot, land or site that shares a property boundary with another lot, land or site.

Agricultural Buildings and Structures means a development for those buildings and structures that are typically associated with agricultural pursuits such as, but not limited to, bins for crop storage and feeding, watering infrastructure including irrigation and dugout, and sheltering structures for livestock.

Agriculture means a development where an agricultural activity is conducted on suitably zoned land and may include:

(a) the cultivation of land;

(b) the raising of animals in keeping with the Town of Fort Macleod Animal Control Bylaw, and excluding 'Confined Feeding Operations' as defined by the *Agricultural Operations and Practices Act* (AOPA);

(c) the production of agricultural field crops;

(d) the production of fruit, vegetables, sod, trees, shrubs and other outdoor horticultural crops;

(e) the commercial production of milk and eggs;

(f) the commercial production of honey;

(g) the operation of agricultural machinery and equipment including irrigation pumps and the application of fertilizers, insecticides, pesticides, fungicides and herbicides including application by ground and aerial spraying for agricultural purposes;

Airplane Hangar, private means a development of a structure used to house, store or maintain privately owned airplanes.

Airport Terminal Facilities means a development for those buildings and structures associated with the functioning of an airport including the boarding and de-boarding of airplane personnel and passengers, the collection and distribution of luggage and other freight, and any related transportation routes or corridors that provide access to other parts of the airport such as runways, taxiways, and hangars.

Alter or Alteration - see **Structural alteration**

Alternative Energy, Solar means a development of a structure that collects energy derived from the sun and is for the sole consumption of the landowner, resident or occupant. This use is separated by two installation locations: roof/wall mounted and ground mounted. This use includes both roof-mounted or ground-mounted systems not connected to the interconnected electric system and small micro-generation in accordance with the Micro-Generation Regulation connected to the interconnected electric system.

Alternative Energy, Wind means a development of a structure that collects energy derived from the wind and is for the sole consumption of the landowner, resident or occupant.

Amenity Space means an area(s) within the boundaries of a development intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools, beaches and other similar items that are intended for private, common, or public use as specified by the Development Authority.

Aquaculture means a development of an agricultural operation, also known as aqua-farming or cultured fish, where the use of land or building produces aquatic organisms such as fish, crustaceans, mollusks and aquatic plants. Aquaculture involves cultivating freshwater and saltwater populations under controlled conditions. This use must comply with all regulation and permitting of Alberta Agriculture. See Industrial Agriculture.

Aquaponics means development of an agricultural operation where the use of land or building combines conventional aquaculture with hydroponics (cultivating plants in water) in a symbiotic environment for food production. This use must comply with all regulation and permitting of Alberta Agriculture. See Intensive Horticulture.

Applicant means the landowner or his or her representative or agent certified or authorized as such to act on their behalf.

Approved Use means a use of land and/or building(s) for which a development permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

Architectural Features means any part or portion of a building or structure including but not limited to projections, recesses, windows, columns, awnings, marquee, façade or fascia, cornices, eaves, gutters, belt courses, sills, lintels, windows, chimneys and any other decorative and/or functional ornamentation that may be considered to contribute to the beauty, elegance and character of the building or structure and that may or may not be necessary for the structural integrity of the building or structure.

Area Redevelopment Plan means a statutory plan, prepared in accordance with sections 634 and 635 of the *MGA* for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;

(b) rehabilitating buildings in the area;

(c) removing buildings from the area;

(d) constructing or replacing buildings in the area;

(e) establishing, improving or relocating public roadways, public utilities or other services in the area;

(f) any other development in the area.

Area Structure Plan means a statutory plan prepared for the purpose of providing a framework for subsequent subdivision and development of an area of land as per section 633 of the *MGA* and that may be adopted by a Council bylaw.

Articulation means the design, orientation and layout of a building or group of buildings, with a focus on the exterior, that should clearly define and positively contribute to the quality of the pedestrian environment and the overall streetscape through the selection and combination of exterior building materials, the transparency of the building faces (windows and openings) and the animation of the building(s) exterior walls through the inclusion of architectural features including but not limited to those presented in the respective definition included in this schedule.

Arts and Crafts Studio means a development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing and sculpture and artist studios.

Asphalt Operations means a development that manufactures asphalt either on-site or off-site and includes the ancillary storage of materials necessary for the manufacture of same.

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 lot coverage requirements, an attached garage is deemed to be part of the principal building.

Auctioneering Facilities means a development specifically intended for the auctioning of goods and equipment services including related temporary storage of such goods and equipment. Where an auctioneering facility includes the sale of livestock, this use must comply with all regulation and permitting under the *Animal Health Act Livestock Market Regulation*, Alberta Regulation 133/2014 (and any successor legislation).

Auto Wrecking Facility means a development specifically intended for the dismantling of automotive vehicles and the sale of those parts to the general public. Such a facility may include an administrative office, work areas, and outdoor storage.

Autobody and Paint Shop means a development for the repair or painting of motor vehicle bodies but does not include facilities for the sale of gasoline or lubricating oil, or for the repair or maintenance of mechanical or electrical parts.

Automotive Repair 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, including transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops.

Automotive Sales and Service means a development for the sale, service, and/or rental of new and used vehicles.

Awning means a light-weight metal or cloth shelter projecting from and supported entirely by the exterior wall of a building.

B

Bakery means a development for the baking and selling of baked goods and includes within the principal bakery building small food establishments subordinate to the main baking operation.

Balcony means an elevated platform projecting from a wall with no support from the ground, having an outer railing or parapet and being greater than 0.6 metres in width.

Bar/Lounge means a development, licensed by Alberta Liquor, Gaming and Cannabis, where the main purpose is to serve alcoholic beverages for consumption on the premises, and any preparation or serving of food is ancillary to such use. Typical uses include neighbourhood pubs, bars, taverns and licensed lounges that are ancillary to a restaurant. This use does not include entertainment establishments, restaurants, breweries, distilleries and wineries, or adult entertainment establishments.

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.

Bay means a self-contained unit or part of a building that 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.

Bed and Breakfast means a development carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

Berm means a barrier, typically constructed of mounded earth, used to separate incompatible areas, uses or functions, or to protect a site or development from noise.

Block Scale means elements of an urban block such as but not limited to the shape, orientation, number of points of access for vehicles and active modes of transportation, length of streets as measured from one intersection to the next, and the overall perimeter measurement of a block, as measured from one intersection to any other number of intersections as may be required to be measured from and to depending on the shape of the block being measured.

Boarding House – see **Lodging House**

Breweries, Distilleries and Wineries means a development that manufactures beer, wine, spirits or other alcoholic beverages. This Use may include the sale of alcoholic beverages to the public for consumption within the premises. Retail sales of alcoholic beverages for consumption off-site shall only be manufactured within the premises. Accessory activities may include the preparation and sale of food, and storage, packaging, bottling, canning and shipping of products manufactured within the premises. This use may have a private non-sale hospitality area where products manufactured within the premises are provided to private individuals or groups for tasting and sampling.

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

Build Within Area means the designated area, typically within the front yard, that is required for the front of a building to be constructed within, and is different from a setback in that a setback dictates only that a building face cannot be built any closer than a certain prescribed distance to a lot line in the given yard, whereas the build within area designates a minimum **and** maximum distance from the lot line within which the associated building face must be constructed.

Building means anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road.

Building Design means the development of a building's massing, shape, orientation, size, height, interior, exterior, structural, electrical, plumbing and other systems, overall style and any other elements as required to adequately provide the desired intent of the building to its users.

Building Grade means (as applied to the determination of building height) the average level of finished ground adjoining the main front wall and the main back wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

Building Height means the vertical distance between average grade and the highest point of the building, excluding a roof stairway entrance, elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar devices not structurally essential to the building.

Building Massing means the volume, height, location and orientation of a building.

Building Scale means building elements and details as they proportionally relate to each other and to humans.

Bulk Fertilizer Storage and Sales Facility - see **Industrial Agriculture.**

Bulk Fuel Station means a development for storing and distributing petroleum products in bulk quantities. This use includes supplementary tanker vehicle storage and card lock or key lock fuel distribution facilities.

Business Frontage 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.

Business Support Services means a development providing support services to businesses. This use includes duplicating, photocopying and blueprinting services; building security, cleaning or maintenance services; engineering, architectural, drafting, project design and project management services; sign making; farm consulting services; data processing or data storage facility; and the preparation and delivery of food by mobile catering service. "Office" and "Data mining operation" are separate uses.

C

Café means a development that services primarily coffee, tea and other beverages, which may also offer a limited menu, and which is typically situated in a location where it may be considered more accessible to people choosing active modes of transportation than to people travelling by motor vehicle.

Campground means a development of land which has been planned and improved for the seasonal short-term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles and may include full time on site management accommodation accessory to the principal use. It is not used as year round storage or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds.

Cannabis refers to the plant Cannabis sativa and is as defined in the Government of Canada *Cannabis Act*.

Cannabis Accessory refers to the products used in the consumption of cannabis and is as defined in the Government of Canada *Cannabis Act*.

Cannabis Production Facility means a development where cannabis is grown, processed, packaged, tested, destroyed, stored or loaded for shipping.

Cannabis Retail Store means a development for the retail sale of Cannabis and cannabis accessories. The use is defined by its separation from other uses (as defined) as follows:

(a) 25.0 m from the property line of a cannabis retail store to the property line of any residential district listed in Schedule 2.

(b) 100.0 m from the property line of a cannabis retail store to the property line of a hospital, childcare facility, commercial school or school.

This use does not include Cannabis Production Facility or Retail Store.

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.

Car Wash means a development for the washing, cleaning or polishing of automobiles and similar size motor vehicles on a commercial basis. See also Truck and Car Wash.

Cemetery means a development of a parcel of land primarily as landscaped open space for the entombment of the deceased and may include the following accessory developments: crematoriums, cinerariums, columbariums, and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

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.

Character means the special physical characteristics of a building, structure or area that set it apart from its surroundings and contribute to its individuality, either in the present tense through the creation of character based on the historic and recent development activities within and around the given building, structure or area, or in the future tense if the desire for a certain character for a given building, structure or area is identified in a plan approved by Council.

Childcare Facility means a development for the provision of care, instruction, maintenance, or supervision of children between the ages of 0 and 12 and includes the following specific and separate categories:

(1) Day Homes;

means those facilities operating out of a residence that provide services to care for no more than six (6) children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, not including those children who reside in the home on a permanent basis, and that may be unlicensed but shall be approved by the Province.

(2) Daycares;

means in part as those facilities that provide services to care for seven (7) or more children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, and that shall meet the licensing requirements of the Province.

Choke Point means a point of congestion or blockage within transportation r-o-w.

Civic Space means a building, structure or area developed with the intention of providing access to all members of the public, including but not limited to public buildings, libraries, playgrounds, parks, assembly halls, green spaces, trails and active modes pathways, squares, festival facilities, amphitheaters, and community gardens.

Clear Vision Zone means a triangular area formed on the corner of a lot by measuring back from the corner of the property line adjacent to the public right-of-way, and joining these two points across the property, as shown in Section 4.3 of Schedule 3 (General Standards of Development).

Combined or Shared Parking means an arrangement where two or more uses share a common parking area. This definition includes an arrangement where one use requires the common parking area during different hours than the other use that shares the same common parking area.

Commercial School means a development used for training and instruction in a specific trade, skill or service. Typical uses may include, but are not limited to, secretarial, business, hairdressing, beauty culture, self-defense, dancing or music schools. This use does not include Schools.

Community Association Building shall mean a development whose primary purpose is to accommodate temporary uses by community members. Temporary uses may include, but are not limited to, medical clinics, exercise classes, markets/fairs, meetings of clubs, parties, and events. The structure may include such features as meeting rooms, kitchen, stage and open floor area, bar/liquor area, multi-purpose rooms, washrooms, storage rooms and administrative offices. Exterior uses may include, among other things, parking areas, playground areas, outdoor shelters, community gardens and sitting areas.

Community Resource Facility means a development that provides for community oriented services that may include the dispensing of aid in the nature of food or clothing, a drop in or activity space, and limited counselling services. This use does not include group homes, medical or health facilities, or senior citizen housing

Conceptual Design Scheme (see Administration Section 8) means a detailed site layout plan for a parcel of land which typically addresses the same requirements of an Area Structure Plan but which is not adopted by bylaw 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 Subdivision Authority or Council.

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 ceilings within the building, and which typically contains communal area(s) within the same building; and

(b) in the case other than 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, and which typically contains areas for recreation, parking, and the collection and pick-up of waste and recycling materials.

Connectivity means a measure of the efficiency of the physical layout of the block structure as made up by the transportation network, including but not limited to average block dimensions, the number of intersections, the percentage of three and four way intersections, and route choice throughout a given transportation network. High connectivity means that a given network has many direct route choices, while low connectivity means a given network has few direct route choices.

Construction Staging Area means a temporary development for laydown yard with industrial storage for a specific time frame. The use may also contain worker parking and work vehicle storage.

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

Contractor, Limited means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual household and the accessory sales of goods normally associated with the contractor services where all material are kept within an enclosed building, and there are no accessory manufacture activities or fleet storage of more than four vehicles.

