TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1294

BEING a bylaw of the Town of Magrath in the Province of Alberta, to amend Bylaw No. 1284, being the municipal Land Use Bylaw.

WHEREAS the municipal council wishes to redesignate lands within the municipality.

AND WHEREAS THE PURPOSE of proposed Bylaw No. 1294 is to redesignate lands legally described as:

Plan 3985J
The south 220 feet of the westerly 313.5 feet of Block 29
Excepting thereout: the east 35 feet of the westerly 313.5 feet of the southerly 150 feet of the said Block 29

From "Residential – R1" to "Large Lot Residential – R3" in order to provide for the opportunity for the lands to be subdivided and developed in accordance with the provisions of the R3 Land Use District.

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto.

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

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

1. Lands legally described and illustrated on the map in Schedule "A" attached hereto shall be redesignated from "Residential – R1" to "Large Lot Residential – R3".

2. Bylaw No. 1284, being the municipal Land Use Bylaw, is hereby amended.

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

READ a **first** time this 8 day of November, 2022.

Mayor – *Byrne Cook* ***Chief Administrative Officer*** – *James Suffredine*

READ a **second** time this 13 day of December, 2022.

Mayor – *Byrne Cook* ***Chief Administrative Officer*** – *James Suffredine*

READ a **third** time and finally PASSED this 13 day of December, 2022.

Mayor – *Byrne Cook* ***Chief Administrative Officer*** – *James Suffredine*

TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1298

BEING a bylaw of the Town of Magrath in the Province of Alberta, to amend Bylaw No. 1284, being the municipal Land Use Bylaw.

WHEREAS the municipal council wishes to redesignate lands within the municipality.

AND WHEREAS THE PURPOSE of proposed Bylaw No. 1298 is to redesignate lands legally described as:

Lot 9, Block 31, Plan 161 2934

from "Residential – R1" to "Medium Density Residential – R4" in order to provide for the opportunity to use and development of the lands in accordance with the provisions of the R4 Land Use District.

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto.

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

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

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

2. Bylaw No. 1284, being the municipal Land Use Bylaw, is hereby amended.

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

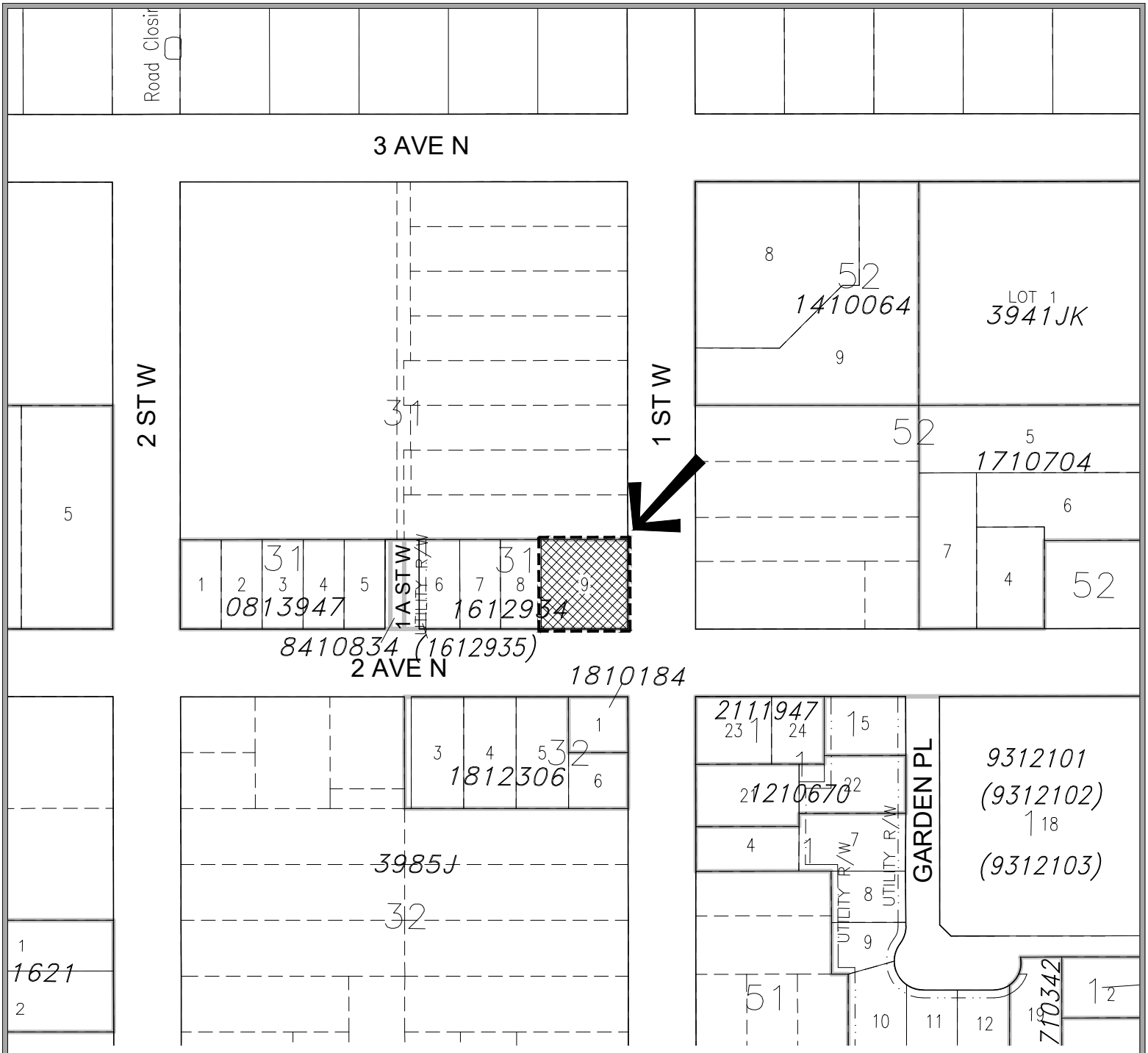
READ a **first** time this 11th day of April, 2023.

READ a **second** time this 9th day of May, 2023.

READ a **third** time and finally PASSED this 9th day of May, 2023.

Mayor – *Byrne Cook*

Chief Administrative Officer – *James Suffredine*



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: RESIDENTIAL – R1
TO: MEDIUM DENSITY RESIDENTIAL – R4

LOT 9, BLOCK 31, PLAN 1612934
WITHIN SW 1/4 SEC 35, TWP 5, RGE 22, W 4 M
MUNICIPALITY: TOWN OF MAGRATH
DATE: MARCH 28, 2023

Bylaw #: _____
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

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

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

March 28, 2023 N:\Cardston-County\Magrath\Magrath LUD & Land Use Redesignations\LUDRedesignations\Town of Magrath – Lot 9, Block 31, Plan 1612934.dwg

TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1300
(Rezoning – Holland to R3)

BEING a bylaw of the Town of Magrath in the Province of Alberta, to amend Bylaw No. 1284, being the municipal Land Use Bylaw.

WHEREAS the municipal council wishes to redesignate lands within the municipality.

AND WHEREAS THE PURPOSE of proposed Bylaw No. 1300 is to redesignate lands legally described as:

FIRST
ALL THAT PART OF
PLAN 3046H
ROAD
THAT LIES NORTH OF BLOCK Y, PLAN 6318EK
AND SOUTH OF 4 AVENUE SOUTH
CONTAINING 0.168 HECTARES (0.42 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

SECOND
ALL THAT PART OF
PLAN 3985J
LANE
THAT LIES ADJACENT TO THE SOUTH BOUNDARY OF BLOCK 65 AND BLOCK 80
CONTAINING 0.396 HECTARES (0.98 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS

from no zoning (closed road) to "Large Lot Residential – R3" in order to provide for the opportunity to use and development of the lands in accordance with the provisions of the R3 Land Use District.

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto.

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

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

1. Lands legally described and illustrated on the map in Schedule "A" attached hereto shall be redesignated from no zoning (closed road) to "Large Lot Residential – R3".

2. Bylaw No. 1284, being the municipal Land Use Bylaw, is hereby amended.

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

READ a **first** time this 12th day of September 2023.

Mayor – Byrne Cook

Chief Administrative Officer – James Suffredine

READ a **second** time this 11th day of June, 2023.

Mayor – Byrne Cook

Chief Administrative Officer – James Suffredine

READ a **third** time and finally PASSED this 11th day of June, 2023.

Mayor – Byrne Cook

Chief Administrative Officer – James Suffredine



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

FROM: NO ZONING
TO: Large Lot Residential - R3

Bylaw #: _____
Date: _____

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

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

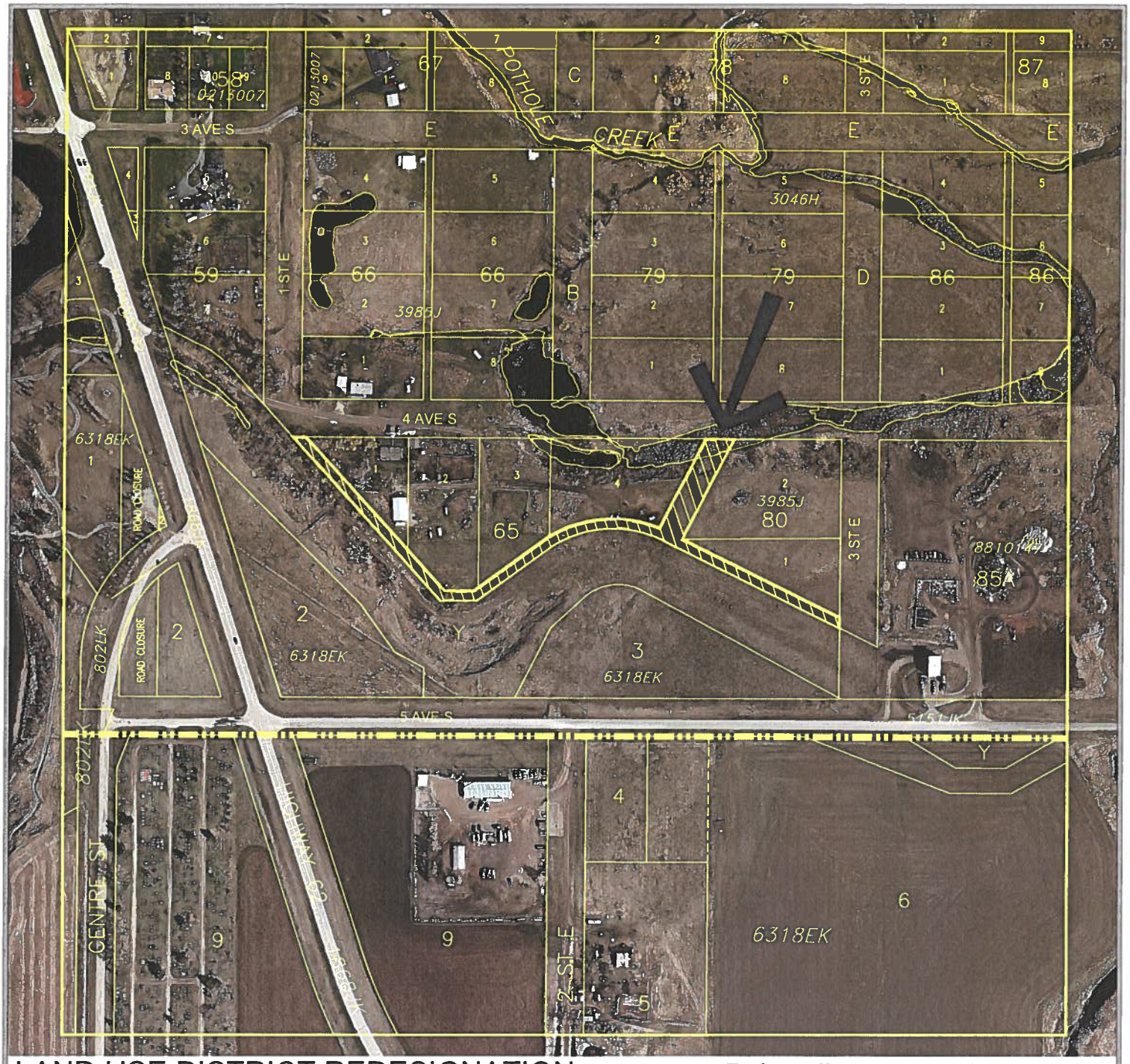
FIRST ALL THAT PART OF PLAN 3046H ROAD THAT LIES NORTH OF BLOCK Y, PLAN 6318EK AND SOUTH OF 4 AVENUE SOUTH CONTAINING 0.168ha(0.42±ac)
SECOND ALL THAT PART OF PLAN 3985J LANE THAT LIES ADJACENT TO THE SOUTH BOUNDARY OF BLOCK 65 & BLOCK 80 CONTAINING 0.396±ha(0.98±ac)
EXCEPTING THEREOUT ALL MINES AND MINERALS
WITHIN SE 1/4 SEC 26, TWP 5, RGE 22, W 4 M
MUNICIPALITY: TOWN OF MAGRATH
DATE: JULY 10, 2023

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

N

July 10, 2023
N:\Cardston-County\Magrath\Magrath LUD & Land Use Redesignations\LUDRedesignations\
Town of Magrath Road Closure – Adjacent to Block Y, Plan 6318EK & Blocks 65&80, Plan 3985J.dwg



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

Bylaw #: _____

Date: _____

FROM: NO ZONING

TO: Large Lot Residential - R3

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

FIRST ALL THAT PART OF PLAN 3046H ROAD THAT LIES NORTH OF BLOCK Y, PLAN 6318EK AND SOUTH OF 4 AVENUE SOUTH CONTAINING 0.168ha(0.42±ac)
SECOND ALL THAT PART OF PLAN 3985J LANE THAT LIES ADJACENT TO THE SOUTH BOUNDARY OF BLOCK 65 & BLOCK 80 CONTAINING 0.396±ha(0.98±ac)
EXCEPTING THEREOUT ALL MINES AND MINERALS
WITHIN SE 1/4 SEC 26, TWP 5, RGE 22, W 4 M
MUNICIPALITY: TOWN OF MAGRATH
DATE: JULY 10, 2023
Aerial Photo Date: April 22, 2017

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 100 200 300 400

N

July 10, 2023
N:\Cardston-County\Magrath\Magrath LUD & Land Use Redesignations\LUDRedesignations\
Town of Magrath Road Closure - Adjacent to Block Y, Plan 6318EK & Blocks 65&80, Plan 3985J.dwg

TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1321

BEING a bylaw of the Town of Magrath in the Province of Alberta, to amend Bylaw No. 1284, being the municipal Land Use Bylaw.