Convenience Store means a development that sells a limited line of groceries and household goods for the convenience of the neighbourhood.

Corner Lot – see **Lot, Corner**

Council means the duly elected Council of the Town of Fort Macleod.

Coverage – see **Lot, Coverage**

Cultural Centre means a development for the collection, preservation, restoration, storage or display of works or objects of historical, archaeological, scientific or artistic value such as museums, libraries, and art galleries or a development for theatrical, literary or musical performances.

Custodial Quarters means a development having an area not exceeding 83 m^2 within an industrial or commercial building that is designed and utilized as living accommodation for a custodian as part of the operation or security function of an industrial use. A custodial quarter shall provide sleeping and living accommodation for up to two (2) adults and only one (1) such living accommodation shall be allowed per property. See also **Surveillance Suites**.

D

Data Mining Operation means a development for a heavy industrial facility consisting of a building or group of buildings housing powerful, highly specialized computers that are used to verify digital transactions and require 24/7 climate control. This use may include an on-site power plant.

Daycare – see **Childcare Facility, Daycares**

Deck means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings, intended for outdoor living space or amenity space and which is generally attached to a building.

Deck, Ground Level means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings, intended for outdoor living space or amenity space and which is generally attached to a building, that is constructed less than 0.6 m (1.98 ft) above grade, and is typically attached to a dwelling.

Deck, Raised means a horizontal structure with a surface height of 0.6 m (1.98 ft) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor living space or amenity space.

Deflection means the placement of object(s) in the way of a straight line of sight, thereby shifting the visual focus from the linear path to the change in direction that is forced by the object. Objects may consist of but not be limited to hard and soft landscaping, structures, and buildings.

Delivery Service means the development of commercial business which provides packaging and mail services (both Canada Post and private service) and may provide mailboxes for lease.

Demolition means the pulling down, tearing down or razing of a building or structure.

Density means the number of dwelling units on a site expressed in dwelling units per hectare or acre, and may be calculated using only developable area, generally expressed as *Net Density*, or using all of the subject site area, generally expressed as *Gross Density*.

Designated Officer means a person authorized by Council to act as a Development Authority pursuant to section 210 of the *MGA* and in accordance with the Town's associated enabling bylaw.

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.

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 who may also wish to change the use of the property from its existing use.

Development means, as per the *MGA*:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

Development Agreement means a 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, 651, 654 and 655 of the *Municipal Government Act*, as amended.

Development Application means an application made to the Development Authority in accordance with the Land Use Bylaw for the purpose of obtaining a development permit.

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 section 623(b) of the *MGA* and may include the Development Officer or other Designated Officer, the Municipal Planning Commission or the Council of the Town of Fort Macleod.

Development Officer means a person appointed as the Development Officer pursuant to the Town's Development Authority Bylaw and this Land Use Bylaw.

Development Permit means a document issued pursuant to this bylaw by the Town of Fort Macleod authorizing a Development that has been approved by the Development Authority or Subdivision and Development Appeal Board.

Discretionary Use means one or more uses of land or buildings in a land use district for which a development permit may be issued at the discretion of the Development Authority or the Subdivision and Development Appeal Board, with or without conditions.

District – see **Land Use District**

Drive-In/Drive-Through Restaurant means a development which offers vehicle attendant service or drive-through customer service as a means of dealing with customers.

Drive-Through means a development where services are provided to patrons who are in a motor vehicle and may have outdoor intercom devices provided that is typically accessory to a principal use.

Dry Cleaner means a development used for the cleaning and ironing of clothing related materials in a customer service basis but does not include laundromats. It may include tailoring services as an accessory use.

Dwelling means a development 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, lodging house, or similar accommodation. Dwelling includes the following:

(a) **Apartment** means a building in which there are more than three dwelling units, all of which are contained within the same building and on the same legal title, and all of which typically share a common entrance and parking area, all of which is contained on the same lot, but which specifically excludes multi-unit, townhouses, and similar integrated housing schemes.

(b) **Duplex** means a residential building containing two dwelling units connected by a common floor/wall or ceiling, but not legally subdivided by a property line.

(c) **Group** means a cluster of detached housing consisting of multiple principal dwellings spatially articulated around a centralized amenity space on a single title.

(d) **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 (i.e. a home built to the CSA-A277 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 Dwelling.

(e) **Modular home** means a dwelling unit built at an off-site manufacturing facility in conformance with CSA A277 standards designed in two or more modules, panels, 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-grade, or crawl space) or other approved foundation, but does not include a Manufactured, Ready-To-Move, Moved-In, or Single Detached Dwelling.

(f) **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, and Manufactured dwelling are separate uses.

(g) **Multi-unit** means a building that contains 3 or more dwelling units with separate entrances, on a single titled lot. .

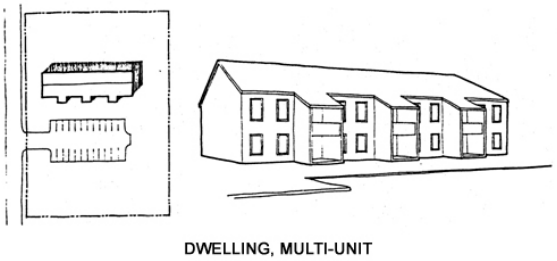

Figure 8.1: an example of a multi-unit dwelling.

(h) **Ready-to-Move (RTM)** means a dwelling unit built to the current National Building Code: Alberta Edition and approved by the CSA under the same standard as modular homes (CSA A277) 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.

(i) **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.

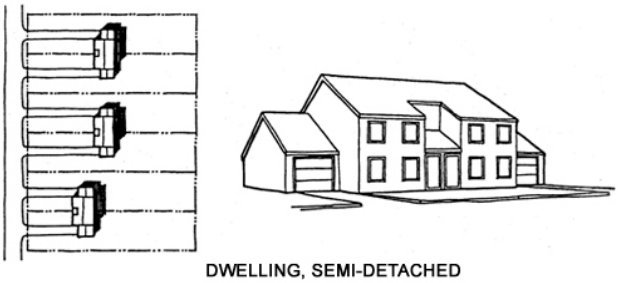

Figure 8.2: an example of a semi-detached dwelling.

(j) **Single Detached** 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.

(k) **Single Detached (Existing)** means a single detached site-built dwelling constructed and completed prior to the adoption of this bylaw or any amendments to this bylaw and is currently being used (legally) for residential occupancy.

(l) **Townhouse** means a single building comprised of three or more dwelling units which may be on separate titles where each unit is separated one from another by common party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade.

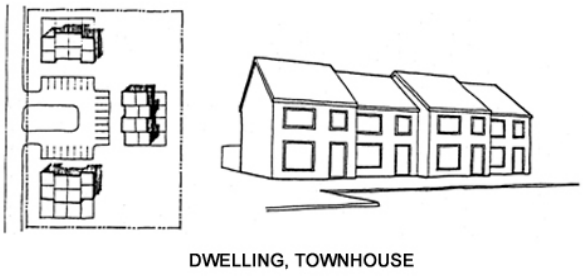

Figure 8.3: an example of a townhouse building.

Dwelling Unit means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals.

Dwelling Unit Above Non-Residential Use means a dwelling unit as defined by this bylaw that is located above non-residential uses that are located in the same building, and that meets all other requirements of this bylaw.

Dwelling Unit in Rear of Non-Residential use means a dwelling unit as defined by this bylaw that is located in the rear of a building that contains a non-residential use in the front portion of the same building, and that meets all other requirements of this bylaw.

E

Easement is the right to use the real property owned by another for a specific purpose.

Eave Line means the outermost extent of the extension or overhang of a roof line beyond the vertical wall of a building.

Eaves means the extension or overhang of a roof line beyond the vertical wall of a building.

Entertainment Establishment means a development where beverages may be served to customers on the premises and may provide dramatic, musical, dancing or cabaret entertainment as well as the service of prepared food for consumption on the premises as an ancillary use. Typical uses include nightclubs, concert halls and dinner theatres but do not include bar/lounges, restaurants, breweries, distilleries and wineries, or adult entertainment establishments.

Equipment Sales and Service, Light means a development used for the sale, rental, servicing, and repair of small to medium-sized tools, appliances, office machines, furniture, recreational craft, and light construction equipment. This includes, but is not limited to, hand tools, power tools, lawn and garden equipment, irrigation systems, farm supplies and light-duty equipment used in agriculture and construction less than 5,900 kilograms (13,000 lbs.) tare weight. This use may include offices, work areas and identified outdoor storage and sales areas.

Equipment Sales and Service, Heavy means a development used for the sale, rental, servicing, repair, and storage of large-scale industrial, construction, and agricultural equipment and machinery 5,900 kilograms (13,000 lbs.) tare weight and over. This includes, but is not limited to tractors, harvesters, bulldozers, freight haulers, excavators, forestry machinery, oilfield equipment, farm supplies and other heavy-duty mechanical or farm-related implements. This use may include offices, work areas, and identified outdoor storage and sales areas.

Excavation means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, 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.

Exhibition Grounds means a development, public or private, for temporary events including seasonal shows, conventions, conferences, seminars, product displays or sale of goods, recreation activities, and entertainment functions. This use may include accessory functions including food and beverage preparation and service for on premise consumption.

Existing means in place as of the date of adoption of this bylaw or any amendments to this bylaw.

F

Fabrication Shop means a development with the assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops, and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products. See Manufacturing, Light.

Facade means the entire area and all elements (including but not limited to windows, recesses, projections, fascia, soffit, doors and canopies) of an exterior building wall for the entire width and from grade to the top of the building, not including any structural or non-structural elements extending beyond the highest point of the roof, eaves or parapet, whichever is applicable based on the design of the building.

Farm means an agricultural parcel that may be developed with a dwelling, structures, shelter belts, dugouts, storage areas for farm equipment, produce, fertilizer and other materials necessary to the extensive cultivation of the major portion of land associated with such development.

Farmer's Market means a development where fresh farm or garden produce is sold in retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.

Fence means a development of an accessory structure which is used to prevent or redirect passage, to provide visual screening, sound attenuation, protection from dust or the elements or to mark a boundary.

Financial Institution means a development providing financial and banking services. Typical uses include banks, credit unions, trust companies or any other company providing loans or mortgages.

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 that portion of the floodplain that lies outside the designated floodway which is inundated by flood waters characterized by relatively low velocity flows, shallow depths and/or standing water.

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% chance of occurring every year) as determined by Alberta Environment in consultation with the Town and may include both flood fringe and floodway.

Floodplain means the areas adjacent to a watercourse that are susceptible to inundation by water as a result of a flood.

Floodway means the channel of a watercourse and those portions of the floodplain joining the channel which are readily required to carry and discharge flood waters or flood flows of a 1:100 year flood with no significant increase in the base flood elevation.

Floor Area means the sum of the gross horizontal area of the main floor 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 (FAR) means the ratio derived by dividing the gross floor area of all buildings on a lot by the total area of the lot, not including parking below grade.

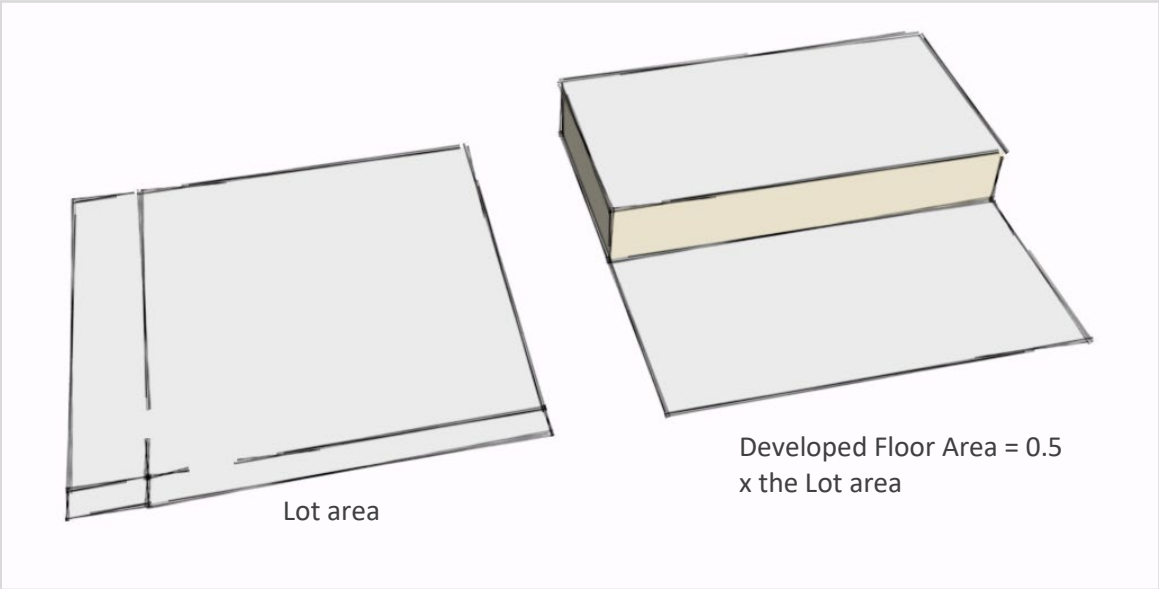

Figure 8.4: Floor Area Ratio

Foundation means the supporting base structure of a building.

Freight and Cartage Services means a development for the temporary storage and distribution of freight shipped by air, rail or highway transportation.

Front Yard – see **Yard, Front**

Frontage means the linear distance measure along the front property line parallel to and along a street but does not include a lane.

Funeral Services means a development used for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations.

G

Garage means an accessory building or part of a principal building designed and used for the shelter or storage of vehicles and includes a carport.

Garden Centre means a development for the temporary storage and intended sale of flora such as but not limited to grasses, flowers, shrubs and trees, and the seeds of the same, and other materials common to the gardening and landscaping process including but not limited to items such as decorative stones and aggregates.

Gas Bar means a development for the retail sale only of motor vehicle fuels lubricating oils and associated automotive accessories with no other automotive services provided, but may include a convenience store.

Geotechnical Report means a comprehensive site analysis and report prepared by a qualified and registered professional with the Association of Professional Engineers and Geoscientists of Alberta (APEGA), and which contains basic essential information including a summary of all subsurface exploration data, soil profile, exploration logs, laboratory or in situ test results, and groundwater information, interpretation and analysis of the subsurface data, specific engineering recommendations for design, discussion of viable solutions for anticipated problems, and recommended geotechnical special provisions.

Golf Course – see **Private Recreation or Public Recreation**

Government Services means a 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 and/or property. Typical uses include Town hall, fire and police stations, hospitals, community halls and related public essential service buildings.

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. For buildings see Building Grade.

Grain Elevator means a development for the collection, grading, sorting, storage and transshipment of grains. See Industrial Agriculture.

Gravel Crushing – see **Natural Resource Processing**

Gravel Extraction – see **Natural Resource Extraction**

Greenhouse means a development 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.

Gross Floor Area – see **Floor Area, Gross**

Group Home means a development for supervised residential dwelling unit servicing 6 or more resident clients, licensed and approved by the Province of Alberta, for the accommodation of persons, excluding staff, and in which supervisory, educational, developmental, daily living and/or personal care services are provided or made available for persons typically referred by hospitals, courts, government agencies or recognized social service agencies or health care professionals. A group home shall not include a hospital, sanatorium, seniors long-term care facility, jail, prison, reformatory, lodging house, or hostel.

Group Home, Limited means a development for supervised residential dwelling units servicing a maximum of 5 resident clients, licensed and approved by the Province of Alberta, for the accommodation of persons, excluding staff, and in which supervisory, educational, developmental, daily living and/or personal care services are provided or made available for persons typically referred by hospitals, courts, government agencies or recognized social service agencies or health care professionals. A group home shall not include a hospital, sanatorium, senior citizen housing, jail, prison, reformatory, lodging house, or hostel.

H

Hazard means a product, result of a process, or area of land that may pose a danger to those within a certain proximity, if proper safety precautions or other mitigating measures are not taken.

Home Improvement Store means a development with a focus on retail items related to the building, repair and improvement of residential dwellings, but that may also include items such as but not limited to appliances, recreational goods, rental equipment and additional amenity items that may be found within a dwelling or on the lot on which a dwelling is located.

Home Occupation means a development of a secondary and subordinate use of a dwelling unit by the owner or occupant for the purpose of operating a business, trade, profession or craft that, based on the measurable impact of factors such as the number of non-resident employees, commercial vehicles, commercial trailers, outside storage, additional off-street parking, client visits, signage, on-site sales associated with the use, and other applicable factors, that may be categorized as either a level 1, 2 or 3 Home Occupation as determined by the application of the requirements of this bylaw.

Hospital means a development 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. This use shall be located a minimum of 100.0 m from the property line of a Cannabis Retail Store. See also Government Services.

Hotel means a development used for the provision of rooms or suites for temporary sleeping accommodation for the travelling public, where the rooms have access from a common interior or exterior corridor. Hotels may include accessory uses that are considered to complement the hotel such as but not limited to drinking and eating establishments, restaurants, cafes, recreational facilities, convention facilities, retail establishments and personal service establishments.

I

Illumination means the lighting of land or buildings (interior or exterior) by artificial means.

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or visual appeal.

Intensity of Use means the extent to which land or a building is used as measured by area, floor space, seating capacity or other similar characteristics.

Intensive Horticultural Operation - see **Greenhouse**

Industrial Agriculture means a development for industrial processing of agricultural products such as but not limited to aquaculture, bulk fertilizer, seed cleaning, or grain elevator. The use may include the retail sale of agricultural products. This use does not include an Abattoir or Cannabis Production Facility.

K

Kennel means a development where domestic dogs are maintained, boarded, bred, trained, cared for or kept for the purposes of sale, but excludes a veterinary clinic. A kennel may be further defined by the intended specific use and number of animals that may be kept on-site at any one time:

(a) **Kennel: minor** means a kennel for five (5) to nine (9) domestic dogs, each older than one (1) year of age, but does not include a veterinary clinic.

(b) **Kennel: major** means a kennel for more than nine (9) domestic dogs, each older than one (1) year of age, but does not include a veterinary clinic.

L

Land Use District means a specifically delineated area or zone within which the development standards of this bylaw govern the use, placement, spacing, and size of land and buildings, and that has been established under Schedule 1 and 2 of this bylaw.

Landing means an uncovered platform extending horizontal from a building adjacent to an entry door and providing direct access to grade or stairs.

Landowner 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.

Landscaped Area means that portion of a site which is required to be landscaped and may not be used for parking, storage, or display of items for sale.

Landscaping means:

(a) to preserve, enhance or incorporate vegetation or other materials in a development and includes combining new or existing vegetative materials with architectural elements, existing site features or other development features including fences, walls or decorative walks.

(b) and in the case of specific materials choice:

  (i) soft landscaping means generally non-structural landscaping which consists of living organisms or material derived from living organisms such as but not limited to trees, shrubs, grasses, native and non-native plants and flowers; and

  (ii) hard landscaping means generally structural landscaping which consists of non-living materials such as but not limited to brick, concrete, stamped concrete and asphalt, stone, paving blocks, and wood, but does not include driveways, patios and sidewalks.

Lane or Laneway means a public through fare designed to serve as a secondary access and providing for utility services to adjacent properties.

Laundromat means a development used for self-service laundry but does not include dry cleaners.

Legal Access means a parcel or lot that adjoins a road as defined in the *Municipal Government Act*, or that access from a public roadway to a parcel or lot is via an easement which is registered for the purpose of granting access to a parcel or lot.

Library - see **Cultural Centre**

Light Manufacturing means – see **Manufacturing, Light**

Liquor Store means a development 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 means all domestic animals kept for use on a farm or raised for sale or profit and includes horses, cattle, sheep, swine, fur-bearing animals raised in captivity as well as game production animals within the meaning of the *Livestock Industry Diversification Act,* live poultry and bees or other animals as determined by the municipality.

Loading Area means a space designated for parking a personal or commercial vehicle while being loaded or unloaded.

Lodges and Clubs means a development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as accessory.

Lodging House means a development 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 use does not include a hotel, motel, group homes, bed and breakfast or senior citizen housing.

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.

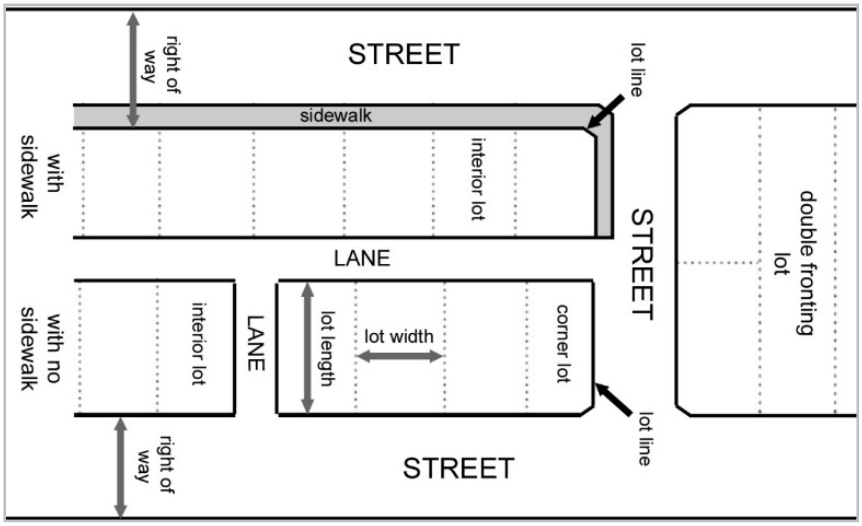

Figure 8.5: an illustrative explanation of lot-related terms.

Lot Area means the area contained within the boundaries of a lot or site as shown on a plan of subdivision or described in a certificate of title that may be specified further as:

(a) *Gross Lot Area (GLA)* which includes all of the area of a lot.

(b) *Net Lot Area (NLA)* which includes only those parts of the lot on which improvements have been placed, including but not limited to parking areas, buildings, landscaping, and any other site feature that has been introduced to the lot beyond the natural state of the lot in its pre-development form.

Lot, Corner means a lot located at the intersection of two or more streets.

Lot Coverage means the combined area of all buildings or structures on a site or lot 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.

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.

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 8.5).

Lot Length means the horizontal distance between the front and the rear lot lines measured along the median between the side lot lines.

Lot Line means a legally defined boundary of any lot. The term property line and boundary line have the corresponding meaning.

Lot Scale means the elements of the lot as they relate to one another and to the building and street scales, as defined by this bylaw. Lot scale elements include but are not limited to the boundaries of a lot, the relationship of one lot to adjacent and other lots in close proximity, and the ability of a lot to meet the needs of the uses that may be developed within it.

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 (for example 5 m (16.4 ft.) from the front property line for residential lots).

Low impact development (LID) is a stormwater management strategy that seeks to mitigate the impacts of increased runoff and stormwater pollution by managing runoff as close to its source as possible. To accomplish this, it uses practices that help to preserve or to restore predevelopment hydrological and ecological functions. For preservation, it uses site design strategies to minimize runoff and to protect natural drainage patterns. For restoration, it uses distributed structural practices that filter, detain, retain, infiltrate, evapotranspire and harvest stormwater. LID practices can effectively remove sediment, nutrients, pathogens and metals from runoff, and they reduce the volume and intensity of stormwater flows.

Lumber Yard means a development where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and includes storage on the premises of such material, but does include the retail sale of furniture, appliances or other goods not ordinarily used in building construction.

M

Machinery and Equipment Sales and Service means a development for the sale and servicing of machinery, equipment and material associated with the maintenance of industrial and/or farming facilities. This may also include the fabrication or assembling of parts and outside storage of industrial and/or farming materials and equipment.

Maintenance means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

Manufactured Home – see **Dwelling, Manufactured home**

Manufactured Home Community means a development of a parcel of land under one title or condominium plan, which provides spaces for the long-term placement and occupancy of manufactured homes that are either for purchase or lease.

Manufactured Home Sales and Services means a development used for the sale, rental, storage or maintenance of new or used manufactured homes.

Manufacturing means a development for the manufacturing, fabricating, processing, production, assembly or packing of goods, products, materials or equipment and that may be categorized into light, general and heavy, characterized by:

(a) **Manufacturing, Light** means a development for the manufacturing predominately of previously prepared materials, of finished products or parts that are not flammable or combustible, including processing, fabrication, assembly, treatment and packaging, and incidental storage, sales and distribution of such products through a use accessory to the light manufacturing operation, such as administrative and sales offices, that do not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site or lot upon which it is situated, in accordance with this bylaw.

(b) **Manufacturing, General** means a development for manufacturing from processed or unprocessed raw materials, assembling or fabricating of the same, with the result typically being product that is not highly combustible or flammable, and that may contain administrative offices and warehousing and wholesale distribution uses, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site or lot upon which it is situated, in accordance with this bylaw.

(c) **Manufacturing, Heavy** means a development for manufacturing, processing, assembling, fabricating or compounding activities typically involving raw materials that may be highly flammable and/or combustible and where there may be external effects from the activity such as smoke, noise, odour, vibration, dust and other types of nuisances that shall be contained on-site in accordance with this bylaw.

Market Garden means a development the growing of vegetables or fruit for commercial purposes and may include an area for the display and sale of goods or produce grown or raised on-site.

May means, within the context of regulation, that a discretionary action is permitted.

Measurable Impact means the outcome of a development relating to the amount of vehicle and/or pedestrian trips to and from the development in a given time period, the amount of noise, dust or other audible, visual, or odorous outcomes of activity relating to the development or any other impact as determined by the Development Authority.

Measurable Standard means a minimum or maximum standard stipulated in this bylaw that can be expressed as a unit of measurement in terms of length, width, height, area, volume, capacity, specified numbers of (for instance parking stalls), angle, and any other unit as determined by the Development Authority.

Media Production Facilities means a development associated to the manufacturing, distribution, marketing or consulting of products related but not exclusive to radio, television, wire, satellite and cable.

Medical/Health Facilities means a development for the provision of human health services without overnight accommodation for patients and may include associated office space. Typical uses include, but may not be limited to, to the discretion of the Development Authority, physiotherapy, registered massage therapy, doctor, dentist, optometrist, and chiropractic offices.