WHEREAS the municipal council wishes to make an amendment to the Land Use Bylaw for the purpose of updating and clarifying the document with various textual changes.

AND WHEREAS these matters include the extent of notification for development permits; penalty fees for developments commenced without a development permit; subdivision evaluation criteria; the addition of and edits to administrative and use definitions; changes to development criteria for detached backyard suites; changes to the permitted projections into setbacks; changes to and clarifications for shipping container allowances; addition of "Home Occupation, Class 3" as a discretionary use in R1 and R3; addition of "Health Services, Medical Clinic" as a permitted use in C1 and C2; changes to use allocation in C2; addition of "Moved-In Dwelling (2-unit) as a discretionary use in R4; change to parcel size requirements for townhouse in R4; removal of separation distance requirement between accessory buildings and principal buildings in residential districts; addition of separation distance requirements for manufactured dwellings in non-subdivided neighbourhoods; addition of drainage plan requirement for all residential developments; addition of dimensional requirements for prefabricated buildings in certain districts; addition of development criteria for solar collectors; clarification of landscaping requirements for residential developments; and change to stacking space requirements for drive-thru uses.

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

1. The textual additions and deletions as illustrated in Schedule 'A', along with any necessary final formatting and non-material grammatical edits, are hereby adopted.

2. Bylaw No. 1284, being the municipal Land Use Bylaw, is hereby amended.

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

READ a **first** time this 12th day of August, 2025.

Mayor – *Byme Cook* **Chief Administrative Officer** – *James Suffredine*

READ a **second** time this 9th day of September, 2025.

Mayor – *Byme Cook* **Chief Administrative Officer** – *James Suffredine*

READ a **third** time and finally PASSED this 9th day of September, 2025.

Mayor – *Byme Cook* **Chief Administrative Officer** – *James Suffredine*

SCHEDULE 'A'
Bylaw No. 1321

Magrath

The Garden City



LAND USE BYLAW NO. 1284

SEPTEMBER 2021
(Consolidated to Bylaw No. 1300, January 2025)

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ADMINISTRATIVE PROVISIONS

A PURPOSE AND APPLICATION

1. TITLE

Land Use Bylaw No. 1284 is the municipal land use bylaw for the Town of Magrath. It may be cited as the "Town of Magrath Land Use Bylaw" and is referred to herein as "this Bylaw."

2. PURPOSE

This Bylaw is a regulatory instrument governing the use and development of land, buildings and structures within the Town of Magrath. It endeavors to provide a flexible and democratic mechanism to permit new development in a manner that reasonably reflects the Town's long-term goals as articulated in the Town of Magrath Municipal Development Plan.

3. COMING INTO FORCE

This Bylaw is adopted in accordance with the power delegated to Council under s. 640 of the *Municipal Government Act* (MGA), the provincial statute that empowers local governments to shape their communities. It comes into force upon third and final reading thereof.

4. REPEAL OF FORMER LAND USE BYLAW

Land Use Bylaw No. 1092, as amended, being the Town's prior land use bylaw, is repealed upon the coming into force of this Bylaw.

INTERPRETATION

5. LANGUAGE

(1) The *Interpretation Act*, Chapter I-8, RSA 2000 as amended, shall apply in respect of interpreting the language contained within this Bylaw.

(2) "Town" implies the Town of Magrath and "Council" indicates the Council for the Town of Magrath.

(3) "Section" shall be construed as a reference to a section of this Bylaw and a reference to a section of the MGA shall be abbreviated as "s."

(4) "Shall" indicates a mandatory action and "should" implies a recommended action.

(5) "Person" includes a body corporate as defined by the provincial statutes.

(6) Unless otherwise implied by context, words used in the present tense include the future tense, and words used in the singular include the plural.

(7) Words in this Bylaw have the same meaning whether or not they are capitalized.

6. PARAMOUNTCY OF WRITTEN CONTENT AND MAPS

(1) In the event of a perceived inconsistency between textual and graphics elements within this Bylaw, the textual element shall prevail.

(2) In the event of a perceived inconsistency between the land use district map included in Schedule 4 and another graphic element, the land use district map shall prevail.

7. METRIC SYSTEM PREVAILS

The metric measurements in this Bylaw apply. Imperial measurements are included for convenience.

8. APPENDICES

The attached appendices are provided for informational purposes and do not form part of this Bylaw. A change to an appendix does not require an amendment to this Bylaw.

9. SEVERABILITY

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

10. AMENDMENT OF THIS BYLAW

(1) Council may amend this Bylaw at any time in accordance with the procedures detailed in s. 692 of the MGA.

(2) A notation of all amending bylaws shall be provided at the front of this Bylaw.

11. FORMS, NOTICES AND FEES

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

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

(3) Development fees and related fees are listed in Appendix C.

COMPLIANCE

12. COMPLIANCE WITH THIS BYLAW

All development undertaken within the Town, including development that is not required to obtain a development permit pursuant to Schedule 3, shall comply with all applicable development standards, procedures, and other regulations prescribed in this Bylaw.

13. COMPLIANCE WITH ENACTMENTS AND MUNICIPAL REQUIREMENTS

(1) References in this Bylaw to enactments should be interpreted as references to those versions currently in force, including any amendments that have occurred since the adoption of this Bylaw.

(2) Subdivision and development applications may be subject to conditions to ensure compliance with enactments, including but not limited to the MGA and the ~~*Subdivision and Development Regulation*~~*Matters Related to Subdivision and Development Regulation*.

(3) Compliance with provincial and federal enactments may be further achieved by subjecting applications to conditions that integrate recommendations provided by government ministries responsible for administering those enactments.

(4) A development permit exemption authorized under Schedule 3 does not negate the requirement for any licenses, permits, approvals or other authorizations that need to be obtained under a provincial or federal statute, including the provincial *Safety Codes Act*.

(5) Compliance with this Bylaw does not exempt any person undertaking development from complying with the Town of Magrath Municipal Development Plan, nor with any other statutory plan(s) adopted by the Town after the coming into force of this Bylaw.

(6) A development permit exemption authorized under Schedule 3 does not negate the need to obtain a business license from the Town for a use involving commercial activity.

PLANNING AUTHORITIES

14. TERMINOLOGY

(1) Pursuant to Part 17, Division 3 the MGA, the Planning Authorities for the Town are the Subdivision Authority, the Development Authority, and the Subdivision and Development Appeal Board.

(2) A reference to "Planning Authority" in this Bylaw indicates that the underlying provision applies to both the Subdivision Authority as well as the Development Authority.

15. SUBDIVISION AUTHORITY

The Municipal Planning Commission (MPC) is established by separate bylaw as the Subdivision Authority for the Town of Magrath. See Sections 55-61 for its powers and duties.

16. DEVELOPMENT AUTHORITY

(1) The Development Officer and the Municipal Planning Commission have, pursuant to a separate bylaw in accordance with the MGA, each been established as the Development Authority for the Town.

(2) Council shall act as the Development Authority within any Direct Control District, except where this authority is specifically delegated to another person pursuant to a bylaw of the Town.

(3) In the event the Development Officer is absent, the Municipal Planning Commission, Chief Administrative Officer, or any other designate in accordance with the MGA are authorized to act in the capacity of Development Officer.

(4) The Development Authority shall perform such powers and duties as are specified in this Bylaw, the Town's Subdivision and Development Authority Bylaw, the MGA and, where applicable, by resolution of Council.

17. DEVELOPMENT OFFICER – POWERS AND DUTIES

(1) The Development Officer shall:

(a) receive and refer any applications to amend this Bylaw to Council;

(b) receive and process all applications for development permits;

(c) consider and decide on development applications for:

(i) permitted uses requesting a minor variance of this Bylaw;

(ii) discretionary uses identified under "Discretionary Uses (Development Officer)" requesting a minor variance; and

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

(d) refer to the Municipal Planning Commission, along with an accompanying background report, all development applications for which decision-making authority has not been assigned to the Development Officer, excluding applications within a Direct Control district;

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

(f) notify adjacent landowners and other persons likely to be affected in accordance with Section 37;

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

(h) provide a regular report to the Municipal Planning Commission summarizing the development applications submitted and the decisions made on those applications, and any other information as the Municipal Planning Commission considers necessary;

(i) establish and maintain a register in which shall be recorded all development applications submitted and the decisions made on those applications, and contain any such other information as the Municipal Planning Commission considers necessary; and

(j) maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of the same are available for public purchase.

(2) The Development Officer may:

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

(b) receive, consider and decide on requests for time extensions for development permits which the Development Officer has approved, and shall refer to the Municipal Planning Commission those requests which the Municipal Planning Commission has approved; and

(c) perform any other powers and duties specified in this Bylaw, the Town's Subdivision and Development Authority Bylaw or by resolution of Council.

18. MUNICIPAL PLANNING COMMISSION – POWERS AND DUTIES

(1) The Municipal Planning Commission may exercise only such powers and duties as are specified in the MGA, the Town's Subdivision and Development Authority Bylaw, this Bylaw, or by resolution of Council.

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

(a) deciding upon development 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) deciding upon requests for time extensions on development applications referred to it by the Development Officer;

(d) deciding upon applications for subdivision approval; and

(e) any other powers and duties as are specified in this Bylaw, the Town's Subdivision and Development Authority Bylaw, the MGA or by resolution of Council.

19. COUNCIL – DIRECT CONTROL DISTRICTS

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

(2) Where Council chooses to redesignate a parcel to Direct Control, it shall establish, within the particular Direct Control bylaw, site-specific information including development standards and procedural direction.

20. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board is established by separate bylaw and may exercise such powers and duties as are specified in that bylaw or in the MGA. Where a provincial interest exists on land subject to a subdivision appeal or development appeal, the Land and Property Rights Tribunal shall act as the appeal body in lieu of the Subdivision and Development Appeal Board.

GENERAL PROVISIONS

21. DEVELOPMENT PERMIT REQUIRED

Except in relation to those uses specified in Schedule 3, no person shall undertake a development proposal unless a development permit has been issued in respect of that proposal.

22. DEVELOPMENT IN THE TOWN GENERALLY

(1) A person who develops land, buildings or structures within the corporate limits of the Town shall comply with the allowable uses and standards prescribed in this Bylaw, and any conditions attached to a development permit that has been issued in respect of that development.

(2) Excavation, lot grading, road construction and the installation of utilities shall be undertaken in compliance with minimum design standards acceptable to the Town.

23. NUMBER OF DWELLINGS PER PARCEL

No person shall construct, locate, nor cause to be constructed or located more than one dwelling on a parcel, except where the use is listed in the land use district and is authorized by the Development Authority through the issuance of a development permit.

24. SITE SUITABILITY

(1) Notwithstanding that a use of land may be permitted or discretionary or deemed to be similar in nature to a permitted or discretionary use in a district, the Planning Authority may refuse to approve a subdivision or issue a development permit if it is of the opinion that the proposed site:

(a) does not have safe legal and physical access to a maintained road in accordance with this Bylaw and other municipal standards, as well as the requirements of Alberta Transportation if located within 300 m (984 ft) of the boundary of a provincial highway or 800 m (2,625 ft) from the centre point of an intersection of a provincial highway and a public road;

(b) is poorly drained;

(c) is located within the Floodway;

(d) is located within the Flood Fringe and is not adequately flood-proofed;

(e) has a high water table or soil conditions which make the site unsuitable for a proper foundation;

(f) is situated on an unstable slope or consists of unconsolidated soils unsuitable for building;

(g) is situated on an active or abandoned coal mine or oil or gas well or pipeline, or is otherwise unsafe as a result of contamination from previous land uses;

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

(i) is within 300 m (984 ft) of the working area of an operating waste transfer station;

(j) is within 300 m (984 ft) of the working area of an operating wastewater treatment plant;

(k) does not have an adequate water supply or means of sewage disposal;

(l) otherwise does not comply with the requirements of this Bylaw, the Town of Magrath Municipal Development Plan, the South Saskatchewan Regional Plan or the ~~*Subdivision and Development Regulation*~~*Matters Related to Subdivision and Development Regulation*; or

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

(2) Nothing in this section shall preclude the Planning Authority from approving a subdivision or issuing a development permit if the Authority is satisfied that the risk to persons and property have been mitigated by appropriate engineering or other mitigating measures.

25. MAXIMUM LOT SIZES

The maximum lot sizes prescribed for residential land use districts may be varied by the Planning Authority, subject to Section 34(2) of this Bylaw in respect of development, and s. 654(2) of the MGA in respect of subdivision, in the following instances:

(1) where the area of the lot that is suitable for development is less than the maximum lot size established for the district;

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

(3) where resubdivision would not be feasible.

26. DEVELOPMENT ON NON-CONFORMING LOTS

Development on an existing registered non-conforming lot that does not meet the minimum requirements for lot length, width or area specified in the applicable land use district in Schedule 4 may be permitted at the discretion of the Development Authority.

27. NON-CONFORMING USES OF LAND, BUILDINGS AND STRUCTURES

(1) Non-conforming uses of land, buildings and structures may only be continued in accordance with s. 643 of the MGA.

(2) If a non-conforming use of land, a building or a structure is discontinued for a period of 6 consecutive months or more, the use may not be recommenced until a new application has been made and a new development permit has been issued under the authority of this Bylaw.

28. MINOR VARIANCE POWER FOR USES OF NON-CONFORMING BUILDINGS AND STRUCTURES

In accordance with s. 643(5)(c) of the MGA, this Bylaw empowers the Development Authority to exercise minor variance power respecting the enlargement, addition to, reconstruction, structural alteration and general rehabilitation of non-conforming buildings and structures.

29. APPLICATION FEES

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

(2) A request by an applicant for a refund or adjustment of prescribed fees requires the approval of Council, other than in circumstances where minor discretion is allowed to the Development Officer in accordance with Section 29(3) below.

(3) The Development Officer is empowered to exercise minor discretion in refunding or adjusting fees as it applies to the withdrawing of applications prior to processing or to the amending of applications, where various fees would normally apply or returning deposits taken as security. In the event that a dispute arises, or an applicant lodges a complaint over the amount of a refund or adjustment requested, the issue may be referred to Council.

(4) Whenever an application is received for a use or development for which an accompanying fee is not included in Appendix C, the amount of the fee shall be determined by the Development Officer and shall be reasonable in relation to those fees listed.

DEVELOPMENT APPLICATION REQUIREMENTS

30. GENERAL REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

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

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

(2) where the applicant is not the registered landowner, consent from the registered landowner;

(3) the fee prescribed in Appendix C;

(4) a site plan drawn to scale that indicates:

(a) the location of all existing and proposed buildings and structures including all cantilevers, decks and projections, registered easements or rights-of-way, and dimensions to property lines;

(b) existing and proposed parking and loading areas, driveways, abutting streets and lanes, surface drainage patterns and including any other features necessary to interpret or adjudicate the application; and

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

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

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

(b) a copy of architectural controls approval if applicable to a lot;

(c) a copy of lot grade elevations;

(d) details respecting the proposed method of servicing;

(e) an analysis of land use impacts including traffic generation, noise, glare and odours;

(f) an assessment of environmental conditions;

(g) a Real Property Report (RPR) or a sketch prepared by an Alberta Land Surveyor as verification of the location of development on the subject lot; and

(h) any additional documents as ~~per~~ required pursuant to Section 31 or another section of this Bylaw.

31. ADDITIONAL DOCUMENTATION IN SUPPORT OF DEVELOPMENT APPLICATIONS

The Development Authority may request technical documents to be provided in support of a development application, including but not limited to: professionally prepared landscaping plans, engineering studies, geotechnical reports, drainage plans, soils analyses, grading or lot elevation plans, parking overlays, building plans, technical reports, population and demographic projections, traffic impact analysis, conceptual schemes, and sun/shadow studies.

EVALUATING DEVELOPMENT APPLICATIONS

32. DETERMINING COMPLETENESS OF DEVELOPMENT APPLICATIONS

(1) Within 20 days after receiving an application for a development permit, the Development Officer shall determine whether the application is complete. An application is complete if, in the opinion of the Development Officer, it includes all information needed to conduct an adequate review.

(2) Where the Development Officer does not determine completeness within 20 days, and the applicant does not agree in writing to a time extension, the application is deemed complete.

(3) If the Development Officer determines that the application is complete, the Development Officer shall deliver by postal mail or by email, a written notice of completeness to the applicant acknowledging such. The notice of completeness may be contained within notice of the decision under Section 38.

(4) If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating such and specifying the outstanding information to be provided. A submittal deadline for the outstanding information shall be set out in the notice unless a later date is agreed to between the applicant and the Development Officer.

(5) Where an applicant submits the information required under Section 32(4) within the extended time frame and the Development Officer determines the information is sufficient to deem the application complete, the Development Officer shall issue, by postal mail or by email, a written notice of completeness to the applicant acknowledging such. If the necessary information is not submitted prior to the deadline, the Development Officer shall issue a notice of refusal to the applicant stating that the application has been refused, along with the reasons.

(6) A determination of completeness in no way precludes the Development Officer from requesting the applicant to submit relevant supplementary information during the application review process.

33. EVALUATING APPLICATIONS REQUESTING NO VARIANCES OR A MINOR VARIANCE

As per the definitions for “variance, major” and “variance, minor” provided in Schedule 1, a request for more than one minor variance is deemed to be a request for a major variance.

(1) Upon receipt of a complete development application for a permitted use requesting no variances, the Development Officer shall, if the application otherwise complies with this Bylaw, issue a development permit with or without conditions.

(2) Upon receipt of a complete development application for a permitted use requesting a minor variance, the Development Officer shall evaluate the application and either:

(a) grant the minor variance and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood nor materially affect the use, enjoyment or value of neighbouring parcels; or

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

(3) Upon receipt of a complete development application for a use falling under "Discretionary Uses (Development Officer)" requesting no variances or a minor variance, the Development Officer shall evaluate the application, and either:

(a) grant the minor variance, if any, and issue the development permit with or without conditions if, in the opinion of the Development Officer, the variance would not unduly interfere with the amenities of the neighbourhood nor materially affect the use, enjoyment or value of neighbouring parcels; or

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

(4) Upon receipt of a complete development application for a use falling under "Discretionary Uses (Municipal Planning Commission)" requesting no variances or a minor variance, the Development Officer shall refer the application to the Municipal Planning Commission for a decision.

34. EVALUATING APPLICATIONS REQUESTING A MAJOR VARIANCE

(1) Upon receipt of any complete development application requesting a major variance, the Development Officer shall refer the application to the Municipal Planning Commission for a decision regardless of whether the application is for a permitted or discretionary use.

(2) A major variance includes:
(a) more than one measurable standard by any amount;
(b) a single measurable standard by more than 10%;
(c) a maximum site coverage ratio specified in Schedule 4 by any amount; or
(d) a maximum fence height specified in Schedule 5: Section 16 by any amount.

(3) ~~(2)~~ The Municipal Planning Commission is authorized to decide upon a development application notwithstanding that the underlying development proposal does not comply with this Bylaw if, in the opinion of the Municipal Planning Commission, the proposal:

(a) conforms with the use prescribed in the applicable district in Schedule 4;

(b) would not unduly interfere with the amenities of the neighbourhood; and

(c) would not materially affect the use, enjoyment or value of neighbouring properties.

35. EVALUATING APPLICATIONS FOR USES NOT APPEARING IN THIS BYLAW

(1) Where a use is applied for which is not specifically considered in any land use district or defined elsewhere in the Bylaw, but is deemed by the Development Officer to be potentially similar in character and purpose to another use that is permitted or discretionary in the district in which the use has been proposed, the Development Officer shall refer the application to the Municipal Planning Commission to make a determination respecting the similarity of the proposed use.

(2) The Municipal Planning Commission shall make a determination respecting the similarity of the proposed use in character and purpose to a permitted or discretionary use listed in the applicable district.

(3) If the Municipal Planning Commission deems the proposed use to be similar in character and purpose to a permitted or discretionary use listed in the applicable district, it shall evaluate the proposed use as a discretionary use and make a decision in respect of the application.

(4) Where a use is not listed as discretionary nor as permitted in a land use district and is not deemed similar in nature in accordance with Section 35(3), then that use is prohibited in the district.

NOTIFICATION AND NOTICE OF DECISION

36. SITUATIONS WHERE NOTIFICATION IS REQUIRED

The Development Officer shall notify adjacent landowners and other persons likely to be affected by a development application upon receipt of an application for any of the following:

(1) a permitted use requesting a major variance;

(2) any discretionary use;

(3) a use which is not defined elsewhere in the Bylaw, but that is deemed to be similar in character and purpose to another use that is listed as permitted or discretionary in the applicable district.

37. FORM, ~~AND~~ MANNER, EXTENT AND CONSIDERATION OF NOTIFICATION

(1) Notification of adjacent landowners and other persons likely to be affected by a development application shall be provided via one or more of the following methods:

(a) placing a notice in a local publication at least 10 days prior to the date of consideration;

(b) sending a notice by postal mail or by email at least 10 days prior to the date of consideration;

(c) posting a notice on the official municipal website or social media account at least 10 days prior to the date of consideration;

(d) posting a notice in a conspicuous place on the subject property at least 5 days prior to the date of consideration; or

(e) hand delivering a notice at least 5 days prior to the date of consideration.

(2) In all cases, notification shall:

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

(b) state, if applicable, the time and place where the Municipal Planning Commission will meet to consider the application, and indicate how and when the written or oral submissions respecting the application will be received at that time; and

(c) specify the location at which the application can be inspected.

(3) The Development Officer shall notify Cardston County and consider its comments prior to deciding on an application for a discretionary use if the proposed location is:

(a) on a parcel adjacent to the intermunicipal boundary; or

(b) within the boundary area of land subject to an intermunicipal development plan adopted by the Town and Cardston County, in which case, the relevant policies respecting referral and comments stipulated in that plan must be followed.

(4) Where notification is required pursuant to Section 36, the Development Officer shall use their discretion in determining the necessary extent of notification for the purposes of notifying adjacent landowners and other persons likely to be affected, but in all cases shall notify landowners of immediately adjacent parcels of land.

(5) After considering any responses to the notification of adjacent landowners and other persons likely to be affected, the Development Officer shall either:

(a) approve the development application with or without conditions;

(b) refuse the development application, stating the reasons for refusal; or

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

38. NOTICE OF DECISION

(1) Upon the issuance of a development permit for a permitted use requesting no variances or a minor variance, the Development Officer:

(a) shall send notice of the decision along with a copy of the development permit to the applicant via postal mail or by email; and

(b) may publish notice of the decision within a local publication.

(2) When a decision has been rendered in respect of a development application for a permitted use requesting a major variance, the Development Officer shall:

(a) send notice of the decision to the applicant via postal mail or by email;

(b) publish the notice in a local publication or use any other method listed in Section 37(1) to provide notice of the decision to all persons who received notification of the application; and

(c) in the case of an approval, send a copy of the development permit to the applicant via postal mail or by email.

(3) When a decision has been rendered in respect of a development application for any discretionary use, the Development Officer shall:

(a) send notice of the decision to the applicant via postal mail or by email;

(b) publish the notice in a local publication or use any other method listed in Section 37(1) to provide notice of the decision to all persons who received notification of the application; and

(c) in the case of an approval, send a copy of the development permit to the applicant via postal mail or by email.

39. DATE ON WHICH A DECISION IS GIVEN

For the purposes of ascertaining the appeal period, the date on which a decision is given shall be understood to mean the date on which notice of the decision is posted in a local publication. Where notice of the decision is not posted in a local publication, the date on which the decision is given shall be the date on which the Development Officer signs the development permit.

40. DEEMED REFUSALS

In accordance with s. 684 of the MGA, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the Development Authority does not make a decision within 40 days of receiving the complete application unless the applicant has entered into an agreement with the Development Authority to extend the 40-day decision period.

DEVELOPMENT PERMIT CONDITIONS

41. CONDITIONS FOR PERMITTED USES

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

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

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

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

(a) in the implementation of a planning or planning related objective; or

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

(4) where an increased setback is required under Section 41(3)(b) in order to facilitate resubdivision, the applicant may be required to submit a conceptual scheme indicating, at a basic level, how resubdivision will be accessed and serviced;

(5) easements and/or encroachment agreements;

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

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

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

(9) time periods stipulating completion of development;

(10) provision of a development agreement pursuant to Section 43;

(11) provision of security pursuant to Section 44 to ensure the terms of the approval under this section are carried out;

(12) payment of a development fee or off-site levy pursuant to Section 45;

(13) any measures to ensure compliance with this Bylaw, including conditions pursuant to any provision listed in a schedule, or any statutory plan adopted by the Town; and

(14) any measures to ensure compliance with applicable federal or provincial approvals.

42. CONDITIONS FOR DISCRETIONARY USES

The Development Authority may place any of the conditions on a development permit for a discretionary use that it would place on a permit for a permitted use, as well as any other necessary conditions to ensure suitability, uphold quality, and achieve compatibility with surrounding uses.

43. CONDITION TO ENTER INTO A DEVELOPMENT AGREEMENT

(1) The Development Authority may require, as a condition of development approval, that the applicant enter into an agreement with the Town, pursuant to s. 650(1) of the MGA, to do any or all of the following:

(a) construct or pay for the construction of a road required to give access to the development;

(b) construct or pay for the construction of a pedestrian walkway system to serve the development and/or connect with existing or proposed pedestrian walkway systems that serve an adjacent development;

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

(d) construct or pay for the construction of off-street, or other parking facilities and/or loading and unloading facilities;

(e) pay a development fee or off-site levy; and

(f) give security to ensure that the terms of the agreement are carried out.

(2) An agreement referred to in this section may require the applicant to oversize improvements in accordance with s. 651 of the MGA.

(3) The Town may register a caveat under the *Land Titles Act* against the certificate of title to a parcel that is subject to an agreement under this section. If the Town registers a caveat, it must discharge the caveat once the developer has carried out the terms prescribed in the agreement.

44. CONDITION TO PROVIDE SECURITY

(1) As a condition of development approval, the Development Authority is empowered to require the provision of security by the developer to safeguard against the risk of the developer failing to fulfil the obligations established as conditions of a development permit or in a development agreement. This security is typically provided as an irrevocable line of credit or other form satisfactory to the Town.

(2) Where security has been taken, the funds shall be released only when it has been suitably demonstrated that the conditions have been satisfied. Sole discretion to make this determination is vested in the Development Authority.

(3) Specific requirements for the security shall be contingent on the type as well as the scale of a development application, where the security is proportional to the estimated total costs. The security shall be calculated based on the developer's estimate, unless the Development Authority determines that the developer's estimate is inadequate, in which case the Development Authority shall determine the amount of security independently.

(4) The security shall be held by the Town, in trust and without interest payable, until such time that the Development Authority has authorized the release of the funds, at which point it shall be released within 30 days.

(5) In the event the conditions of the underlying approval are not adhered to, the Town may withdraw funds from the security to undertake activities to complete the outstanding items. Within 60 days from the date of completion, the Town shall provide accounting to the developer indicating how the proceeds of the security were applied.

(6) An additional security in the amount of $500 may be required for sidewalks and any other municipal infrastructure to ensure that already constructed sidewalks or other municipal infrastructure are not destroyed when construction or demolition occurs on a lot. If damage does occur, the Town will use the security fee for the repair costs and the developer will be responsible for any additional costs to repair the sidewalk to its previous condition. If security has not been taken by the Town and damage has occurred to municipal infrastructure, the Town may invoice the developer for any and all damages incurred.