Minimum Distance Separation refers to regulated setbacks defined by provincial and federal legislation, building and fire code, and as defined in this bylaw.

Mixed-use means a development partly for residential and partly for non-residential uses. Both the residential and non-residential uses must be listed uses of the district. Any commercial component shall be on the first floor facing the street but may also occupy upper floors.

Modular Home – see **Dwelling, Modular Home**

Motel – see **Hotel**

Motor Home – **see Recreational Vehicle**

Moved-in Building means a development of a conventional, pre-constructed, 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 GOVERNMENT ACT (*MGA*) means the *Municipal Government Act*, *Revised Statutes of Alberta 2000, Chapter M-26, as amended*.

Municipal Development Plan means a Statutory Plan adopted by bylaw in accordance with section 632 of the *MGA*.

Municipal Planning Commission means the decision making body established pursuant to the Town of Fort Macleod Subdivision and Development Bylaw and any amendments thereto. The Municipal Planning Commission may also be known as the Development Authority, where stipulated in this bylaw and the Subdivision and Development Authority Bylaw.

Municipal Reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to section 666 of the *MGA*.

Municipal/School Reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the *MGA*.

Municipality means the Town of Fort Macleod.

Museum - see **Cultural centre**

N

Natural Resource Extraction means a development which is governed by the location of a natural resource and which involve the extraction and/or storage of an unprocessed natural resource, except those industries which are noxious or hazardous industries. Natural resource extractive uses include:

(a) sand and gravel extraction;

(b) such other uses as established by the process permitted within this bylaw whereby similar uses to those described within this definition may be determined.

Natural Resource Processing means a development which is governed by the location of a natural resource and which involve the on-site processing and/or storage of a processed natural resource, except those industries which are noxious or hazardous industries. Natural resource processing uses include:

(a) sand and gravel crushing;

(b) cement and concrete batching plants;

(c) logging and forestry operations, including sawmills; and

(d) such other uses as established by the processes permitted in this bylaw to determine if a use not listed above or in any other part of this bylaw is deemed similar.

Noise Impact Assessment means an assessment prepared by a qualified professional who measures noise and noise impacts.

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 to the *MGA* means a building:

(a) that is lawfully constructed or lawfully under construction on the date a land use bylaw affecting the building or land on which the building is situated, becomes effective, and

(b) that on the date the land use bylaw becomes effective does not or, or when constructed will not, comply with the land use bylaw.

Non-Conforming Use in accordance with the *MGA* means a lawful specific use being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

Nuisance means any use, prevailing condition or activity which has a negative measurable impact on living or working conditions.

O

Office means a 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-Street Parking means the area of a lot designated for the parking of one or more motor vehicles.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor Display means a development of 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.

Outdoor Storage – see **Storage, Outdoor**

Outermost Extent means the eaves of a building or if a building does not have eaves, whichever portion of the building extends outward the furthest, and in the case of a structure, the portion of the structure that extends outward the furthest.

P

Parcel means the aggregate of one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

Parking Facility means a development designed for the parking of motor vehicles either outdoors or in a structure.

Parking Stall means a clearly marked and identifiable stall which is accessible on a continuous basis for the parking of one motor vehicle, either by the general public or employees, and shall not be used for storage or any other purpose which detracts from the intended use or the accessibility of the stall.

Parks and Playgrounds means land developed for public recreational activities that do not require major buildings or facilities, and may include 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 unenclosed (no roof or walls) amenity space of concrete, brick, wood, or other material that is constructed at grade, and may not be attached to a dwelling.

Pawn Shop means a development where money is loaned on the security of a pledge or pawn of personal property and where such personal property is held within the business premises for the period of the loan. Additionally, the business deals in the purchasing of personal property for resale or offers personal property on consignment for a fee. This definition does not include Financial Institution or Retail Store.

Permanent Foundation means a foundation installed to provide structural support for a building or structure, for a period of at least 20 years, including: concrete slab on grade, concrete strip footings, wood or concrete full basement and pile or pier footings.

Permeability – see **Connectivity**

Permitted Use means a use of land or buildings in a land use district designated as a permitted use in this bylaw for which a development permit shall be issued by the Development Authority, with or without conditions, if the development application otherwise conforms with this bylaw.

Personal Service Establishment means a development that provides a service on a commercial basis to individuals. Typical uses include barbershops, beauty salons and minor repair shops dealing with the repair of personal equipment and appliances. The following uses are excluded, adult entertainment facility, dating services, escort services, tattoo shops or other similar uses.

Pet Grooming Services means a development providing on-site and off-site washing and grooming of small domestic animals within an enclosed building.

Physical Access means a parcel or lot that adjoins a road as defined in the *Municipal Government Act*.

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.

Pollution means any non-point source impacts on the environment from substances such as sediments, nutrients, pesticides, bacteria, parasites, artificial illumination, or toxic chemicals that reach a watercourse by surface or subsurface flow through adjacent lands, and the unauthorized release of any 'deleterious substance' as defined in the *Fisheries Act* of Canada, or the unauthorized release of any substance whether non-point or otherwise, that may cause an adverse effect under provision of the *Environmental Protection and Enhancement Act* of Alberta.

Porch means an accessory structure which is flat floored, generally enclosed, roofed structure adjoining a principal building or built as a structural part of it.

Portable Shelter means an accessory building where any temporary structure with or without side panels, the covering of which is made of pliable materials such as but not limited to plastics, fabrics or any other materials with similar structural properties, that is supported by an external or internal frame made of materials such as but not limited to plastic, metal or wood which the pliable material is stretched over or hung from and which may be fastened to the ground using eyelets and stakes or other non-permanent fastening devices and/or methods.

Principal Building means a building which, in the opinion of the Development Officer:

(a) occupies the major or central portion of a site or lot;

(b) is the chief or main building among one or more buildings for which the site or lot is used; or

(c) constitutes, by reason of its use, the primary purpose for which the site or lot is used.

Principal Entrance means the main point of access into and out of a building or structure.

Principal Use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Privacy Wall means an accessory structure that:

(a) is accessory to an approved principal use;

(b) provides visual screening but is not a wind fence;

(c) is located on a balcony, deck or patio;

(d) is no greater than 2.0 m (6.56 ft) above the grade of a balcony, deck or patio; and

(e) does not include a railing.

Private means the use of land or buildings intended for or restricted to the use of a particular person or group of persons which is not freely available to the general public.

Private Recreation means a development for recreational facilities and pursuits, which are only available to a particular person or group of persons that meet the criteria of participation requirements, typically by way of a user fee and/or membership to the facilities.

Private Recreation, Limited means a development for recreational facilities and pursuits, which are only available to a particular person or group of persons that meet the criteria of participation requirements, typically by way of a user fee and/or membership to the facilities, and which may not include facilities that may be damaged and/or may cause damage if dislodged or structurally affected by flood events, in the areas of the municipality that may be affected by flood events.

Private Utilities mean a development for a system or works used to provide natural gas, electric power, waste management and telecommunications for private consumption, benefit, convenience or use.

Prohibited Use means a development that is not listed as permitted or discretionary or is not considered similar within a land use district.

Provincial Historic Area means the area of lands as defined by this bylaw (see Schedule 6: Overlays) and as defined by the Province of Alberta's *Historic Resources Act: Fort Macleod Provincial Historic Area Establishment Regulation, Alberta Regulation 158/1984.*

Public Recreation means a development for recreational facilities and pursuits, which are readily available to the public but which may include user fees, and the organization of times and places where recreation may be pursued.

Public Recreation, Limited means a development for recreational facilities and pursuits, which are readily available to the public but which may include user fees, and the organization of times and places where recreation may be pursued, but which may not include facilities that may be damaged and/or may cause damage if dislodged or structurally affected by flood events, in the areas of the municipality that may be affected by flood events.

Public Right-of-Way means a right-of-way maintained by the Town and is open to the public for the purpose of vehicular and pedestrian traffic in the case of roads, sidewalks and trails, and for the purposes of public enjoyment in the case of civic spaces as defined in this bylaw.

Public Roadway means a right-of-way maintained by the Town and is open to the public for the purpose of vehicular traffic.

Public Utilities means a development for a system or works used to provide water or steam, sewage disposal, public transportation operated by or on behalf of the municipality, irrigation, drainage, fuel, electric power, heat, waste management and telecommunications for public consumption, benefit, convenience or use. This use is not effective on those uses that are exempted by the MGA or the Lieutenant Governor in Council pursuant to section 618(4) of the MGA.

Q

Quarter section means a titled area of approximately 64.8 hectares (160 acres).

R

Railway means any use connected with the direct operation of a railway system.

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 means a development for the pursuit of activities in natural or formalized settings, outdoors, or indoors in some instances, which may involve the pursuit of a sport or hobby, and which can be further defined by the level of activity and amount of required formalized space and/or equipment involved in said activity:

(a) **Recreation, Active** includes activities usually performed with others, which requires outdoor or indoor spaces of specified designs, dimensions, and involving certain types of equipment. Examples of active recreation may include but not be limited to sports such as soccer, baseball, hockey, lacrosse, gymnastics, basketball, and so on;

(b) **Recreation, Passive** includes activities that may or may not be performed with others, and typically does not require a significant amount of formalized indoor space. Examples of passive recreation may include, but not be limited to walking, cycling, jogging, bird watching, and so on.

Recreational Vehicle means a boat, motor home type vehicle, recreational travel trailer type vehicle designed or used for travel, with temporary living accommodation for vacations, temporary accommodations or camping purposes. No Recreational Vehicle shall be used for living or sleeping, purposes other than in designated campgrounds. No Recreational Vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal. No Recreational Vehicle shall be connected to any public utility except for connection to the designated sanitation dump.

Recreational Vehicle Sales and Service means a development that sells and services transportable temporary dwelling units, generally constructed on a frame and chassis that is intended for recreational use and subject to transportation safety standards rather than those related to the construction of permanent dwelling units and may be referred to as holiday trailers, campers, motor homes, fifth wheel trailers, tent trailers, and park model trailers. Such a use may also sell boats as per the definition of recreational vehicle contained within this bylaw.

Recycling Facility means a development for the purchasing, collecting or receiving of goods that are intended to be re-used or recycled. Typical uses include bottle, can and paper recycling depots. Salvage and scrap yards are separate uses.

Religious Assembly means a development for religious worship and related religious, charitable, educational or social activities. Typical uses include chapels, churches, convents, monasteries, mosques, parish halls, rectories, synagogues and temples.

Repair and Service Shop means a development offering the repair of, or service of, goods, equipment or products. Sales of repair or service goods, equipment or products and limited sales of related goods, equipment or products are permitted as an ancillary part of this land use Automotive sales and service, Equipment Sales and Service (light and heavy), and Recreational Vehicle Sales and Service are separate uses.

Research Establishment means a development that provides professional research and scientific investigation and product development services and generally can be categorized as a public or private organization.

Residential Sales Center means a development for a permanent or temporary building or structure used for a limited period of time for the purpose of marketing residential lands or buildings.

Residential Districts means the use of land or buildings for housing and other compatible uses, where the housing (see Dwelling) may vary significantly between, and through, the residential districts. Uses in these districts shall be located a minimum of 25.0 m from the property line of a Cannabis Retail Store.

Restaurant means a development primarily used for the preparation and sale of food for consumption on the premises. Accessory uses may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take-out services and/or catering. A restaurant may hold a "Class A" liquor license and minors may, or may not, be prohibited. A restaurant does not include a drinking, eating, or entertainment establishment.

Retail Store means a development where goods, wares, merchandise, substances, articles or other things are stores, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store. This use does not include cannabis retail store.

Right-of-Way (r-o-w) 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).

S

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*, and any amendments thereto.

Safety Codes Officer means a certified individual who is authorized to perform inspections and enforce the regulations in the *Safety Codes Act, RSA 2000, Chapter S-1*, and any amendments thereto.

Salvage and Scrap Yard means a development for the purchasing, receiving, resale or transporting of waste materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the parcel. This use includes tire recycling. Recycling facilities are separate uses.

Sandblasting Facility means a development where the major source of activity involves the large scale sandblasting of agricultural, industrial, automotive or oilfield equipment.

Schools means a development for an institute of education that offering courses of study, including public, private and separate schools. This use shall be located a minimum of 100.0 m from the property line of a Cannabis Retail Store. This use does not include Commercial school.

Screening means a fence, wall, berm or vegetative cover used to visually separate areas or functions which may cause conflict or negative impact with adjacent and proximate uses and public spaces.

Seasonal means a use that coincides with weather-related or social and cultural times of a calendar year.

Secondary Suite means a development for a dwelling unit containing cooking facilities, food preparation area, sleeping and sanitary facilities, which is physically separate from and subordinate to those of the principal dwelling within the structure or on the same lot, that has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing directly from the side or rear of the structure or if a part of a detached garage or garden suite, completely separate from the principal dwelling. A secondary suite shall not be developed within a boarding or lodging house, duplex dwelling, unsubdivided semi-detached dwelling, multi-unit dwelling, unsubdivided townhouse, or apartment.