45. CONDITION TO PAY A DEVELOPMENT FEE OR OFF-SITE LEVY

(1) A development application may be subject to a development fee at the time of approval as a mechanism for the Town to recover costs associated with constructing the municipal infrastructure required to access or service the subject land, including improvements to offset localized impacts in the vicinity.

(2) For the purpose of generating revenues to recover costs for municipal infrastructure and facilities benefitting a broader area in the Town, an off-site levy may be imposed on a development application at the time of approval in accordance with an off-site levy bylaw adopted by the Town.

(3) The fees and levies referred to in Section 45(1) and Section 45(2), respectively, may require the applicant to oversize improvements in accordance with s. 651 of the MGA.

DEVELOPMENT PERMIT VALIDITY

46. DEVELOPMENT 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 within 21 days after the date on which the decision is given, in accordance with s. 685 and s. 686 of the MGA. Where a provincial interest exists on the subject land, the Land and Property Rights Tribunal shall act as the appeal body in lieu of the Subdivision and Development Appeal Board.

(2) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving written notice of the appeal to the Subdivision and Development Appeal Board, along with the applicable fee, within 21 days after the date:

(a) on which the written decision was given pursuant to Section 38;

(b) marking the expiration of the 40-day period or the extension period granted under Section 40, where no decision was made on the application; or

(c) on which a stop order was issued under s. 645 of the MGA.

47. REAPPLICATION AND MINOR CHANGES TO AN APPROVED DEVELOPMENT PERMIT

(1) If a development application is refused by the Development Authority, another application for the same use on the same lot may not be made for at least 6 months after the date of refusal.

(2) If an application was refused solely because it did not comply with the standards of this Bylaw, the Development Officer may accept another application for the same use on the same lot before the time period referred to in Section 47(1) has lapsed, provided that the application has been modified to comply with this Bylaw.

(3) Where an applicant proposes minor, non-material modifications to an approved development application, the Development Officer may accept the minor changes without requiring the applicant to submit a new application. Where the Development Officer has accepted minor changes, the applicant shall submit revised drawings indicating these changes.

(4) Where an applicant proposes more substantial modifications to an approved development application that are deemed by the Development Officer to fall outside the scope of Section 47(3), those major changes shall not be allowed until such time that a new development application has been submitted by the applicant and approved by the Development Authority.

48. COMMENCEMENT OF DEVELOPMENT

(1) Despite the issuance of a development permit, no development is authorized to commence within 21 days of the date on which the decision was given.

(2) Notwithstanding Section 48(1), development may commence within 21 days of the date on which the decision was given if the applicant has submitted a signed voluntary waiver of claims form.

49. COMPLETION OF DEVELOPMENT

(1) A development permit becomes invalid if the development is not carried out in compliance with this Bylaw and the conditions attached to the approval.

(2) A development permit becomes invalid if the development is not carried out to completion within 18 months from the date the development permit was issued.

(3) The development timeline referred to in Section 49(2) may be extended for a period of up to 1 year at the discretion of:

(a) the Development Officer, if the Development Officer issued the permit; or

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

50. LONGEVITY OF DEVELOPMENT PERMIT

(1) The Development Authority may issue a temporary development permit for a period generally not exceeding ~~of up to~~ 12 months for a use listed as discretionary in the applicable land use district. The provision of security may be required as a condition of development approval to ensure the use is ceased and any associated improvements are removed in a timely fashion upon expiration of the temporary development permit.

(2) A development permit that is not specified by the Development Authority as a temporary development permit at the time it is issued remains in effect in perpetuity upon completion of the development in accordance with Section 49, provided that nothing is done to the development once completed to render it non-compliant.

51. TRANSFER OF DEVELOPMENT PERMIT

A development permit does not become invalidated by virtue of a change in ownership of the permit resulting from a transfer or real property interests.

ENFORCEMENT

52. NOTICE OF VIOLATION

Where the Development Authority finds that a use or development of land, buildings or structures contravenes this Bylaw, or the conditions of a development permit or subdivision approval, or the MGA, or the ~~*Subdivision and Development Regulation*~~*Matters Related to Subdivision and Development Regulation*, the Development Authority may issue a notice of violation to the person responsible for the contravention. Such notice shall state the following:

(1) the nature of the violation;

(2) corrective measures required to bring the permit or approval into compliance; and

(3) the time period within which such corrective measures must be performed.

53. REVOCATION OF A DEVELOPMENT PERMIT

(1) The Development Authority may issue a stop order to revoke a development permit by providing notice in writing to the holder of the permit if, after the permit has been issued, the Development Authority becomes aware that:

(a) the applicant or landowner's development has deviated from what was approved;

(b) the application for the permit contained a misrepresentation, or the applicant withheld information that should have been disclosed and has subsequently become known; or

(c) the permit was issued in error.

(2) A person who receives a stop order may, by written notice within 21 days of being notified of the order, appeal to the Subdivision and Development Appeal Board pursuant to s. 685 of the MGA.

(3) The Town may register a caveat under the *Land Titles Act* in respect of a stop order referred to in Section 53(1) against the certificate of title to the subject parcel. A registered caveat must be discharged when the stop order has been complied with.

(4) Pursuant to s. 646 of the MGA, if a person fails or refuses to comply with a stop order directed to the person under s. 645 or an order of the Subdivision and Development Appeal Board under s. 687, the Development Authority may, under the authority of s. 542, enter on the land or in the building and take any action necessary to carry out the order.

(5) If compliance with a stop order is not voluntarily ~~effected~~affected, the Town may undertake legal action, including but not limited to seeking injunctive relief from the Alberta Court of Queen's Bench pursuant to s. 554 of the MGA. In accordance with s. 553, the expenses and costs of carrying out an order under s. 646 may be added to the tax roll of the subject parcel.

54. PENALTIES AND RIGHT OF ENTRY

(1) Any person who contravenes a provision of this Bylaw is guilty of an offence pursuant to Part 13, Division 5, Offences and Penalties of the MGA and is liable to a fine of not more than $10,000 or to imprisonment for not more than 1 year or to both fine and imprisonment.

(2) A penalty of $500 or 3x the development permit application fee (whichever is lesser) may be charged to a person who has commenced a development before such time that a development permit has been issued in respect of that development and shall be collected at the time of development permit application.

(3) In accordance with s. 542 of the MGA, the Development Authority may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this Bylaw or the MGA authorizes anything to be inspected, remedied or enforced or done by the Town:

(a) enter on that land at a reasonable time and carry out inspection, enforcement, or action authorized or required by the enactment or bylaw;

(b) request anything to be produced to aid the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

(4) The Town may obtain a court order if a person refuses to grant consent or produce what is necessary to facilitate the inspection, remedy, enforcement or action referred to in s. 542.

SUBDIVISION

55. SUBDIVISION AUTHORITY – POWERS AND DUTIES

(1) The Subdivision Authority may perform only such powers and duties as specified in:

(a) this Bylaw;

(b) the Town's Subdivision and Development Authority Bylaw;

(c) the MGA;

(d) the ~~Subdivision and Development Regulation~~Matters Related to Subdivision and Development Regulation; or

(e) a resolution of Council.

(2) The Subdivision Authority may choose a Town employee, a regional services commission or any other person to act as its designate and perform its subdivision processing functions and duties.

56. SUBDIVISION APPLICATIONS

An applicant applying for subdivision shall provide the required fees and supporting information as requested by the Subdivision Authority. A complete application shall consist of:

(1) an application, in the manner and form prescribed, clearly and legibly completed with all the required information, signatures and the application fee;

(2) an up-to-date copy of the certificate of title to the subject land;

(3) a surveyor's sketch or professionally prepared plan of subdivision, or an accurate and legible sketch drawn to scale that shows the location, dimensions and boundaries of the proposed subdivision and all other requirements prescribed in the subdivision application package;

(4) a sketch prepared by a professional surveyor or an up-to-date Real Property Report for a subdivision application where any buildings or structures are present on the subject land; and

(5) 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 this Bylaw and any other municipal bylaws and plans, the MGA, the ~~*Subdivision and Development Regulation*~~*Matters Related to Subdivision and Development Regulation*, or other government regulations. This may include, but is not limited to, the provision of geotechnical information, soil analysis reports, water reports, slope stability analyses, drainage plans, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and the preparation of an area structure plan or conceptual scheme.

57. DETERMINATION OF COMPLETENESS FOR SUBDIVISION APPLICATIONS

(1) In accordance with the MGA, the Subdivision Authority shall provide notification to a subdivision applicant within the 20-day prescribed time period respecting the completeness of the submitted application, along with what information is required to be submitted within a specified time period if the application is deemed to be incomplete, by sending notification as follows:

(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 to the applicant by postal mail or by email; and

(c) in respect of Section 57(1)(b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the notice of incompleteness what the outstanding information and documents are that must be submitted by a date specified in the notice.

(2) Notwithstanding Section 57(1), the applicant and Subdivision Authority may agree and sign a time extension agreement in writing to extend the 20-day time period to determine whether the subdivision application and support information submitted is complete.

(3) If the applicant fails to submit all outstanding information and documents on or before the date specified in the notice referred to in Section 57(1)(c) (or a later date agreed on in writing between the applicant and the Subdivision Authority), the application is deemed to be refused. The Subdivision Authority will notify the applicant in writing that the application has been refused and state the reason for the refusal and include the required information on filing an appeal and to which appeal board the appeal lies, either the local appeal board or the Land and Property Rights Tribunal. The notification may be sent to the applicant by postal mail or by email.

(4) A determination of completeness made by the Subdivision Authority does not preclude the Subdivision Authority from requesting the submission of supplementary information or documentation during the application review period, prior to a decision being rendered, or as a condition of subdivision approval.

58. EVALUATING SUBDIVISION APPLICATIONS

(1) The Subdivision Authority shall, in its review of applications for subdivision, and in addition to the requirements and relevant considerations in the MGA and the *Matters Related to Subdivision and*

Development Regulation, make decisions with the aim of providing for logical, orderly development that is consistent with and facilitates the realization of the goals and policies in the Municipal Development Plan.

(2) The Subdivision Authority is not bound to approve an application despite compliance with the minimum and maximum (where applicable) lot sizes and dimensional standards in this Bylaw.

(3) The Subdivision Authority may impose a condition of approval, registered against the title pursuant to s. 651.1 of the MGA, requiring provision of a restrictive covenant to establish an overlay plan that preserves the ability for future resubdivision of a parcel by ensuring that future lot lines, roadways, and building position and orientation is planned for.

59 ~~58~~. DEVELOPMENT AGREEMENTS FOR SUBDIVISION

(1) As a condition of subdivision approval, the Subdivision Authority may require the applicant to enter into an agreement with the Town pursuant to s. 655(1)(b) of the MGA to do any or all of the items described in Section 43.

(2) An agreement referred to in this section may require the applicant for subdivision approval to oversize improvements in accordance with s. 651 of the MGA.

(3) The Town may register a caveat under the *Land Titles Act* against the certificate of title to a parcel that is subject to an agreement under this section. If the Town registers a caveat, it must discharge the caveat once the developer has carried out the terms prescribed in the agreement.

60 ~~59~~. CONDITION TO PROVIDE SECURITY

As a condition of subdivision approval, the Subdivision Authority is empowered to require the provision of security by the developer according to the procedure outlined in Section 44 to safeguard against the risk of the developer failing to fulfil the obligations established in the development agreement.

61 ~~60~~. DEVELOPMENT FEES AND OFF-SITE LEVIES FOR SUBDIVISION

(1) A subdivision application may be subject to a development fee at the time of approval as a mechanism for the Town to recover costs associated with constructing the municipal infrastructure required to access or service the subject land, including improvements to offset localized impacts in the vicinity.

(2) For the purpose of generating revenues to recover costs for municipal infrastructure and facilities benefitting a broader area in the Town, an off-site levy may be imposed on a subdivision application at the time of approval in accordance with an off-site levy bylaw adopted by the Town under s. 648 of the MGA.

(3) The fees and levies referred to in Section 60(1) and Section 60(2), respectively, may require the applicant to oversize improvements in accordance with s. 651 of the MGA.

62 ~~61~~. ARCHITECTURAL CONTROLS

(1) Some areas within the Town may have architectural control guidelines in place for the construction of new buildings and structures. Architectural control review of plans needs to be approved by the developer or a person designated by the developer prior to a development application being evaluated by the Town.

(2) The Municipal Planning Commission may, as part of subdivision approval:

(a) require architectural control guidelines to be submitted for review and approval prior to subsequently being registered on title; and

(b) stipulate specific land use, building restrictions or development standards to be included.

63 ~~62~~. SUBDIVISION APPEALS

Any subdivision applicant or other person eligible to appeal a subdivision decision pursuant to s. 678 of the MGA and the ~~*Subdivision and Development Regulation*~~*Matters Related to Subdivision and Development Regulation* may appeal to the Subdivision and Development Appeal Board. Where a provincial interest exists on the subject land, the Land and Property Rights Tribunal shall act as the appeal body ~~in lieu of the Subdivision and Development Appeal Board~~.

LAND USE DISTRICTS

64 ~~63~~. LAND USE DISTRICTS

(1) The Town is divided into those districts specified in Schedule 4 and shown on the accompanying land use district map in that Schedule.

(2) Schedule 4 describes:

(a) uses that are permitted in each district, with or without conditions; and

(b) uses that are discretionary in each district, with or without conditions.

AMENDING THIS BYLAW

65 ~~64~~. LAND USE BYLAW AMENDMENT PROCEDURE

(1) Any person may initiate amendments to this Bylaw by making an application to the Development Officer using the appropriate form in Appendix B and paying the required fee as per Appendix C.

(2) The Development Officer may, in addition to the information provided on the application form, request any other information it deems necessary to properly evaluate the application and make a recommendation to Council.

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

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

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

(6) Council shall follow the procedures in the MGA, including the processes related to notice of public hearings and the conduct of meetings.

(7) Where an application for an amendment to this Bylaw has been refused by Council, an identical or similar application in respect of the subject parcel may be refused until at least 6 months from the date of refusal.

66 ~~65~~. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

A request to redesignate lands from one district to another may require an area structure plan or conceptual scheme to be prepared, and shall be supported by the following:

(1) a completed application form from Appendix B and the applicable fee as per Appendix C;

(2) a copy of the certificate of title for the lands, dated not more than 60 days prior to the date on which the application was received;

(3) a narrative describing the:

(a) proposed designation and future uses;

(b) consistency of the proposed designation and uses with the applicable statutory plans;

(c) compatibility of the proposed designation and uses with surrounding uses;

(d) suitability of the parcel for development, including identification of any constraints or hazard areas (i.e. easements, soil conditions, topography, drainage, floodplain, steep slopes);

(e) 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

(f) any other information deemed necessary by the Development Officer or Council to properly evaluate the proposed redesignation;

(4) a conceptual subdivision design, if applicable;

(5) an evaluation of surface drainage which may encompass adjacent properties;

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

(i) slope stability;

(ii) depths to bedrock and water table;

(iii) groundwater quality; and

(iv) soil suitability for private sewage disposal; and

(7) any other information necessary to properly evaluate the application

SCHEDULE 1

GENERAL DEFINITIONS

The terms defined in this Schedule encompass planning and development, as well as their associated processes. Except where the specific context implies otherwise, these definitions govern the use and development of all lands, buildings and structures in the Town. The terms listed herein are to include successor terms where the names of agencies or documents change over time.

ADDITION means construction that increases the footprint of an existing building without structurally altering the existing roof or exterior walls except to provide an opening for access from, and integration of, the existing building to the portion added thereto. There shall be a common structural connection between the existing building and the addition that includes a roof and a foundation.

ADJACENT means a parcel that is contiguous, or would be contiguous if not for a street, lane, walkway, utility right-of-way, water body, or similar feature.

ALTERATION means:

(a) any structural change to a building or structure that results in an increase or decrease in the area or the volume of the building or structure;

(b) any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements; or

(c) any discontinuation or change of the principal use of the building or structure.

APPEAL means to challenge the decision, or one or more conditions of a decision made by a governing authority regarding development and subdivisions applications.

APPLICANT means, in the context of an application for subdivision or development, the registered owner of the subject parcel or the person authorized to act on behalf of the registered owner.

AREA STRUCTURE PLAN means a statutory plan prepared in support of an application for redesignation, subdivision or development pursuant to the MGA and the Town of Magrath Municipal Development Plan that provides a framework for subsequent subdivision and development of a specified area in the Town.

AREA, DEVELOPABLE means the portion of a parcel that is suitable for the development of buildings or structures once those areas dedicated for the construction of roads and utilities have been subtracted, as well as those areas that contain or are within the prescribed setbacks of steep slopes, contamination, hazards, drainage courses, or protected historical or environmental areas.

AREA, GROSS FLOOR means the total floor area of all floors of a building located completely above grade as well as those not more than 1.5 m (5 ft) below grade, measured from the outside surface of the exterior walls or to the centreline of a shared firewall. Attached garages, decks, patios, porches, verandas and balconies are excluded from the calculation of gross floor area.

AREA, LANDSCAPED 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.

AREA, NET FLOOR means the gross floor area of a building minus the horizontal floor area on each floor used for corridors, elevators, stairways, mechanical rooms, workrooms, washrooms, lobbies, and other non-rentable areas.

AWNING means lightweight metal or cloth shelter projecting from and supported entirely by the exterior wall of a building.

BALCONY means a horizontal platform located above the first storey of a building that projects from the building face and may only be accessed from within the building.

BASEMENT means the portion of a building having a floor below grade by a distance greater than half the distance from floor to ceiling.

BAY WINDOW means a window projecting from the exterior wall of a building that is not intended to provide physical access to the building.

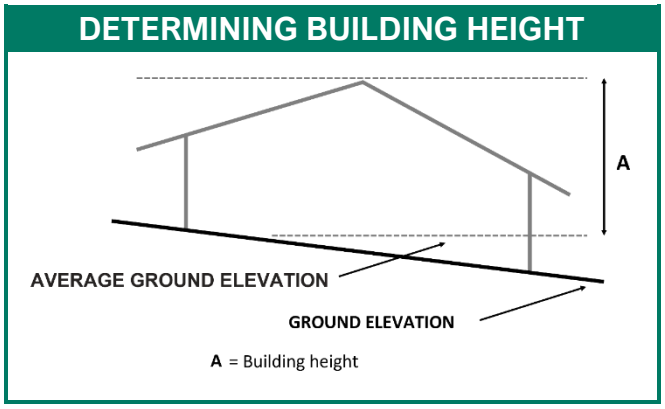
BERM means an embankment, mound, or structure of earthen material constructed to confine or control the flow of water and to prevent flooding of adjacent upland areas.

BUFFER means an area of natural vegetation maintained around a feature to mitigate the effects of any activity applied to the area beyond the buffer.

BUILDING means anything (excluding highways, roads, and associated bridges) that is constructed or placed on, in, over or under land, and that is used (or intended) to provide shelter or support to persons, animals or property.

BUILDING FOOTPRINT means the 2-dimensional area of a building as measured from a point at grade directly below the outside surface of the exterior walls.

BUILDING HEIGHT means the vertical distance measured from the average grade along the length of the building and the highest point of the building excluding a roof stairway entrance, elevator housing, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.



BUILDING INSPECTOR means the person(s) designated by the Town to be a building inspector.

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

BUILDING, NON-CONFORMING means a building:

(a) that is lawfully constructed or lawfully under construction at the date this Bylaw or amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Bylaw.

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

CANTILEVER means a structural portion of a building floor that extends beyond the foundation wall and is not structurally supported from below.

CERTIFICATE OF COMPLIANCE means a document signed by the Development Authority and represented on a Real Property Report certifying that a building complies with the measurable standards prescribed in this Bylaw.

CLEAR VISION TRIANGLE means a triangular 3-dimensional area formed on a corner lot by the two street property lines and a straight line, which intersects them 7.6 m (25 ft) from the corner where the property lines meet.

COMPATIBILITY means harmony between elements such as scale, height, massing, materials, population density and the flow of traffic.

COMPLIANCE means adherence to a regulation, process or practice.

CONCEPTUAL SCHEME means a concept plan prepared in support of an application for redesignation, subdivision or development that functions as an informal decision support tool for the Planning Authority but is not adopted by municipal bylaw. A conceptual scheme consists of a site layout sketch conveying the spatial organization and interrelationships of proposed uses and physical improvements. Accompanying the site layout sketch is a narrative describing the means of physical access to the site, the servicing strategy and proposed sequence of development, as well as the nature of the uses and their associated densities in the context of parcel suitability and neighbourhood compatibility. Qualitative elements such as landscaping, lighting and architectural guidelines may also be provided for in a conceptual scheme.

COUNCIL means the Council of the Town of Magrath.

CSA A277 means the most current edition of the *Procedure for Certification of Prefabricated Buildings, Modules, and Panels*, which is used by accredited certification agencies to indicate that prefabricated buildings, modules and panels have been designed and constructed in compliance with the National Building Code – Alberta Edition.

DATE ON WHICH THE DECISION WAS GIVEN means, in respect of a development application, the date on which notice of the decision was posted in a local publication or, if the decision was not posted in a local publication, the date the development permit was signed.

DEMOLITION means the tearing down or removal of a building or structure from a lot.

DETACHED means not sharing a roof, floor or foundation with another building.

DEVELOPER means an individual, partnership or body corporate that locates and secures control of a parcel, conceives a development proposal that is suitable for the parcel and compatible with existing uses in the vicinity, obtains the necessary regulatory approval for that proposal, and undertakes the proposal in accordance with this Bylaw, the conditions attached to the approval, and any applicable federal and provincial regulations.

DEVELOPMENT means:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or structure or an addition to, replacement or repair of a building or structure, and the construction or placing of a building or structure on, in, over or under land;

(c) a change of use of land, a building or a structure, or an act done in relation to land, a building or a structure that results in or is likely to result in a change of use of the land, building or structure; or

(d) a change in the intensity of use of land, a building or a structure, or an act done in relation to land, a building or a structure that results in or is likely to result in a change in the intensity of use of the land, building or structure.

DEVELOPMENT AGREEMENT means a contractual agreement between the Town and a developer, which specifies the public roadways, utilities and other services to be provided by the developer as a condition of approval for subdivision or development.

DEVELOPMENT APPLICATION means an application for a development permit.

DEVELOPMENT APPROVAL means the issuance of a development permit in accordance with this Bylaw.

DEVELOPMENT AUTHORITY means the person or body established by bylaw to act as the Town's Development Authority.

DEVELOPMENT FEE means a charge imposed on a subdivision application or development application at the time of approval. Development fees are a cost recovery tool wherein funds are allocated toward constructing the municipal infrastructure required to service or access the subject land, including off-site localized impacts in the vicinity.

DEVELOPMENT OFFICER means a person authorized by Council to act as the Development Authority pursuant to s. 623(b) of the MGA and in accordance with the Town's Subdivision and Development Authority Bylaw.

DEVELOPMENT PERMIT means a document issued pursuant to this Bylaw authorizing development that has been approved by the Development Officer, the Municipal Planning Commission, Council in the case of Direct Control districting, or the Subdivision and Development Appeal Board in the case of an appeal.

DISASTER RECOVERY PROGRAM means a natural disaster financial relief framework administered by the Government of Alberta that provides qualifying applicants with assistance on a cost-sharing basis to help restore uninsurable property losses and damages. Funding under the Disaster Recovery Program is reserved for extraordinary natural events for which insurance is not reasonably or readily available, and that result in widespread property damage. In the context of flooding caused by a watercourse, only applicants impacted by a flood exceeding the 1:100 flood who do not have access to overland flood insurance are eligible for financial assistance under the Disaster Recovery Program. A property that receives Disaster Recovery Program funding in 2021 or a subsequent year becomes ineligible to apply for relief in the event of a future disaster.

DISTRICT means a land use district established in Schedule 4 of this Bylaw.

EAVE LINE means the line formed by the intersection of the wall and roof of a building.

ENACTMENT means a provincial or federal statute, or a regulation brought into force under a statute.

ENCLOSED means a space surrounded by two or more walls, plus a roof or beam or other enclosing device above 1.2 m (4 ft) in height as measured from the floor.

ENCROACH means to extend beyond one's property line.

EXCAVATION means the space created by the removal of soil, rock or fill.

EXISTING means in place as of the date this Bylaw was adopted.

FEES & RATES BYLAW means the Town of Magrath Fees & Rates Bylaw, which establishes fees for licenses, permits and approvals for development and other activities.

FENCE means a fence, wall, hedge or other enclosure.

FLOOD FRINGE means the portion of the Flood Hazard Area outside of the Floodway. Water in the Flood Fringe is generally shallower and flows more slowly than in the Floodway.

FLOOD HAZARD AREA means the at-risk area in the Town depicted in the flood inundation map for the 1:100 flood. Parcels located in the Flood Hazard Area have a 1% chance of being reached by flood waters in any given year.

FLOOD INUNDATION MAP means a map showing the area at risk for a flood of a particular size. The at-risk area on the flood inundation map corresponding to the 1:100 flood denotes the Flood Hazard Area, which forms the basis for land use and development regulations prescribed in this Bylaw. Flood inundation maps for other-sized floods, including those floods caused by the failure of dams, are used to inform infrastructure design and local emergency response planning.

FLOODWAY means the portion of the Flood Hazard Area where flows are deepest, fastest and most destructive.

FLOOD-PROOFING means structural modifications to physical improvements that substantially reduce the risk of flood damage to real property or infrastructure.

FLOOD, 1:100 means a flood that has a 1% chance of occurring in any given year.

FOUNDATION means the supporting base of a building or structure through which the loads from the building or structure are transferred to supporting soil.

FOUNDATION, PERMANENT means a foundation that complies with the requirements of the National Building Code – Alberta Edition applicable to the particular development type in this Bylaw.

FRONTAGE means the linear distance of a parcel boundary shared with a street.

GEOTECHNICAL REPORT means a report submitted by a qualified professional accredited by the Association of Professional Engineers and Geoscientists of Alberta (APEGA) summarizing the findings of a subsurface investigation undertaken by that individual to assess the impacts of underground conditions on the suitability of a parcel for a proposed use. A geotechnical report includes a statement respecting the impacts of subsurface conditions on suitability, as well as recommendations to guide the design and construction of proposed physical improvements.

GRADE means the average elevation of the finished ground surface excluding artificial embankments.

GRADE, BUILDING means, as applied to the determination of building height, the average ground elevation as measured by averaging the ground elevations immediately adjacent to at least four corner points of a building, except that localized depressions need not be considered in determining these ground elevations.

GRADE, LANDSCAPED means, as applied to the determination of height of balconies, decks, patios and other landscape structures, the average elevation of finished landscaped ground under the four principal corners of the balcony, deck, patio or landscape structure.

IMPROVEMENTS means buildings, structures and/or utilities on a parcel.

INFILL DEVELOPMENT means the development or redevelopment of a vacant or partially developed parcel within a built-up neighbourhood or in close proximity to areas that have been fully or substantially developed for a significant period of time.

LAND AND PROPERTY RIGHTS TRIBUNAL means an amalgamation of provincial quasi-judicial boards whose duties include acting as the appeal body for subdivision and development decisions where a provincial interest exists on the land subject to the appeal.

LAND TITLES ACT means the provincial statute that sets forth the legal mechanism respecting the registration of plans of survey and real property interests.

LANDING means the platform or floor at the top of a flight of stairs or between flights of stairs.

LANDSCAPING means the modification, beautification and enhancement of a site with native vegetation and other natural features as well as with hardscaping consisting of non-vegetative materials such as brick, rock, stone, decorative concrete, tile and wood, excluding monolithic concrete and asphalt. Areas utilized for driveways and parking do not fall within the definition of landscaped areas for the purposes of this Bylaw.

LANE means a public roadway providing a secondary means of access to one or more lots.

LETTER OF CREDIT means a secure guarantee issued to the Town by a financial institution that will provide the Town with requisite funds to fulfil the terms of a development agreement should the developer default. In contrast with performance bonds, irrevocable letters of credit typically include an unconditional obligation, making them a more secure guarantee from the perspective of a municipality.