Seed Cleaning Plant means a development intended for the purpose of cleaning seed that has generally come from an agricultural crop grown in the region - see **Industrial Agriculture**.

Senior Citizen Housing means a development which complies with the *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-unit dwellings. Where, Multi-unit Residential Development is proposed Schedule 5 Section 11 shall apply.

Service Station means a development for the retail sale of motor vehicle fuels, lubricants, parts and accessories, and may include the supplementary servicing and mechanical repair of motor vehicles, including a towing service. A car wash may be incorporated as an accessory use.

Setback means the distance which must be maintained between a development or a specific portion of the development and a property line as specified in this bylaw or on a development permit. For the purposes of this bylaw, setbacks shall be measured to the foundation. For cut-off corner lots, the setback distance is to be measured from where the two property lines would intersect.

Shall means that the action, requirement or regulation is mandatory.

Shipping Container means a development for any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, and must conform to these regulations and may require a permit.

Short-Term Rental means a development of a dwelling unit operated by an owner occupied residence (excepting where the dwelling unit is within a commercial land use district and building) as a temporary or short-term rental or lease accommodation unit, with or without compensation, occupied by a guest or guests for a period of less than 28 consecutive days and includes all vacation rentals of a dwelling unit. This use does not include 'Home Occupation', 'Bed and Breakfast' or 'Hotel' which are separately defined uses.

Should means that the action, requirement or regulation is recommended but is not mandatory, unless the Development Authority determines that the action is to be mandatory as a condition of a Development Permit.

Shrub means a single or multi-stemmed woody plant generally less than 5 m (16 ft) in height.

Side Yard – see **Yard, Side**

Sign – see **Schedule 7 Signage**.

Similar Use means 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, whereby the following process shall apply:

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

(b) 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;

(c) if the use is deemed similar, the proposed use shall be reviewed by the Development Officer as a discretionary use for the land use district; and

(d) given the above, if the application is approved by the Municipal Planning Commission, the permit shall be issued in accordance with this bylaw.

Single Detached Dwelling – see **Dwelling, Single Detached**

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.

Skirt means a vertical adornment usually made of wood, or metal that is attached to a dwelling unit to hide or screen the underbelly of the development.

Small Wind Energy System (SWES) means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, some of which may have a limited generation capacity to be used primarily for the applicants own use.

Solar Energy System, Industrial Scale means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition of Alternative energy system, solar.

Statutory Plan means a municipal development plan, area structure plan, or area redevelopment plan as contained within the *Municipal Government Act.*

Stop Order means an order issued by the Development Authority pursuant to section 645 of the *Municipal Government Act*.

Storage means a development for a space or place where goods, materials, equipment or personal property is placed and kept for more than 24 consecutive hours. Specific types of storage include:

(a) **Storage, Indoor** includes the storage of goods, materials, equipment or personal property entirely within a building or buildings;

(b) **Storage, Outdoor** includes the use of land with or without attendant buildings for the open, outdoor storage of goods, materials, equipment or personal property, that is, where required by this bylaw and/or as a condition of an approved development, screened from adjacent and proximate lots and public spaces.

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.

Storey, First means the storey with its floor closest to grade.

Storey, Half means the storey immediately under a pitched roof, the top wall plates of which, on at least two possible walls, are less than 1.4 metres above its floor.

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 Furniture means those features associated with a street that are intended to enhance the aesthetic and function of the street such as but not limited to benches and other forms of seating, trash and recycling receptacles, kiosks, lighting, bicycle racks and storage facilities, planters, and other hard and soft landscaping.

Street Scale means elements of a street such as but not limited to the sidewalks and other pedestrian spaces, the thoroughfare including driving and, if present, parking lanes, boulevards, and other features including landscaping, foliage, active modes infrastructure including benches and seating, bicycle parking and storage racks, and any other objects present in the area defined as street.

Structural alteration means a development for a repair or alteration to the supporting members of the materials of a structure or building which provides structural integrity and reinforcement and which may substantially prolong the use and/or character of a structure or building if kept intact.

Structure means any piece of work constructed or erected by a person or persons, including but not limited to an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner that requires location on the ground or attached to something having location on the ground.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the Subdivision and Development Appeal Board established pursuant to the Town of Fort Macleod Subdivision and Development Appeal Board Bylaw.

Matters Related to Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the *MGA*.

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*.

Surveillance Suite means a development for self-contained living quarters developed in conjunction with a principal use so that the dwelling is a supplementary use to that principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance and security for a development, as provided for in this bylaw. See also Custodial quarters.

Swimming Pool means an accessory structure for an in-ground or above-ground structure containing an artificial body of water.

T

Tattoo Shop means a development providing a personal service whereby the human body, or a part thereof, may be stenciled with permanent or temporary markings or where body piercing may occur or other similar uses.

Temporary means a restricted period of time and in some cases as defined by this bylaw, or such a period of time as determined by the Development Authority.

Tenant means a person who rents, leases or sub-leases, through a written or oral agreement, real property from another person or persons.

Theatre means a development for a commercial facility with fixed seating designed to show movies, plays, musicals or other similar entertainment facilities. The following use is excluded, Adult Entertainment Facility.

Thrift Shop – see **Retail Store**

Townhouse – see **Dwelling, Townhouse**

Transparency means the number and/or size and placement of windows and doors facing private and public outdoor spaces such as but not limited to parking lots, patios, pedestrian and cyclist linkages, and streets.

Truck and Car Wash means a development for the washing, cleaning, or polishing of vehicles including both passenger automobiles and commercial vehicles on a fee basis.

Truck Stop means a development of a service station which caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. The use "Truck stop" includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include retail stores.

Tourist Information Centre means a development intended to provide information to the travelling public and may include washroom and picnic facilities and accessory retail sales.

U

Unserviced means, in respect to a lot or parcel, that improvements on the lot or parcel are not serviced or are not going to be serviced by municipal water nor municipal sewage systems, including but not limited to the provision of potable water, connection to a storm water collection system, or a sewage collection system.

Use means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

Utility means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;

(b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);

(c) sewage systems (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; and

(h) anything else prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in sub-clause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.

V

Vacant Lot – see **Lot, Vacant**

Variance means the relaxation of a measurable standard of this bylaw.

Veterinary Clinic means a development 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 or crematorium.

W

Waiver – see **Variance**

Warehouse means a development for the storage, preparation for shipping, and shipping of materials, products, goods and merchandise.

Warehouse Store means a development used for the wholesale or retail sale of a limited range of bulky goods on the premises and displayed or catalogued for customer selection. Typical uses include furniture stores and building supply centres.

Watercourse means, as defined by the *Environmental Protection and Enhancement Act* of Alberta:

(a) the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water; or

(b) a canal, ditch, reservoir, or other artificial feature made by humans.

Wind Fence – see **Accessory structure**

Workshop means a defined space within, or constructed on the same site as, another use that is accessory to the approved principal use on-site. A workshop is generally a specific type of accessory building or may be contained within an accessory building.

X

Xeriscaping 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. *May be referred to as 'setback'.* (see Figure 8.6)

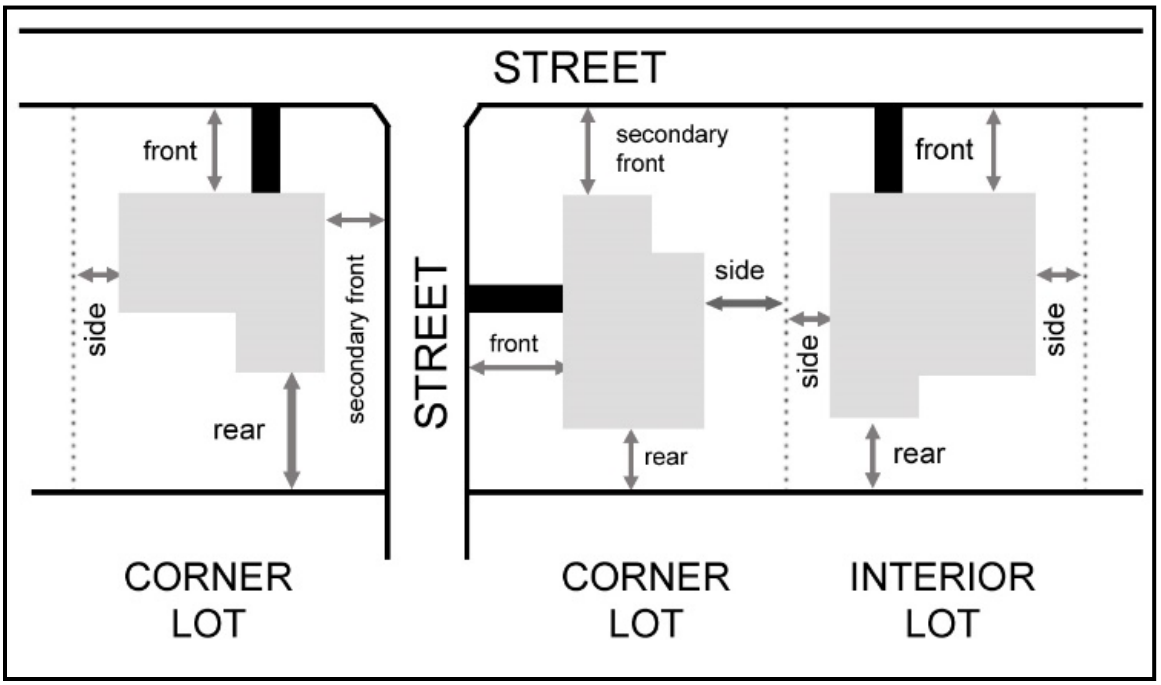

Figure 8.6: an illustrative explanation of yard-related terms.

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 yard by the Development Authority.

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.

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.

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.



APPENDIX A

FORMS

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

TOWN OF FORT MACLEOD
CONDOMINIUM CONVERSION APPLICATION

Date of Application: _____

***IMPORTANT NOTICE**: This application is **not** a development permit, a building permit, or an occupancy permit. The applicant is not excised from complying with the requirements of any Federal, Provincial, or other Municipal legislation or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.*

APPLICANT INFORMATION

Name of Applicant (please print): _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

PROPERTY INFORMATION

Civic Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Year of Construction?: _____

Development Permit Number?: _____

DP Phase (if applicable) _____

Proposed Number of Dwelling/Commercial Units?:		**Proposed Number of Parking Units?:**	
Proposed Number of Common/Other Units?:		**Total Number of Proposed Units?:**	
Number of Barrier-free Stalls Provided?:		**Number of Visitor Stalls provided?:**	

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

APPLICANT

Registered Owner (if not the same as applicant)

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

TOWN OF FORT MACLEOD

AGREEMENT FOR TIME EXTENSION

Date of Application: _____

I/We _____ being the registered owner or person authorized to act on behalf of the registered owner with respect to:

Application No.: _____

For: _____

Located on (legal description): _____

_____

Do hereby agree to a time extension of: _____ days, until

_____

_____

On the understanding that if a decision has not been made by this time, I may deem the application refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions of the Municipal Government Act.

Date: _____ _____

Signature of Registered Owner/Person Acting on behalf of:

_____

Signature of Witness

Date: _____ _____

Signature of Designated Officer – Town of Fort Macleod

_____

Signature of Witness

TOWN OF FORT MACLEOD

APPLICATION FOR A
LAND USE BYLAW AMENDMENT

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 6 months after the date of refusal.

IMPORTANT NOTE: Although the Designated Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____ **Applicant's interest in the property:**

_____ ☐ Agent

City: _____ ☐ Contractor

☐ Tenant

Postal Code: _____ ☐ Other _____

PROPERTY INFORMATION

Civic Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

OR Quarter _____ Section _____ Township _____ Range _____

AMENDMENT INFORMATION

What is the proposed amendment? ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments to the *Land Use Bylaw*, attach a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

Current Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

❑ **Map Attached**

Section 5.2 of the Administration part of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please attach a descriptive narrative detailing:

- the proposed designation and future land use(s);
- if and how the proposed redesignation is consistent with applicable statutory plans;
- the compatibility of the proposal with surrounding uses and zoning;
- the development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- 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; and
- any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land from Transitional to another district;
- multiple parcels of land are involved;
- more than four lots could be created;
- several pieces of fragmented land are adjacent to the proposal;
- internal public roads would be required;
- municipal services would need to be extended; or
- required by Council or the Subdivision and Development Authority.

The Designated Officer or the Subdivision and Development Authority may also require a:

- geotechnical report; and/or
- evaluation of surface drainage and any other information;

if deemed necessary by the Designated Officer or the Municipal Planning Commission.

SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

APPLICANT

Registered Owner (if not the same as applicant)

TOWN OF FORT MACLEOD
BUSINESS INCENTIVE APPLICATION

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

***IMPORTANT NOTICE**: "Before" pictures MUST be submitted at time of Building and/or Development Permit Application.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

_____ **Fax:** _____

Postal Code: _____ **Email:** _____

The Town will provide a three-year tax incentive for: (choose applicable)

- ❑ **New construction**
- ❑ **Renovation and improvements or business expansion which increases the commercial building's physical space of an existing commercial building**
- ❑ **Renovations and improvements, approved by the Town, of an existing or new business located in a Provincially Designated Historic Building**

1.1 New Construction:

The business owner must own the land being developed. Tax exemption includes municipal portion only.