LOCAL PUBLICATION means a newsletter, newspaper or other local publication circulating in the Town.

LOT means:

(a) a quarter section;

(b) a river lot shown on an official plan, as defined in the *Surveys Act*, that is filed in a land titles office;

(c) 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

(d) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

LOT 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 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 surveyed boundary of a lot. “Property line” and “property boundary” have the corresponding meaning.

LOT WIDTH means the horizontal distance between the side lot lines measured at the front setback line.

LOT, CORNER means a lot located at the intersection of two or more streets.

LOT, INTERIOR means a lot situated between two lots or another lot and a lane and having access to not more than one street.

LOT, NON-CONFORMING means an existing registered lot in the Town that does not meet one or more of the minimum measurable standards prescribed in Schedule 4 for the pertinent land use district.

MASSING means the reductive 3-dimensional form of a building as determined by its volume, height and orientation.

MATERIALLY means substantially.

MEASURABLE STANDARD means a prescribed minimum or maximum dimensional requirement, including but not limited to parcel length and width, setbacks and site coverage.

MINIMUM HOUSING AND HEALTH STANDARDS are standards prescribed in the *Housing Regulation* under the *Public Health Act* to protect and promote the health and well-being of occupants of rental housing premises and of those residing in the immediate vicinity of such premises. The standards specify minimum conditions that are essential to good health and that make housing premises safe, sanitary and fit for human habitation. The Minimum Housing and Health Standards are enforced by the regional health authority.

MODULAR CONSTRUCTION means a method of construction whereby building modules are prefabricated in an off-site facility and transported to the development site where they are assembled and anchored to a permanent foundation.

MOVED-IN BUIILDING means a previously occupied, conventionally constructed building, which is physically removed from one site, transported and re-established on another site for an approved use.

MUNICIPAL DEVELOPMENT PLAN means the Town of Magrath Municipal Development Plan.

MUNICIPAL PLANNING COMMISSION means a committee of Council where Council has delegated some or all of its decision-making authority, as established by separate bylaw under s. 623 and s. 625 of the MGA, to make subdivision and development decisions on behalf of the Town.

MUNICIPAL RESERVE means the land specified to be municipal reserve by the Subdivision Authority pursuant to s. 666 of the MGA.

MUNICIPAL AND SCHOOL RESERVE means the land specified to be municipal and school reserve by the Subdivision Authority pursuant to s. 666 of the MGA.

NATIONAL BUILDING CODE – **ALBERTA EDITION** means the technical requirements governing the design and construction of new buildings, as well as the alteration, demolition or change of use of existing buildings. The National Building Code – Alberta Edition is brought into force as regulation under the *Safety Codes Act*.

NATIONAL FIRE CODE – **ALBERTA EDITION** means the technical requirements predominantly related to the ongoing operation and maintenance of fire safety and fire protection features of existing buildings. The National Fire Code – Alberta Edition is developed in coordination with the National Building Code – Alberta Edition and is likewise brought into force as regulation under the *Safety Codes Act*.

NUISANCE means anything that materially interferes with the use or enjoyment of property, or that endangers human health or safety.

OCCUPANCY means the use of a building or portion of a building for the shelter or support of persons, animals or property.

OFF-SITE LEVY means a levy imposed on a subdivision application or development application at the time of approval in accordance with an off-site levy bylaw adopted by the Town pursuant to s. 648 of the MGA. Off-site levies generate revenues to recover costs for municipal infrastructure and facilities that benefit a broad area in the Town.

ORIENTATION means the arranging or facing of a building or other structure with respect to the points of the compass.

PARCEL means the totality of the land described in a single certificate of title.

PERMITTED PROJECTION means an allowance to extend into the prescribed minimum setback area in accordance with the permitted projections specified in Schedule 5: Section 25.

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 a subdivision.

PLANNER means the person designated by the Town to provide advisory services related to land use, subdivision and development.

PLANNING AUTHORITIES means, in accordance with Part 17, Division 3 of the MGA, the Subdivision Authority, the Development Authority, and the Subdivision and Development Appeal Board.

PLOT means the area set aside for and used predominantly by one (1) manufactured dwelling and its associated parking and yard space area in a non-subdivided community.

POLICY means a written statement of a public body that forms the basis for enacting legislation and making decisions.

PORCH means a transitional space that facilitates passage into the entryway of a dwelling. A porch is covered and may be unenclosed or enclosed with glass, screens or panels to serve as a buffer zone between the home''s entrance and the exterior elements. Unlike decks and patios, which are landscaping features, a porch is integrated into the architectural design of the dwelling through the inclusion of decorative stairs, skirting, columns and other elements which match the exterior. Similarly, the roof of a porch will typically have a height corresponding to that of the first storey of the dwelling.

PREFABRICATED means any building, module or panel constructed in a factory or other off-site facility, but for the purposes of this Bylaw excludes buildings that are equipped with an integrated frame, hitch, wheels or chassis. All prefabricated buildings, modules and panels must be certified in accordance with CSA A277 as proof that the design and construction satisfy the technical requirements prescribed in Part 9 of the National Building Code – Alberta Edition.

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

(a) occupies the major or central portion of a parcel;

(b) is the chief building among one or more buildings for which the parcel is used; or

(c) constitutes, by reason of its use, the primary purpose of the parcel.

PRIVACY WALL means a structural feature of a balcony, deck or patio typically no greater than 2 m (6.5 ft) above the grade of the balcony, deck or patio (not including a railing) that provides visual screening.

PROFESSIONAL ENGINEER means an individual who is authorized to engage in the practice of engineering in the province of Alberta under the *Engineering and Geoscience Professions Act*.

PUBLIC ROADWAY means a developed right-of-way maintained by the Town that is open to the public for the purpose of vehicular traffic.

REAL PROPERT REPORT (RPR) means a legal document prepared by an Alberta Land Surveyor that illustrates in detail the location of all relevant visible improvements in relation to property boundaries.

REGISTERED ARCHITECT means a registered architect as defined in the *Architects Act*.

RESTRICTIVE COVENANT means a contractual restriction on the use of certain land for the benefit of other land.

RIGHT-OF-WAY means an area of land not on a lot that is dedicated for necessary public transportation or utility infrastructure, including but not limited to water lines, sewer lines, power lines, and gas lines.

SAFETY CODES ACT means a provincial statute that enacts a body of regulations encompassing fire protection, barrier-free design and the design, manufacture, construction, installation, use, operation, occupancy and maintenance of:

(a) buildings,
(b) electrical systems,
(c) elevating devices,
(d) gas systems,
(e) plumbing systems,
(f) pressure equipment, and
(g) private sewage disposal systems.

SCREENING means the total or partial concealment of a use, building or structure by a fence, berm or other screening device.

SEASONAL means restricted to a certain season or time of year.

SETBACK means the minimum required distance that must be retained between a lot line and the nearest exterior wall (including a foundation wall) of a building or structure.

SEPARATION DISTANCE means the minimum required distance between a development and another development or specified feature.

SHRUB means a single or multi-stemmed woody plant typically under 5.0 m (16 ft) at maturity.

SILL means the lower horizontal piece along the frame of a window or door, which may be located on the interior or exterior and provides structural support and/or may direct water clear of the wall below.

SITE means the portion of a parcel or group of parcels on which development exists or has been proposed.

SITE COVERAGE means the sum of all building footprints on a lot.

SITE COVERAGE RATIO means the ratio of site coverage to lot area.

SITE PLAN means a graphic representation of a parcel that depicts proposed access, utilities, buildings and structures in relation to existing conditions. A site plan is drawn to scale and includes dimensions for boundaries and improvements, as well as an arrow indicating north. Existing conditions typically included in a site plan include topography, water bodies, high-value environmental features, registered easement and utility rights-of-way, and existing improvements.

SITE SERVICING PLAN means a plan showing the legal description and dimensions of the site, the utilities, drainage, existing and proposed grades, the grades of streets and sewer servicing the property, elevations of top of curb or sidewalk and lot corners approved by a professional engineer designated by the Town.

SITE, BUILDING means the portion of a parcel that is the subject of a development application on which a building exists or has been proposed.

STOREY means the portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.

STOP ORDER means an order issued by the Development Authority pursuant to s. 645 of the MGA.

STREET means a registered and named public roadway typically greater than 7.6 m (25 ft) in width, including the sidewalks and land contiguous to the finished surface of the roadway. A street provides the primary means of physical access to one or more lots. A lane is not a street for the purposes of this Bylaw.

STRUCTURAL ALTERATION means an alteration to an existing building of a non-cosmetic nature, whereby the majority of the existing structural components are being replaced or repaired.

STRUCTURE means anything (excluding highways, roads, and associated bridges) that is constructed or placed on, in, over or under land, and that is not used (nor intended) to provide shelter or support to persons, animals or property. A structure is typically accessory to a principal building or use. Common examples of accessory structures include freestanding solar panels, signs, flagpoles, air conditioners, barbeques and ornamental features of residential landscapes.

SUBDIVISION means the division of a parcel by an instrument.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD means the regional quasi-judicial board established by bylaw to act as the Town's appeal body for subdivision and development where no provincial interest exists on the land subject to the appeal.

~~**SUBDIVISION AND DEVELOPMENT REGULATION**~~**MATTERS RELATED TO SUBDIVISION AND DEVELOPMENT REGULATION** means provincial regulations governing subdivision and development brought into force under s. 694 of the MGA.

SUBDIVISION APPROVAL means the approval of a subdivision application granted by the Subdivision Authority.

SUBDIVISION AUTHORITY means the body established by bylaw to act as the Town's Subdivision Authority.

SUBSIDENCE means a localized downward settling or sinking of land.

SUCH AS means including, but not limited to.

SUITABILITY means the fitness of a given parcel for a proposed use.

SWALE means a drainage device with gently sloping sides that safeguards against flooding by conveying storm water in order to avoid putting undue pressure on a municipality's storm water infrastructure. A swale may be constructed from concrete or by modifying natural landforms.

TOWN means the Town of Magrath.

UNDULY means to an unwarranted degree.

UNENCLOSED means an outdoor space or structure which is surrounded by not more than two walls, nor a roof, lattice, or other enclosing device.

USE means the purpose or function to which specified land, buildings or structures are put.

USE, CHANGE OF means the conversion of land, buildings or structures, or portion(s) thereof, from one use to another in accordance with the permitted or discretionary uses as listed in each land use district.

USE, DISCONTINUED means a use of land, buildings or structures that has been, for all material purposes, entirely abandoned or indefinitely interrupted.

USE, DISCRETIONARY means the one or more uses of land, buildings or structures provided for in this Bylaw for which a development permit may be issued upon a development application having been made and subject to the enabling conditions for each discretionary use being satisfied.

USE, NON-CONFORMING means a lawful specific use:

(a) being made of land, a building or a structure, or intended to be made of a building or structure that is lawfully under construction at the date this Bylaw or any amendment thereof affecting the land, building or structure becomes effective; and

(b) that on the date this Bylaw or any amendment thereof becomes effective does not, or in the case of a building or structure under construction will not, comply with this Bylaw.

USE, PERMITTED means the one or more uses of land, buildings or structures provided for in this Bylaw for which a development permit shall be issued with or without conditions by the Development Authority upon a development application having been made to the Development Authority.

USE, PRINCIPAL means the main purpose for which land, a building or a structure is used or intended to be used.

USE, PROHIBITED means a use of land, buildings or structures that is not listed as permitted or discretionary, and is not considered similar to another use within the relevant district.

USE, SIMILAR means a use deemed similar in nature as per Administrative Provisions: Section 35 ~~ADMINISTRATIVE PROVISIONS: Section 35~~.

USE, SUBORDINATE means a use that is of lesser importance in relation to the principal use of the land, building or structure.

VARIANCE means a relaxation of a measurable standard of this Bylaw.

VARIANCE, MAJOR means the relaxation of:

(a) more than one measurable standard by any amount;
(b) a single measurable standard by more than 10%;
(c) a maximum site coverage ratio specified in Schedule 4 by any amount; or
(d) a maximum fence height specified in Schedule 5: Section 16 by any amount.

VARIANCE, MINOR means the relaxation of a single measurable standard by up to 10%, excluding those measurable standards pertaining to maximum site coverage ratios or fence heights.

VERANDA means a large porch that surrounds a house and typically provides access to both the front and back doors.

WATER TABLE means the upper limit of the portion of the ground that is wholly saturated by water.

WATERCOURSE means a river, creek, canal, or other stream of water flowing in a channel.

YARD means the area on a lot upon or over which no building or structure may be placed, excepting a boundary fence and those projections permitted in accordance with Schedule 5: Section 25.

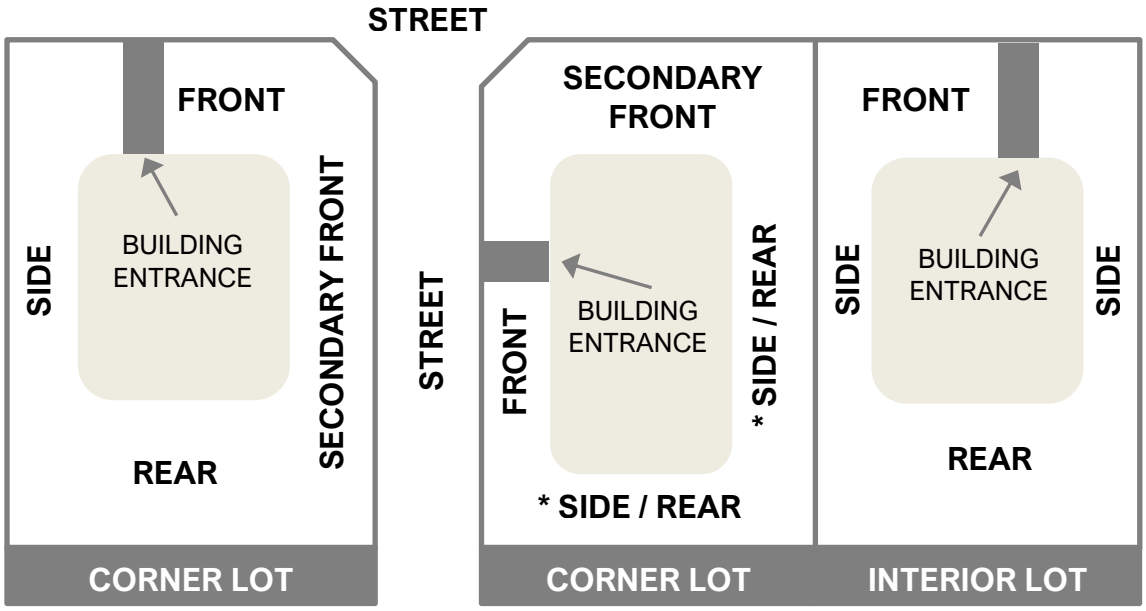
YARD, FRONT means the area extending across the entire width of a lot that is located between the front boundary of the lot and the nearest portion of the principal building, where the front boundary of the lot is the boundary to which the main entrance to the principal building is oriented.

YARD, REAR means the area extending across the entire width of a lot that is located between the rear boundary of the lot and the nearest portion of the principal building.

YARD, SECONDARY FRONT means, in respect of a corner lot, a yard that fronts a street but does not provide the main entrance to the principal building.

YARD, SIDE means a yard perpendicular to the front and rear yards, except in the case of a corner lot where it may, at the discretion of the Development Authority, parallel the front yard.

ILLUSTRATION OF YARDS AND SETBACK AREAS



*** The Development Authority shall determine the allocation of side and rear yards for a corner lot where the main entrance to the principal building is located in a yard that parallels the side yard of an adjacent lot.**

SCHEDULE 2

USE DEFINITIONS

All uses that appear as either permitted or discretionary in at least one district within the Town are defined in this Schedule. For informational purposes, definitions are also included for certain uses that appear as neither permitted nor discretionary in any district. Essential terms such as "dwelling unit" and "garage" that facilitate the interpretation of various use definitions are also defined.

1. ~~PRINCIPAL~~ DWELLING UNITS, PRINCIPAL

APARTMENT means a residential building containing three or more dwelling units that does not provide each unit with direct outdoor access from grade. The prototypical apartment building configuration relies upon shared entryways to provide access to the units via the interior of the building. Garden-style apartments do provide direct outdoor access to each unit, but units located above the first storey do not enjoy access from grade.



DUPLEX means a residential building containing two principal dwelling units connected by a common floor/ceiling, but not legally subdivided.

DWELLING UNIT means a building or self-contained part of a building providing adequate sleeping, sanitation and cooking facilities designed to accommodate year-round occupancy by a single household.

MANUFACTURED DWELLING means a prefabricated single-detached dwelling equipped with an integrated frame, hitch, wheels, chassis or other device allowing for transport of the unit to its ultimate site. An approved manufactured dwelling must be placed on a surface-mount foundation and certified under CSA A277 for compliance with the *Safety Codes Act*. This does not include a park model, recreational vehicle or any other type of seasonal dwelling unit.

MANUFACTURED HOME PARK means a single site or title of land maintained and operated for the long-term parking and occupancy of manufactured dwellings on designated sites together with ancillary facilities including recreation areas.

MOVED-IN DWELLING means a previously occupied, conventionally constructed building containing up to two dwelling units (unless otherwise specified in a particular land use district – eg. must be 2-unit in R4), which is physically removed from one site, transported and re-established on another site for residential use.

RESIDENTIAL CARE FACILITY means the use of a building, or portion of a building, as a facility for which social, physical or mental care is provided to five or more persons who live full time in the facility and has at least one staff person at the facility at all times. The residential character of the development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This does not include "boarding house," "seniors supportive housing facility" or "special care facility."

SEMI-DETACHED DWELLING means a residential building containing two principal dwelling units separated one from another by a common party wall extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade.



SENIORS SUPPORTIVE HOUSING FACILITY means a residential multi-unit building or group ~~or~~ of buildings that emphasizes barrier-free design and integrates some combination of supportive services, personalized assistance and health care services that is responsive to the unique needs of senior residents and facilitates the ability to age in place. The facility shall be predominantly residential in character and may include centralized areas for dining and social activities, along with separate living quarters for staff. A spectrum of different levels of on-site care may be accommodated in a seniors supportive housing facility, ranging from the comparatively minimal care required in scenarios where residents are able to retain substantial functional independence over daily activities, to the continuing care required in nursing homes and lodge accommodation as defined under the *Alberta Housing Act*.

SINGLE-DETACHED DWELLING means a site-built or prefabricated residential building containing one principal dwelling unit that is surrounded by open space on a single lot. Prefabricated single-detached dwellings, including single-detached varieties of modular dwellings, panelized dwellings and ready-to-move dwellings, must comply with the standards prescribed in Schedule 5~~: Section 26.~~ "Manufactured dwelling" is a separate use and is not allowed under this definition.

SINGLE-DETACHED DWELLING (EXISTING) means a single-detached dwelling located within a non-residential district that was lawfully constructed prior to the adoption of this Bylaw and that has been used for residential occupancy on a single lot since this Bylaw has come into force.

TOWNHOUSE means a residential building containing three or more dwelling units placed (in whole or in part) side-by-side and separated from one another by common party walls extending from foundation to roof, where each unit is provided with direct outdoor access from grade.

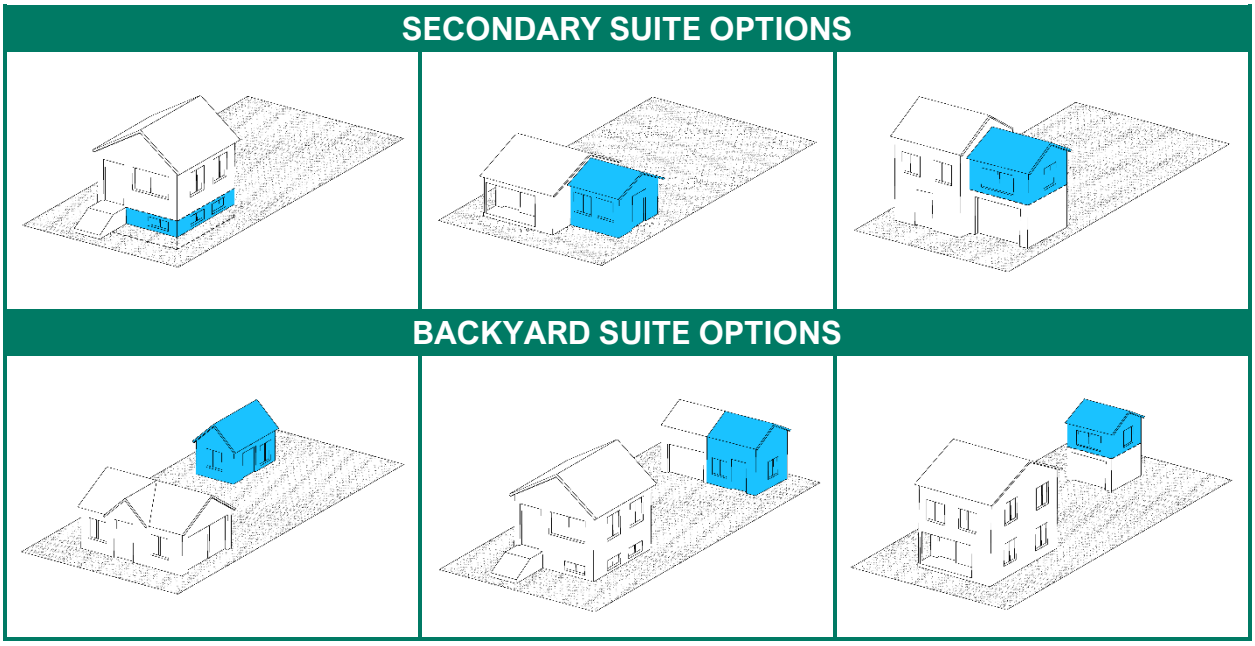


2. ~~ACCESSORY~~ DWELLING UNITS, ACCESSORY

ACCESSORY DWELLING UNIT means a dwelling unit that is secondary to a single-detached dwelling located on the same lot. For the purposes of this Bylaw, accessory dwelling units are represented by two separate uses: backyard suites and secondary suites.

BACKYARD SUITE means an accessory dwelling unit that is physically detached from a single-detached dwelling on a residential lot. A backyard suite may be located above a garage, attached to a garage at-grade, or detached from any other building, and is allowable in the form of a site-built or new prefabricated dwelling, but not as a moved-in-dwelling.

SECONDARY SUITE means an accessory dwelling unit that is enclosed within, but physically separate from, a single-detached dwelling. A secondary suite shall have an entrance separate from the entrance to the principal dwelling unit, either from a common indoor landing or directly from the side or rear of the building.



3. OTHER USES

ABATTOIR means premises where livestock is slaughtered and the meat is cut, cured, smoked, aged, wrapped, or frozen for sale or distribution.

ACCESSORY DEVELOPMENT means any building or structure not containing a dwelling unit that is subordinate to a principal use located on the same lot. While an accessory use may be approved within a principal building, a building or structure only qualifies as accessory development if it is physically detached from the principal building. In no case shall accessory development be approved on a lot until such time that a principal use has been approved.

ACCESSORY DEVELOPMENT TO AN APPROVED DISCRETIONARY USE means accessory development where the existing principal use on the lot was approved as a discretionary use pursuant to this Bylaw.

ACCESSORY DEVELOPMENT TO AN APPROVED PERMITTED USE means accessory development where the existing principal use on the lot was approved as a permitted use pursuant to this Bylaw.

AMUSEMENT FACILITY means development for entertainment pastimes that may incorporate eating facilities as an accessory use. This use includes amusement arcades, billiard parlours, bingo halls, bowling alleys and dance, or martial arts facilities.

ANHYDROUS AMMONIA STORAGE means a facility used for the purpose of storing anhydrous ammonia.

AUTO BODY REPAIR AND PAINT SHOP means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted. This use includes "auto detailing."

AUTOMOTIVE REPAIR AND SERVICE means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use includes, among other uses, transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops.

AUTOMOTIVE SALES means development used for the retail sale, lease, and rental of new or used automobiles and/or recreation vehicles together with incidental repair and maintenance services and sales of parts.

BED AND BREAKFAST means an accessory use carried on within an owner-occupied dwelling unit where temporary accommodation is provided for remuneration, and where meals for guests shall be prepared in the common kitchen of the principal dwelling unit.

BOARDING HOUSE means a dwelling unit in which persons rent room(s) for one or more nights. The common parts of the dwelling unit, such as bathroom(s), kitchen, and living areas are maintained by the private owner. Meals, laundry and/or cleaning may be provided as part of the occupancy agreement. This does not include "hotel," "motel," "special care facility" or "seniors supportive housing facility."

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

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

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

CAMPGROUND means development of land for the use of holiday trailers, motor homes, tents and similar recreational vehicles, and is not normally used to accommodate year-round residential use or storage.

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

CANNABIS RETAIL SALES means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend at the premises and for which any product sales are expressly authorized by the Alberta Gaming, Liquor and Cannabis Commission (AGLC). This use shall be a standalone use only and shall be restricted to the Direct Control district.

CAR WASH means the use of a building or area providing for the cleaning of motor vehicles but does not include "service station."

CEMETERY AND INTERMENT SERVICES means a development for the entombment of the deceased and may include such facilities as crematories, cinerarium, columbarium, mausoleums, memorial parks, burial grounds, cemeteries and gardens of remembrance.

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

COMMUNITY GARDEN means a private or public facility for the cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or family.

CONCRETE BATCH PLANT means a manufacturing plant where concrete is mixed before being transported to a construction site ready to be poured.

CONTRACTOR, BUILDING AND TRADE means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

CONTRACTOR, HEAVY DUTY EQUIPMENT means a contractor or builder engaged in heavy-duty construction activities such as paving, highway construction, and utility construction.

CONVENIENCE STORE means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis from business premises.

CULTIVATION OF LAND means the preparation and working of the land required to grow crops for agricultural production.

CULTURAL FACILITY means a community hall or related development for the assembly ~~or~~ of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business, religious or fraternal organizations. This use may include eating, entertainment, sports, recreation, amusement and interpretive facilities as part of the use.

DAY HOME means a private dwelling unit where temporary care, development and supervision for periods not exceeding 24 consecutive hours is provided to a maximum of six children under the age of 13 years, not including children under the age of 13 years who permanently reside in the home.

DECK means a wooden horizontal platform that has a height of more than 0.6 m (2 ft) above grade, measured from finished grade to the underside of the supporting joist. A deck may be covered or uncovered. Where a deck is attached to a principal building, it is deemed to form part of that principal building for the purposes of applying minimum setbacks and calculating site coverage ratios. Where a deck is detached from a principal building, it falls under "accessory development" for the purpose of allocating use.

DECK, UNCOVERED means any deck having no structural shelter, supportive walls or roofing of any material or design.

DRIVE-THRU RESTAURANT means an establishment where food is prepared and served on the premise for sale to the public. This use also encompasses restaurants offering pick-up service.

EDUCATIONAL INSTITUTION means a public or private place of instruction offering continuing education or specialized courses of study.

EQUIPMENT SALES AND SERVICE means the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office equipment.

EXTENSIVE AGRICULTURE means the production of crops or livestock or both by expansive cultivation or open grazing only. Barns, quonsets and other similar buildings associated with extensive agriculture qualify as accessory development. This use does not include agricultural-related industrial buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or buildings.

FACILITY, LICENSED means a facility (i.e. clubhouse, leisure facility, adults residence, fraternal organization) within the I/R district which includes liquor service allowable under a Class B or Class C liquor license issued by the AGLC but not including liquor off-sales or liquor delivery services. See Schedule 5: Section 36.

FARMER'S MARKET means development where fresh food or processed farm or garden produce and wares are sold in retail or wholesale settings and where goods are typically displayed in bulk bins or stalls for customer selection. This use may also include the sale of crafts and other similar products, as well as entertainment ancillary to the principal use.