The incentive offered is:

- Year 1: 100% building and improvements tax exemption
- Year 2: 100% building and improvements tax exemption
- Year 3: 50% building and improvements tax exemption

1.2 Business Expansion or renovation:

Business incentive includes adding to an existing commercial building which increases the commercial building's physical space, or replacing an existing commercial structure. Applicable expansion or renovations must total a minimum of $25,000 in expenditures (as outlined in the Building Permit Application at time of Development).

- ❑ Receipts included with this application to a total of $ _____
- ❑ "Before" Pictures received and attached, dated _____
- ❑ "After" Pictures received and attached, dated _____

1.3 Historical Asset Business Renovation:

Historic Area Renovations and improvements must meet the guidelines for both the Provincial Designation and the town's Provincial Historic Area, if the building is located within the boundaries of that area. Applicable renovations and improvements must total a minimum of $25,000 in expenditures (as outlined in the Building Permit Application at time of Development).

- ❑ Receipts included with this application to a total of $ _____
- ❑ "Before" Pictures received and attached, dated _____
- ❑ "After" Pictures received and attached, dated _____

The incentive Offered is: (Expansion/Renovation and Historic Asset as above)

- Year 1: 100% exemption of incremental increase of resulting improvement assessment
- Year 2: 100% exemption of incremental increase of resulting improvement assessment
- Year 3: 50% exemption of incremental increase of resulting improvement assessment

Describe any changes from existing use, and any work that was completed.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application. The contents and conditions of this application are fully understood by the applicant.

***IMPORTANT**: This personal information is being collected under the authority of the Town of Fort Macleod. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.*

APPLICANT/AGENT

REGISTERED OWNER (if not the same as applicant)

DEVELOPMENT OFFICER

DATE

Development Officer's Additional Notes/Comments:

TOWN OF FORT MACLEOD
BUSINESS INCENTIVE APPLICATION

APPLICATION SUBMISSION CONDITIONS

1. If at any time the taxes are in arrears on the business property, all incentives will be withdrawn and full taxes will become payable for the project.

2. All construction, renovations or improvements must commence under pre-approved Building Permit from the Town of Fort Macleod, as outlined in the Land Use Bylaw, where required.

3. In all cases, Year 1 is the year that the improvements are seen on the assessment and taxation notice.

4. Building incentives must be applied for NO LATER THAN 1 YEAR AFTER the building and/or development permits are complete, inspected and approved for occupancy (unless and extension has been agreed upon in writing).

5. Business incentive applications can be picked up at the Town Office and will be available for download at www.fortmacleod.com. Confirmation of intent must be indicated on the Initial Development Permit Application and "before pictures" must be submitted at time of building and/or Development Permit Application.

6. Incentive 1.2 and 1.3 applicants must provide the Town of Fort Macleod with copies of receipts or paid contract totalling a minimum of $25,000 once that total has been reached before tax exemption can be applied to the applicant's Year 1 tax bill. Applicants for incentives 1.2 and 1.3 will also provide after pictures of the renovation project.

7. The Town Administrator and/or Development Officer shall administer this policy.

8. All projects will be subject to inspection by Town staff or designate to ensure the validity of the incentive application.

9. In all cases, tax exemption includes municipal tax portion only. School and Willow Creek Foundation tax portions must be paid on full taxable amount to ensure fair, proportionate contributions to all businesses and residents.

10. Council reserves the right to approve each incentive package individually, and customize incentives to any specific project when investment dollars of the commercial improvements exceed $500,000.00.

11. This BUSINESS STIMULUS POLICY and all its incentive programs are subject to amendment as needed, by Council decree.

12. Assessed Land Values are not eligible under this incentive program.

INFORMATIVE NOTE:

IT IS THE APPLICANT'S RESPONSIBILITY TO COMPLETE THE BUSINESS INCENTIVE APPLICATION PROCESS. THE TOWN OF FORT MACLEOD WILL NOT BE HELD RESPONSIBLE FOR REFUSED OR EXPIRED APPLICATIONS DUE TO EXPIRATION OF VALID PERMITS OR TIME FRAME CONSTRAINTS SPECIFIED IN THE APPLICATION.

TOWN OF FORT MACLEOD
DEMOLITION FORM

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

PROPERTY INFORMATION

Civic Address of Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

STRUCTURES TO BE REMOVED

Description of Building/Structure(s) _____

_____

Type of Work ❑ Removal to another site (no demolition) ❑ Demolition of building/structure

Building Size _____ ❑ m^2 ❑ ft^2

Height of Building _____ ❑ m ❑ ft # of storeys _____

DEMOLITION PLAN

Timeframe — Expected start date: _____ Expected completion date: _____

Method of Demolition — ❑ Manual (no heavy equipment) ❑ Using heavy equipment ❑ Other – please explain _____

Dump Site Location _____

Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment.

Name of Contractor responsible for removal/demolition _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

APPLICANT IS RESPONSIBLE FOR:

- ❑ **Disconnection of all services** including (if applicable): Signature from agency verifying services disconnected (or attach letter):
  - ❑ Electrical power _____
  - ❑ Natural gas _____
  - ❑ Oil lines _____
  - ❑ Telephone cables _____
  - ❑ Communications cables (includes cable TV) _____
  - ❑ Water lines _____
  - ❑ Storm & sanitary sewer _____
  - ❑ Septic _____

- ❑ **On-site consultation with Public Works Director**. The applicant shall schedule a consultation with the Public Works Director a minimum of 48 hours prior to demolition or removal commencing to determine the state of affected public property.

- ❑ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:
  - ❑ **Copy of grading plans** if property will be vacant after removal or demolition
  - ❑ **Complete development application for new development** where building is being replaced

- ❑ **A completed Development Application**. This form shall accompany a complete development application with the consent of the registered owner and any other required documentation.

- ❑ **Application Fee and any applicable deposit or security required payable to the Town of Fort Macleod.**

**NOTE: A building permit is also required before proceeding with demolition.

TOWN OF FORT MACLEOD

HOME OCCUPATION
DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

***IMPORTANT NOTICE**: This application **does not** permit you to operate the business until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____ **Applicant's interest in the property:**

_____ ☐ Agent

☐ Contractor

City: _____ ☐ Tenant

☐ Other _____

Postal Code: _____

PROPERTY INFORMATION

Civic Address of Home Occupation: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

BUSINESS DESCRIPTION

(1) Describe the primary function of your business. What goods and/or services are provided? Attach an additional sheet describing the business.

(2) Is there another home occupation already operating out of the residence? ❑ Yes ❑ No

(3) Where will the business operate from? ❑ In-home ❑ Accessory building

(4) How will you interact or do business with your clients or customers?

❑ **In person.** Clients/customers will come to the residence. On average, how many clients will come to the residence?

❑ Less than 1 per day ❑ 1-5 per day ❑ More than 5 per day

❑ **Remotely.** Clients/customers will not be coming to the residence but will only be in contact by:

❑ Phone ❑ Fax ❑ Mail ❑ Courier ❑ Internet/Email

(5) How many on-site parking spaces for any client visits, deliveries, etc. will be available? _____

(6) What will the days of operation be? ❑ Mon-Fri ❑ Weekends ❑ 7 days/wk ❑ Part-time

(7) What will be the hours of operation? _____

(8) Will there be any employees that are not residents of the dwelling? ❑ Yes ❑ No

If YES:

How many employees will come to the residence? _____

Will more than 1 employee come to the residence at a time? ❑ Yes ❑ No

(9) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?

❑ Yes (list materials & quantities) _____

❑ No

(10) Will any vehicles/machinery/tools be used to operate the business? Please list.

_____

(11) Will there be any flammable or hazardous materials on the premises as a result of the business?

❑ Yes (list materials & quantities) _____

❑ No

(12) Will any goods be displayed at the residence? ❑ Yes ❑ No

(13) Will there be a sign for the business? ❑ Yes ❑ No

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

Development Application No. _____

Applicant: _____ Date: _____

Roll No. _____ Zoning: _____

SITE PLAN GRID

TOWN OF FORT MACLEOD

NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____ **Applicant's interest in the property:**

_____ ☐ Agent
☐ Contractor
City: _____ ☐ Tenant
☐ Other _____

Postal Code: _____

PROPERTY INFORMATION

Civic Address of Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- ❑ Construct a new building

  The building is for:

  - ❑ Commercial Use
  - ❑ Industrial Use
  - ❑ Public/Institutional Use
  - ❑ Other, specify _____

- ❑ Alter/renovate the existing building
- ❑ Construct an accessory building
- ❑ Demolish existing building (attach completed ***Building Removal Form***)
- ❑ Change or intensification of use (e.g. new type of business in existing building)
- ❑ Intent to Apply for the Business Stimulus Incentive Program

Describe the proposed use, any changes from existing use, and any work to be done.

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft	❑ m ❑ ft	
Proposed Setbacks From Property Lines			
Front	❑ m ❑ ft	❑ m ❑ ft	
Rear	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Parcel Type:	❑ Interior Lot	❑ Corner Lot	

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

APPLICANT

Registered Owner (if not the same as applicant)

TOWN OF FORT MACLEOD
NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or sketch)
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale, north arrow and land use district
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ❑ Any buildings with dimensions of foundation and projections
  - ❑ The proposed distance from the front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Number and location of parking spaces, both on and off-street
  - ❑ Location of any registered utility right of ways and easements
  - ❑ Landscaping plan
  - ❑ Lighting plan
  - ❑ Location of fire hydrant, street light, power/telephone/cable pedestal(s) (if located within property frontage)
  - ❑ Location of any abandoned wells
- ❑ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
  - ❑ Scale and dimensions of exterior walls and interior rooms
  - ❑ Floor plan of the space proposed to be developed
  - ❑ Building elevations including front, sides, and rear elevations, building height (from finished grade), roofing material, and roof pitch
- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.
- ❑ **Abandoned well information (see attached information).**
- ❑ **Application fee payable to the Town of Fort Macleod.**
- ❑ **Business Stimulus Incentives (MUST** submit Before Pictures**).**

Development Application No. _____

Applicant: _____ Date: _____

Roll No. _____ Zoning: _____

SITE PLAN GRID

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

TOWN OF FORT MACLEOD

RESIDENTIAL

DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a permit has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant (please print): _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

PROPERTY INFORMATION

Civic Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- ❑ Construct a new dwelling
  - The dwelling is a:
    - ❑ Single-unit dwelling
    - ❑ 2-unit dwelling
    - ❑ Multi-unit – please specify the number of dwelling units _____
    - ❑ Other _____
- ❑ Alter/renovate the existing building
  - The renovation is a:
    - ❑ Addition
    - ❑ Deck(s)
    - ❑ Other _____
- ❑ Construct an accessory building / structure
  - The accessory building is a:
    - ❑ Garage (detached)
    - ❑ Shed/workshop
    - ❑ Other _____
- ❑ Moved-in dwelling
- ❑ Demolish existing building (attach completed ***Demolition Form***)
- ❑ Other

Describe the proposed use, any changes from existing use, and any work to be done.

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft.	❑ m ❑ ft.	
Proposed Setbacks from Property Lines			
Front	❑ m ❑ ft	❑ m ❑ ft	
Rear	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Parcel Type:	❑ Interior Lot	❑ Corner Lot	

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

APPLICANT

Registered Owner (if not the same as applicant)

TOWN OF FORT MACLEOD
RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or sketch)
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale and north arrow
  - ❑ Adjacent roadways & lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ The proposed distances from the foundation of the building to the front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Location of any registered utility right of ways or easements
  - ❑ Location and number of off-street parking spaces
  - ❑ Location of any abandoned wells

- ❑ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
  - ❑ Scale and dimensions of exterior walls and interior rooms
  - ❑ Floor plan of all living space proposed to be developed
  - ❑ Building elevations including front, sides, and rear elevations, building height (from finished grade), roofing material, and roof pitch

- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.

- ❑ **Abandoned well information (see attached information).**

- ❑ **Application fee payable to the Town of Fort Macleod.**

Development Application No. _____

Applicant: _____ Date: _____

Roll No. _____ Zoning: _____

SITE PLAN GRID

TOWN OF FORT MACLEOD

RESIDENTIAL SECONDARY SUITE PERMIT APPLICATION

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a permit has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant (please print): _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

☐ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DEVELOPMENT INFORMATION

1. **Number of off-street parking spaces available on the property (not including garage):** _____

2. **Will the secondary suite be located in:**
   ❑ An Existing Home ❑ A New Construction

3. **Is there currently a secondary suite located on the property?**
   ❑ Yes ❑ No

4. **Will the secondary suite contain a separate entrance on the exterior of the home?**
   ❑ Yes ❑ No
   If answered yes, please indicate the location of the separate entrance:
   _____

BUILDING REQUIREMENTS

	Principal Building	**Accessory Building**	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft.	❑ m ❑ ft.	
Size of Suite	❑ m ❑ ft.	❑ m ❑ ft.	
Proposed Setbacks from Property Lines			
Front	❑ m ❑ ft	❑ m ❑ ft	
Rear	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Parcel Type:	❑ Interior Lot	❑ Corner Lot	

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

APPLICANT	Registered Owner (if not the same as applicant)

TOWN OF FORT MACLEOD
SECONDARY SUITE PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or sketch)
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale and north arrow
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ The proposed distances from the foundation of the building to the front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Location of any registered utility right of ways or easements
  - ❑ Location and number of off-street parking spaces

- ❑ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
  - ❑ Scale and dimensions of exterior walls and interior rooms
  - ❑ Floor plan of all living space proposed to be developed
  - ❑ Building elevations including front, sides, and rear elevations, building height (from finished grade), roofing material, and roof pitch

- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.

- ❑ **Application fee payable to the Town of Fort Macleod.**

Development Application No. _____

Applicant: _____ Date: _____

Roll No. _____ Zoning: _____

SITE PLAN GRID

TOWN OF FORT MACLEOD

SIGN APPLICATION

DEVELOPMENT PERMIT

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

***IMPORTANT NOTICE**: This application **does not** permit you to install the sign until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

City: _____ **Fax:** _____

Postal Code: _____ **Email:** _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____ **Applicant's interest in the property:**

_____ ☐ Agent

☐ Contractor

City: _____ ☐ Tenant

☐ Other _____

Postal Code: _____

SIGN INFORMATION

TYPE OF WORK: ❑ New Permanent Sign ❑ Changes to Existing Sign ❑ Temporary Sign

Sign Location (Civic Address): _____

Are there any other signs at this location? ❑ Yes ❑ No

If yes, please state how many:

_____

SIGN TYPE*:	**PROJECTION STYLE:**	**ILLUMINATION:**
☐ Temporary ☐ Canopy ☐ Window ☐ Freestanding ☐ Fascia ☐ Mural ☐ Projecting ☐ Other **Billboard signs and roof signs are not permitted in the Town	*Mark any or all that apply* ☐ Lettering / logo ☐ Manual changeable lettering content ☐ Electronic changeable lettering content ☐ Animation ☐ Movement / rotation	*Mark any or all that apply* ☐ No illumination ☐ Direct illumination ☐ Internal illumination ☐ Flashing

				Office Use
Length of Sign:		❑ m^2	❑ ft^2	
Height of Sign:		❑ m^2	❑ ft^2	
Sign Face Area (length x height):		❑ m	❑ ft	
Top of Sign Height:				
from Grade:		❑ m	❑ ft	
from Roof:		❑ m	❑ ft	

If the sign is only for **temporary** use:

For how many days is the sign proposed to be displayed? _____ days

SITE PLAN

**Please attach a plan drawn to a suitable scale and photographs, if available, illustrating:

- ☐ Location of all existing and proposed sign(s) on the property
- ☐ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ☐ Details of sign content (wording, lettering, graphics, colour and design scheme, materials, etc.)
- ☐ Location of the property boundaries of the parcel upon which the proposed sign(s) are to be located
- ☐ Setbacks from property lines of proposed sign(s) and existing building(s)

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Sign.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

APPLICANT

Registered Owner (if not the same as applicant)

Development Application No. _____

Applicant: _____ Date: _____

Roll No. _____ Zoning: _____

SITE PLAN GRID

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

TOWN OF FORT MACLEOD

TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

Date of Application: _____

APPLICANT INFORMATION

Name of Applicant (please print): _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

PROPERTY INFORMATION

Civic Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

DETAILS OF THE PROPOSED DEVELOPMENT

What currently exists on the parcel?

_____

_____

_____

_____

What will the tower be used for?

_____

_____

_____

_____

TOWER SIZE

Overall tower height _____ ❑ m ❑ ft Commencement Date: _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This personal information is being collected under the authority of the Town of Fort Macleod for development. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. For more information contact the Town of Fort Macleod FOIP Coordinator at 403-553-4425.

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

TOWN OF FORT MACLEOD
TELECOMMUNICATION SITING
PROTOCOL APPLICATION & CHECKLIST

TELECOMMUNICATION SITING PROTOCOL CHECKLIST

A COMPLETED APPLICATION REQUIRES:

1. A completed checklist
2. Non-refundable application fee
3. Signature of ALL landowners
4. Any additional information requested by the Development Authority

CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed, the Town of Fort Macleod will either:
    - issue a municipal concurrence letter to the applicant, or
    - issue a letter which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada.
- Construction permits may be required for buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations.

FEES		
Copying and distribution of required notification letters	$1.50/letter	Payment required for distribution of letters will be the application fee
Distribution of required notification letters	$1.00/letter	
If the applicant can prove that notification to all required adjacent landowners has been done, then no fee is required.		
For fees not listed here, please see the full Fee Schedule		

CHECKLIST

Please attach a description of the project summarizing the information required in the following table.

REQUIREMENT	IS THIS REQUIRED? YES OR NO	SUBMITTED? YES, NO OR N/A
Co-utilization: Are there any other such structures within a radius of 500 m (1640 ft.) of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure.		
Stealth Structure Options/Screening: If this structure will be visible from residential areas stealth structure options must be used and a description of the stealth structure options must be submitted to the satisfaction of the Town.		
Lighting and Signage: Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required or not required.		
What signage will be used? Please describe. No advertising signage shall be permitted.		
Notification & Public Consultation Process: All landowners within a distance of 3.2 km (2 miles) from the proposed structure must be notified. Please provide a letter that the Town can circulate on your behalf.		
The fee for copying and distributing these letters is $1.50/letter. _____ x $1.50/letter = _____ total The fee for only distributing these letters is $1.00/letter. _____ x $1.00/letter = _____ total		

TOWN OF FORT MACLEOD

VOLUNTARY WAIVER OF CLAIMS

Development Commencement Form

FOR OFFICE USE ONLY
Date Received:
Accepted By:
Date Deemed Complete:
Application No. (if applicable):
Roll No.:
Fee:

Date of Application: _____

PROPERTY INFORMATION

Civic Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

What is the existing use? _____

"VOLUNTARY WAIVER OF CLAIMS" (OPTIONAL)

For Development Approvals of Discretionary Uses and/or Approvals granting a waiver of development standards

This "Voluntary Waiver of Claims" allows you to commence your development at your own risk in advance of the date of validity on your Development Permit. The permit's valid date is the date at which the appeal period for the public has expired.

By agreeing to this "Voluntary Waiver of Claims" you agree that should an appeal be made you will immediately cease the development pending the outcome of the appeal and will waive all claims to compensation from the Town of Fort Macleod for costs associated with the cessation and/or costs resulting from the outcome of the appeal, including the removal of improvements and restoration of disturbances to the land/buildings to their former state.

Agreement to this "Voluntary Waiver of Claims" does not nullify your own right to an appeal. You may appeal any condition of approval on the Development Permit to the Subdivision and Development Appeal Board by the date identified on your permit.

Agreement to this "Voluntary Waiver of Claims" and possession of the released Development Permit does not eliminate the need for a Business License, Building Permit or other permits. Do not commence development without first obtaining all the necessary permits.

I have read, understood, and agree to this "Voluntary Waiver of Claims".

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

Town of Fort Macleod
410 20 Street
Box 1420, Fort Macleod, AB T0L 0Z0
PH: (403) 553-4425/ FX: (403) 553-2426

Town of Fort Macleod
NOTICE OF APPEAL FORM

OFFICE USE			
Appeal No:	Roll No:	Date of Decision:	21-day Appeal Period Date:
Appeal Received:	Application Fee:	Date Paid:	Hearing Date:

PREFERRED METHOD OF DELIVERY (SELECT ONE)

- ☐ **Email:** I wish to receive all official written documentation for my application by email.
- ☐ **Letter Mail**: I wish to receive all official written documentation for my application by letter mail.

APPELLANT INFORMATION

Name(s):_____

Phone:_____ **Email:**_____

Mailing Address: _____

APPLICATION BEING APPEALED

I/We _____ do hereby appeal the following decision/order:

- ☐ **Development Application No. _____**
- ☐ **Subdivision Application No. _____**
- ☐ **Stop Order No. _____**

The reasons for the appeal are as follows (attach additional documentation if required): _____

_____

_____

_____

_____

_____

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Protection of Privacy Act (POPA).

Date: _____ **Appellant's Signature:**_____



APPENDIX B

FEES

DEVELOPMENT FEES -TOWN OF FORT MACLEOD

Effective August 24, 2015 (Updated April 2016)

Fees are NON-REFUNDABLE (except where noted) once an application has been processed.

STARTING ANY DEVELOPMENT BEFORE A PERMIT BEING ISSUED WILL RESULT IN DOUBLE THE FEES

RESIDENTIAL

	Permitted Use Fees	Discretionary Use A Fees	Discretionary Use B Fees
New Builds:			
Primary Residence (Including Mobile and Manufactured)	$100.00	$150.00	$200.00
Secondary Suites			$300.00
Duplex, Tri Plex, Four Plex	$100.00/unit	$150.00/Unit	add $200.00
Multi-Family Dwelling including Institutional Housing			
5 - 20 units	$400.00		add $200.00
21 - 50 units	$500.00		add $200.00
Moved in Buildings:			
Residences		$150.00	
Garages		$150.00	
Storage Shops /warehouses		$150.00	
Office structures (Small Scale)		$150.00	
Office (Atco style Trailer)		$150.00	$250.00
Sea Cans/ Containers/ Compartment Structures		$150.00	$250.00
Additions and Accessory Buildings:			
Covered or uncovered decks/Attached decks and carports/porch/breezeways, pools Etc.	$75.00		$125.00
Garages/sheds/workshops/warehouses and additions:			
less than 200 Sq.ft.	$75.00		$125.00
200-600 Sq.ft.	$100.00		$150.00
greater than 600 Sq. ft.	$150.00		$300.00
Renovations:			
Minor structural changes (Includes All Zones except Historic Area) not increasing square footage including solar panels	$75.00		
Major Structural Changes (Includes All Zones except Historic Area) Not increasing square footage		$150.00	
Home Occupations *:			
Impact Factor 1	Not required		
Impact Factor 2	$75.00	$150.00	
Impact Factor 3		$200.00	$250.00

*Business License Fees are in addition to these fees (See Business Licence Bylaw for Fees)

COMMERCIAL/INDUSTRIAL/PUBLIC			
Listed uses within the bylaw (other than list below)	$75.00	$150.00	$250.00
Minor Change of Use or Occupancy	$75.00	$100.00	$200.00
Major Change of Use or increase in intensity		$150.00	$300.00
Parking lots	$200.00	$250.00	$300.00
Dealerships/Car sales /trailer Sales/ Automotive repair Truck/car wash Etc.	$200.00	$250.00	$300.00
Public Service Buildings (churches, schools, auditoriums, community halls, fire halls, police stations)	$300.00	$350.00	$550.00
Garages (Built or moved in)	$100.00	$150.00	$250.00
Shops /Warehouses :			
0 - 5000 ft^2	$200.00	$250.00	$450.00
5001 - 20 000 ft^2	$300.00	$350.00	$550.00
20 001 - 50 000 ft^2	$400.00	$450.00	$650.00
Greater than 50 000ft^2	$500.00	$550.00	$750.00
Office (Atco style Trailer)	$75.00	$150.00	$300.00
Sea Cans/ Containers/ Compartment Structures for storage	$100.00	$200.00	$350.00
Office structures	$100.00	$150.00	$200.00
Gravel Extraction		$150.00	300.00
Kennels:			
Minor		$150.00	$300.00
Major		$250.00	$400.00
Historic Area:			
Renovations/maintenance and/ or Minor Structural Changes		$100.00	
Renovations/maintenance and/ or Major Structural Changes			$250.00
Paint refresh on a previously approved color	$25.00		
Moved in Buildings:			
Storage Shops /warehouses	$100.00	$175.00	$250.00
Office structures (Small Scale)	$100.00	$175.00	$250.00
Office (Atco style Trailer)	$100.00	$175.00	$250.00
Sea Cans/ Containers/ Compartment Structures for offices	$150.00	$200.00	$250.00
Campgrounds/Major Recreation		$150.00	$300.00
SIGNS			
Listed signage types within the Bylaw (other than listed below)	$75.00	$125.00	$250.00
Portable and temporary	$25.00		
Community / Special Events	At the discretion of the Development Authority		
LAND USE BYLAW AMENDMENT			
Amendment Fee	$500.00		

MISCELLANEOUS	
Compliance Certificates (10 working days)	$75.00
Rush Compliance Certificates (3 working days)	$150.00
File and information search above basic zoning request	$25.00/Hour (25$ minimum Charge)
Basic Zoning Confirmation Letter	$20.00
Variances to the Bylaw not specifically listed	Add $200.00 to the regular permit fee
Variance Waivers after Development (For compliance only)	$150.00
Request for Service Installation Application (Admin Fee)	$25.00
Road Closure Application	$250.00
Demolition Permit (Trailer/ Mobile Home Removal)	$75.00
Demolition Permit	$100.00
Request to call a Special Meeting (In addition to application fee)	$500.00
Subdivision & Development Appeal Board (SDAB) Hearing Fee	$500.00
Document Registration (Land Transfer / Caveat Etc.) Each	$125.00
Land Use Bylaw/ MDP or any Hard Copy of major document	cost +15%
Land Use Bylaw Maps :	
Cost $18.40…..Large	cost +15%
Cost $14.95 ……..Small	cost +15%

REFUNDABLE DEPOSITS	
Refundable Landscaping Deposit	$1000.00 or where otherwise stated in a written agreement or by discretion of the Development Authority
Refundable Sidewalk Security Deposit	$500.00 or where otherwise stated in a written agreement or by discretion of the Development Authority

*** Please Note***In any case where a required fee is not listed in the Fee Schedule, such fee shall be determined by the Development Officer or the Municipal Planning Commission and, that when in the opinion of the Development Officer or the Municipal Planning Commission an application is substantially revised, the applicant may be required to pay 50% of the original permit fee prior to consideration of the revised permit.

The Municipality reserves the right to implement charges required to cover the costs of services or materials supplied that are not specifically noted herein.

***** Building, Gas, Plumbing, Electrical and Sewer Permits fees are in addition to all fees listed above*****



APPENDIX C

BYLAWS

BYLAW NO. 1783

SUBDIVISION AND DEVELOPMENT AUTHORITY

OF THE

TOWN OF FORT MACLEOD
IN THE PROVINCE OF ALBERTA

BEING a bylaw of the Town of Fort Macleod in the Province of Alberta, to establish a Subdivision and Development Authority & Municipal Planning Commission;

AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority and a municipal Development Authority;

AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended permits the municipality to establish a Municipal Planning Commission to act as the municipal Subdivision and Development Authority;

AND WHEREAS, the Municipal Planning Commission is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

AND WHEREAS, the Municipal Planning Commission is authorized to make decisions on applications for subdivision approval in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

AND WHEREAS, this bylaw may be cited as the Town of Fort Macleod Subdivision and Development Authority Bylaw;

NOW THEREFORE, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled, enacts as follows:

1. DEFINITIONS:
   (a) **Authorized persons** means a person or organization authorized by the council to which the municipality may delegate any of its Municipal Planning Commission powers, duties or functions.
   (b) **Council** means the Municipal Council of the Town of Fort Macleod.
   (c) **Designated officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw.
   (d) **Members** means the members of the Municipal Planning Commission.
   (e) **Municipal Government Act** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.
   (f) **Municipal Planning Commission** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
      (i) in the Act; or
      (ii) in the Town of Fort Macleod Land Use Bylaw; or
      (iii) in this bylaw; or
      (iv) by resolution of council.
   (g) **Municipality** means the Town of Fort Macleod in the Province of Alberta.
   (h) **Secretary** means the person or persons appointed by council to act as secretary of the Municipal Planning Commission.
   (i) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

2. For the purpose of this bylaw, the Municipal Planning Commission for the municipality shall be the Subdivision and Development Authority, except in such instances whereby the designated officer may be the Development Authority in accordance with the land use bylaw or in such instances that Council is the Development Authority and has not specifically delegated such authority to the Municipal Planning Commission or the designated officer.

3. The Municipal Planning Commission shall be comprised of not more than seven (7) persons, three (3) of whom shall be elected members of Council, with two (2) of the three (3) elected officials being regular members of the Municipal Planning Commission and one (1) being an alternate, and four (4) of whom shall be appointed by Council from the citizens of the Town at large, with three (3) of the citizens of the Town at large being regular members of the Municipal Planning Commission and one (1) being an alternate.

4. The distinction of regular member and alternate member shall be at the discretion of Council and shall be recorded during the time of the appointment of each member.

5. When all five (5) regular members of the Municipal Planning Commission are in attendance at a meeting of the Municipal Planning Commission, the two (2) alternate members shall not deliberate nor vote on matters before the Municipal Planning Commission.

6. When required, one or both of the alternate members of the Municipal Planning Commission shall be called upon to sit in place of a regular member of the Municipal Planning Commission should a regular member or members not be able to attend for any reason.

7. Appointments to the Municipal Planning Commission shall be made by resolution of Council.

8. Members of the Municipal Planning Commission shall be appointed for a term of one (1) year.

9. Council may remove, and/or reappoint a member of the Municipal Planning Commission at their sole discretion.

10. When a person ceases to be a member of the Municipal Planning Commission before the expiration of his/her term, Council may, by resolution, appoint another person for the unexpired portion of that term.

11. Should an elected official not remain as a member of Council then he/she ceases to be a member of the Municipal Planning Commission.

12. At the first meeting of the Municipal Planning Commission following the appointment of members each year, the members of the Municipal Planning Commission shall elect one of themselves as chairman, and one of themselves as vice-chairman to hold office for a term of one year.

13. Each member of the Municipal Planning Commission shall be entitled to such remuneration as may be fixed from time to time by Council; and the remuneration shall be paid by the Town of Fort Macleod.

14. Council may, by resolution, appoint a person(s) to fill the role of secretary. The secretary shall be an employee of the municipality and shall attend all meetings of the Municipal Planning Commission, but shall not vote on any matter before the Municipal Planning Commission.
15. The Municipal Planning Commission shall hold regular meetings at least 12 times per year on a date to be determined by the Municipal Planning Commission unless there are no agenda items, and it may also hold a special meeting at any time at the call of the chairman or vice-chairman.

17. Quorum shall consist of three (3) members of the Municipal Planning Commission.

18. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Municipal Planning Commission.

19. The Municipal Planning Commission may make orders, decisions, development permits, and approvals, and may issue notices with or without conditions.

20. The Municipal Planning Commission may make rules to govern its hearings.

21. Members of the Municipal Planning Commission shall not be members of the Subdivision and Development Appeal Board.

22. The secretary of the Municipal Planning Commission shall attend all meetings of the Municipal Planning Commission and shall keep the following records with respect thereto:
    (a) the minutes of all meetings;
    (b) all applications;
    (c) records of all notices of meetings and or persons to whom they were sent;
    (d) copies of all written representations to the Municipal Planning Commission;
    (e) notes as to each representation;
    (f) the names and addresses of those making representations at the meeting;
    (g) the decision of the Municipal Planning Commission;
    (h) the reasons for the decision of the Municipal Planning Commission, if an application is refused;
    (i) the vote of the members of the Municipal Planning Commission on the decision;
    (j) records of all notices of decision and of persons to whom they were sent;
    (k) all notices, decisions and orders made on appeal from the decision of the Municipal Planning Commission;
    (l) such other matters as the Municipal Planning Commission may direct.

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

24. Bylaw 1349 and amendments thereto is hereby rescinded.

25. Bylaw 1556 and amendments thereto is hereby rescinded.

Read a first time this 25 day of November, 2013.

Read a second time this 25 day of November, 2013.

Read a third time and finally passed this 25 day of November, 2013.

Mayor

Chief Administrative Officer

THE TOWN OF FORT MACLEOD
IN THE PROVINCE OF ALBERTA

CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 1892

A BYLAW OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD;

AND WHEREAS the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or an Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Council of the Town of Fort Macleod wishes to join other area municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Chinook Intermunicipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the South Saskatchewan Regional Plan (SSRP), the *Municipal Government Act (MGA)*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

NOW THEREFORE, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw.

2. AUTHORIZATION

Pursuant to section 627(1)(b) of the *MGA*, this bylaw hereby authorizes the municipality to enter an agreement with the other participating municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

3. DEFINITIONS

Appellant means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

Board means the Chinook Intermunicipal Subdivision and Development Appeal Board established pursuant to this bylaw.

Board Member means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

Board Panel means the group of appointed Board Members actively sitting to hear and decide on an appeal at an appeal hearing.

Chair means the person elected from the Board panel members sitting to hear an appeal to act as the person who presides over the hearing and the procedures.

Chief Administrative Officer (CAO) means the individual appointed to the position for the municipality in accordance with the *MGA*.

Clerk means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

Conflict of Interest means both Common Law Bias and Pecuniary Interest.

Council means the Council of the (Municipality).

Development Authority has the same meaning as in the *MGA*.

Hearing means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

Municipality means the municipal corporation of the Town of Fort Macloed together with its jurisdictional boundaries, as the context requires.

Panel Member means an individual Board member participating in the group panel to hear an appeal.

Participating municipality means a municipality in the Province of Alberta who has entered into an agreement with other municipalities, as referred to in Section 2 of this bylaw, to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

Procedural guidelines means the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board members and Clerks.

Subdivision Authority has the same meaning as in the *MGA*.

Subdivision and Development Appeal Board has the same meaning as in the *MGA*.

Quorum means the minimum number of Board panel members required to hear an appeal.

Municipal Government Act (MGA) means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended from time to time.

Chinook Intermunicipal Subdivision and Development Appeal Board means the Board established by agreement to act as the Subdivision and Development Appeal Board.

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

4. APPOINTMENT OF THE BOARD

(1) The Board is comprised of the member representative(s) as appointed by the participating municipalities.

(2) A municipality may participate in the Chinook Intermunicipal Subdivision and Development Appeal Board without appointing individual representative(s) by utilizing the appointed Board Members of the other participating member municipalities to act on the municipality's behalf as its appeal body.

(3) For each member municipality appointing individual Board Member representative(s) to the Chinook Intermunicipal Subdivision and Development Appeal Board, the appointment shall be made by resolution of Council. Appointed Board Members from a municipality shall consist of no more than three (3) members, with no more than one (1) being an elected official and the other two (2) being non-elected officials who are persons at large. If two (2) or less persons are appointed as members, they must be non-elected persons at large.

(4) For those member municipalities appointing individual representative(s) to the Board, the remaining composition of the Board Panel Members shall be the appointed members from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board.

(5) Appointments to the Chinook Intermunicipal Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.

(6) Board Members may be appointed for a two (2) or three (3) year term, at the discretion of the municipality, for the purpose of establishing a staggered expiration of terms amongst the Board Members.

(7) A Board Member may resign from the Chinook Intermunicipal Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.

(8) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if:

a) in the opinion of Council, a Board Member is not performing his/her dutiesin accordance with the MGA, this Bylaw or the rules of natural justice,

b) a Board Member is absent for more than three (3) consecutive hearings to which he/she has been assigned to sit on the Board Panel without reasonable cause, or

c) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

5. COMPOSITION

(1) The Board Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall meet in Panels, and two (2) or more Panels may meet simultaneously. The Panels have all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.

(2) For the purpose of this Bylaw, the Board Panel formed from the appointed members of the Chinook Intermunicipal Subdivision and Development Appeal Board to hear an appeal, shall normally be composed of not less than three (3) persons, with no more than one (1) being an elected official.

(3) Two (2) Board Members constitute a quorum of the Board Panel.

(4) If a vacancy of an appointed Board member representative from a municipality shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.

(5) In the absence of the municipal appointed member representative(s) of the municipality in which the appeal originates being available to sit on a Panel, then the appointed Panel Member representative(s) from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board shall form the composition of the Board Panel to hear and decide on a matter of appeal on behalf of the municipality.

(6) Board Panel Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall not be members of a Municipal Subdivision Authority or Development Authority or municipal employees of the municipality in which the appeal is located.

(7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting on a Panel to hear an appeal.

6. COSTS AND REMUNERATION

(1) Board Members may be entitled to reasonable remuneration for time and expenses relating to participating on a Board Panel.

(2) Costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Chinook Intermunicipal Subdivision and Development Appeal Board.

7. DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

(1) The Chinook Intermunicipal Subdivision and Development Appeal Board shall hold hearings as required pursuant to the *Municipal Government Act* on a date to be determined by the Board.

(2) The Board, and those Members who sit as a Board Panel hearing an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined in the Procedural Guidelines.

(3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.

(4) The Board Panel may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.

(5) A Board Panel hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.

(6) An order, decision or approval made, given or issued by the Board Panel and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.

(7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.

(8) The Board Members shall consider and act in respect of the Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines.

(9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

8. APPEAL FILING

(1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.

(2) If there is a question about the validity of an appeal being filed, the Board Panel must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board Panel to make the determination of whether the appeal is valid.

(3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board Panel shall not be obliged to hold the appeal hearing referred to in the *MGA* unless another notice of appeal has been served upon the Board in accordance with the *MGA*.

9. CLERK RESPONSIBILITIES AND DUTIES

(1) Council shall by resolution appoint a Clerk as a designated officer, or sub-delegate to its CAO the authority to appoint a Clerk or Clerks, for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.

(2) The appointed Clerk shall attend all meetings and hearings of the Chinook Intermunicipal Subdivision and Development Appeal Board held in that member municipality, but shall not vote on any matter before the Board.

(3) A person appointed as a Clerk to assist the Chinook Intermunicipal Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.

(4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.

(5) The Clerk of the Board shall keep records of appeals and proceedings for the municipality in which the appeal has been filed, as outlined in the Procedural Guidelines.

10. ADMINISTRATIVE

(1) **Singular and Masculine** – Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

(2) **Severability** – Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

11. ENACTMENT

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

(2) This Bylaw rescinds Bylaw No. (1557 and 1832), being the former municipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

READ a **first** time this 11 day of March, 2019.

Mayor/Reeve –

Chief Administrative Officer –

READ a **second** time this 11 day of March, 2019.

Mayor/Reeve –

Chief Administrative Officer –

READ a **third** time and finally PASSED this 11 day of March, 2019.

Mayor/Reeve –

Chief Administrative Officer –