FARM/INDUSTRIAL MACHINERY SALES AND SERVICE means the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

FEED MILL/GRAIN ELEVATOR means one or more buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared.

FERTILIZER STORAGE AND SALES means development used to store bulk fertilizer for distribution. This use class does not include the sale of bagged fertilizer in a retail shop.

FINANCIAL INSTITUTION means development primarily for providing the service of banking or lending money, such as a bank, savings and loan institution, or credit union.

FOOD PROCESSING FACILITY means development that consists of the processing of raw materials into a semi-finished or finished food and/or beverage product that may be stored on site prior to the distribution of the product. Any indoor display, office or administrative support area shall be deemed an accessory use.

FOOD STORE means bakery, deli or grocery stores. Supermarket is separate and falls under "retail, large-scale."

FUNERAL HOME means development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

GARAGE means a building or part of a building used primarily for the storage of motor vehicles, and includes carports and other enclosed parking buildings. Within the context of residential land use, a garage may be either attached to a principal dwelling unit or detached and located in the rear yard on the same lot. Garages attached to a principal dwelling unit are deemed to form part of the dwelling unit for the purposes of calculating yard setbacks and site coverage ratios. Where detached from the principal dwelling unit, garages are deemed to be a separate land use falling under "accessory development."

GARDEN CENTRE means development for the sale, display, growing and storage of garden, household and ornamental plants and trees. The use may include the supplementary retail sale of fertilizers, garden chemicals, implements, and associated products. "Horticultural operation" is a separate, more intensive use.

GARDEN SHED See "accessory development."

GOLF COURSE means an outdoor establishment of varying size where the land is developed primarily to accommodate the game of golf, and usually includes an accompanying clubhouse facility. Accessory uses include, but are not limited to, a pro shop, driving range and/or practise ~~proactive~~ facility, lounge serving food and beverages, and related commercial uses typically associated with a golf course clubhouse facility.

GOVERNMENT SERVICES means development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

GREENHOUSE, COMMERCIAL see "horticultural operation."

GREENHOUSE, NON-COMMERCIAL means an accessory building to a residential dwelling unit specially designed and used for the growing of vegetables, flowers, or other plants for personal use and not for sale to the public.

HEALTH CARE FACILITY means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

HEALTH SERVICES, MEDICAL CLINIC means a facility primarily offering outpatient services where patients receive medical care and services without requiring overnight stays.

HOME OCCUPATION means the ancillary use of a dwelling unit (and/or its accessory buildings or lands) by any trade, profession, event-based activities or craft for, or in the pursuit of, gainful employment and/or hobby involving the manufacture, processing, provision or sale of goods and/or services. Refer to Schedule 5: Section 17.

HORTICULTURAL OPERATION means the commercial production, display and/or sales, on-site or off-site, of vegetables, flowers or specialty crops grown by high-yield and high-density techniques. Greenhouses, nurseries, hydroponic operations, market gardens and tree farms are included within this definition, but "cannabis production facility" and "garden centre" are separate uses.

HOTEL means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites, which may contain kitchen facilities. The building may also contain accessory uses, including, but not limited to, parking facilities, dining areas, convention facilities and the provision of room service.

INDOOR RECREATION FACILITY means sports or recreational or retreat activities, uses or facilities, including associated eating and retail areas, for public or private use. Such uses include, but are not limited to fitness centres, gymnasiums, athletic/sports turf fields, golf driving ranges, outdoor mini-golf, paintball, ice rinks, and country clubs.

INSTITUTIONAL FACILITY means a building used by an organization or society for public or social purposes.

KENNEL means the use of a building or portion of a building for the boarding of small animals for periods greater than 24 hours for a fee and does not include "veterinary clinic" or "pet care services," and that may provide for the incidental sale of products relating to the services provided by the use and may include outside enclosures, pens, runs, or exercise areas. All animal facilities are subject to the Town's Dog Control Bylaw.

LIGHT FABRICATION SHOP means the assembly of metal parts, including blacksmith and welding shop, sheet metal shop, machine shop, and boiler shop, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

LIQUOR STORE means a retail establishment licensed pursuant to provincial legislation for the sale of any or all of beer, wine, spirits or other alcoholic beverages for consumption off-premises.

LIVESTOCK CONFINEMENT OPERATION OR FACILITY means any land enclosed by buildings, shelters, fences, corrals or other buildings which may, in the opinion of the Development Authority, be capable of confining, rearing, feeding, dairying or auctioning livestock.

LIVESTOCK SALES YARD means a commercial establishment wherein livestock is collected for sale or auctioning.

MANUFACTURING, HEAVY means development for the manufacturing, fabricating, processing, production, assembly or packing of goods, products, materials or equipment, which may, in the opinion of the Development Authority:

(a) result in a significant impact on adjacent land uses due to appearance, noise, odour, emission of wastes, other nuisance or potential health or safety hazards; or

(b) require extensive space for storage.

MANUFACTURING, LIGHT means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the parcel upon which it is situated.

MINI STORAGE FACILITY means commercial development providing compartmentalized buildings that are leased to customers for the storage of household and other personal items. “Shipping container” is a separate use.

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

NATURAL RESOURCE EXTRACTION means those uses of land, buildings or structures which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are considered noxious or hazardous industries. Notwithstanding other uses not listed, natural resource extraction uses include: sand, gravel and quarry operations; and logging and forestry operations, including sawmills.

OFFICE means development primarily for the provision of professional, management, administrative, consulting, or financial services in an office setting. Typical uses include, but are not limited to, the offices of lawyers, accountants, travel agents, real estate and insurance firms, planners, clerical and secretarial agencies. This excludes government services, the servicing and repair of goods, and the manufacturing or handling of a product.

OUTDOOR RECREATION AND SPORTS FIELDS means development providing amenities that are available to the public at large for sports and active recreation conducted outdoors. Typical facilities would include driving ranges, sports fields, tennis courts, unenclosed ice surfaces or rinks, athletic fields, outdoor swimming pools, bowling greens, riding stables and trails/pathways.

OUTDOOR RECREATION FACILITY means improvements to support activities operated out of doors and includes, but is not limited to, a ski resort, riding stable, water slide, ice skating, marina, or equestrian centre. This use is meant to capture those facilities that consist of more substantial improvements, and/or facilities that are often designed more for organized recreation (as opposed to more casual or passive recreation) than “outdoor recreation and sports fields.”

OUTDOOR STORAGE means development on land, with or without buildings, for the open storage of recreational vehicles, vehicles, boats, machinery, building materials and related items.

PARKING FACILITY means land or a building not located in the public roadway, which is intended to be used exclusively to provide parking for vehicles as a principal use and which may include buildings or structures necessary for the operation of the parking lot or building.

PATIO means a horizontal platform that has a height of less than 0.6 m (2 ft) above grade, measured from finished grade to the underside of the supporting joist. A patio may be covered or uncovered. Unlike a deck, it is often constructed from fire-resistant hardscape materials and thus facilitates the integration of such features as built-in fire pits and outdoor kitchens. Where a patio is attached to a principal building, it is deemed to form part of that principal building for the purposes of applying minimum setbacks and calculating site coverage ratios. Where a patio is detached from a principal building, it falls under "accessory development" for the purpose of allocating use.

PERGOLA means a freestanding sculptural element of a residential landscape consisting of an open roof of latticework supported on posts or columns. A pergola is often used to provide cover to a deck or patio, but may also be placed on grass or soil. A pergola falls under "accessory development" for the purpose of allocating use.

PERSONAL SERVICES means uses that provide personal services to an individual that are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include, but are not limited to, barber shops, beauty salons, hairdressers, manicurists, aestheticians, fitness facility, tailors, dress makers, shoe repair shops, laundromats and dry-cleaning establishments, but does not include health services.

PET CARE SERVICES means the use of a building or portion of a building to wash, groom, or board small animals during the day and that may include the incidental sale of products. This use does not include "kennel" or "veterinary clinic," as the overnight stay of pets is prohibited. All animal facilities are subject to the Town's Dog Control Bylaw.

PUBLIC PARK OR PLAYGROUND means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, pedestrian and trails/pathways, 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.

RECREATION CAMP means a group camp for recreational, educational and related purposes that contains accommodation facilities as well as joint use facilities such as dormitories and kitchens.

~~**RECREATION**~~ **RECYCLING FACILITY** means development used for the buying, collection, sorting, and temporary storage of bottles, cans, newspapers, and similar household goods for reuse where all storage is contained within an enclosed building with limited outdoor storage.

RELIGIOUS ASSEMBLY means a use or facility for religious meetings, worship and related religious activities and includes accessory rectories, manses, meeting rooms and classrooms. Common religious assembly facilities include churches, chapels, temples, mosques, synagogues, parish halls and convents.

RENEWABLE ENERGY, COMMERCIAL/INDUSTRIAL means a use that produces energy (and in some cases other marketable by-products depending on the process utilized) fuelled in ways that do not deplete natural resources or harm the environment. Energy may be derived from natural and/or non-traditional sources (e.g. geothermal, solar, water, wind, waste, etc.) and once produced is sold and distributed off-site (commercially) to the marketplace. See Schedule 8.

RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH A COMMERCIAL OR INDUSTRIAL USE means a residential unit that is part of a commercial or industrial building so that the dwelling unit is a supplementary use to that principal use. Typical uses include residential units on the second storey.

RESTAURANT means an establishment where food is prepared and may be served on the premises for sale to the public, but does not include liquor service, liquor off-sales or liquor delivery sales. This use encompasses delicatessens, cafeterias, and tea rooms; it may integrate outdoor seating areas as well as entertainment which is ancillary to the preparation and service of food. "Drive-thru restaurant" is a separate use.

RESTAURANT, LICENSED means an establishment where food is prepared and served on the premises for sale to the public, and may include entertainment which is ancillary to the preparation and service of food, and includes liquor service allowable under a "Class A – Minors Allowed" liquor license issued by the AGLC but not including liquor off-sales or liquor delivery services. A "restaurant, licensed" may be located within or connected to another use. See Schedule 5: Section 36.

RETAIL, LARGE-SCALE means standalone retail stores that exceed 2,000 m² (21,529 ft²) in size and may include retail outlets operated as part of a chain that locate on individual sites or that cluster on a large site, sometimes adjacent to each other. This use may include supermarkets, department stores, and specialty stores selling a single line of products such as: business and office supply stores, electronics, appliances, furniture, fashion and clothing, craft and hobby stores, book stores, sporting goods, home improvement, hardware stores, gardening materials or building supplies. This use does not include automotive related uses, "liquor store" or "farm/industrial sales and service."

RETAIL, SMALL-SCALE means premises where goods, merchandise, substances, articles, and other materials, are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical uses include but are not limited to hardware, pharmaceutical, appliance, clothing, and sporting goods stores. These uses exclude liquor stores, retail large-scale uses, warehouse retail and the sale of gasoline, heavy agricultural and industrial equipment, or retail stores requiring significant outdoor storage. Minor government services, such as postal services, are permitted within retail stores.

SALVAGE YARD means land, buildings or structures where motor vehicles and parts, used building products or other scrap material are disassembled, repaired, stored or resold.

SAND BLASTING FACILITY means the use of land and/or a building(s) where the primary source of activity involves the large-scale sandblasting of agricultural, industrial or oilfield equipment. Sandblasting facilities may also include welding and painting facilities on-site.

SEED CLEANERS AND STORAGE means a building or facility used for the storage and preparation of seeds used in agriculture.

SERVICE STATION means a building or portion thereof which is used for the servicing and minor repairing of motor vehicles and a portion for the sale of gasoline, lubricating oils and minor accessories for motor vehicles. This use includes gas bars but not the storage and sales of bulk fuel. "Travel plaza" is a separate use.

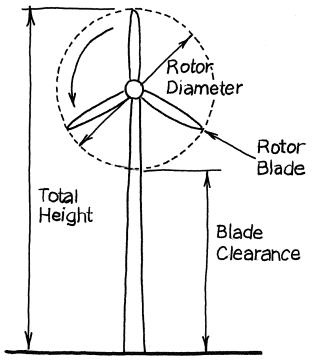
SHIPPING CONTAINER means a building normally used to transport goods by land or sea and loaded on and off sea vessels, but for the purposes of this Bylaw serves as a storage unit on dry land.

SHOPPING CENTRE means a unified group of buildings with more than one commercial use being primarily retail and personal services and on a comprehensively planned site, developed and managed as a single commercial operating unit with shared on-site parking where the intended uses comply with the subject district.

SHORT-TERM RENTAL means a dwelling unit operated as an accommodation unit, where the maximum number of consecutive days a specific guest(s) may occupy a unit is 28.

SIGN means a lettered board or other public display intended to advertise or call attention to any person, business, matter, message, object or event. Sign types and accompanying standards are prescribed in Schedule 9.

SMALL WIND ENERGY SYSTEM means a wind energy conversion system consisting of a wind turbine (rotor and blades), a tower supporting the rotor, and associated control or conversion electronics, which will be used primarily to reduce onsite consumption of utility power and is CSA approved. As depicted in the accompanying figure, total height of a small wind energy system refers to the height from grade to the highest vertical extension of the system, whereas blade clearance denotes the distance from grade to the bottom of the rotor's arc, the largest circumferential path travelled by a blade. See Schedule 5: Section 33 for definitions of Type A and Type B small wind energy systems and their accompanying procedural requirements and development standards.



SOLAR COLLECTOR, ATTACHED means a structure or combination of structures mounted to a wall or roof of a building that transforms direct solar energy into thermal, chemical, or electrical energy. An attached solar collector is permitted as an accessory use within all districts.

SOLAR COLLECTOR, FREESTANDING means a structure or combination of structures not mounted to a wall or roof of a building that transforms direct solar energy into thermal, chemical, or electrical energy, and is not attached to a wall or roof of a building. A freestanding solar collector is deemed to be an accessory structure and applications shall be referred to the Municipal Planning Commission in all districts.

SPECIAL CARE FACILITY means the use of a building or portion thereof which provides for the care or rehabilitation of one or more individuals, with or without the provision of overnight accommodation. This use does not include "boarding house," "hotel," "motel" or "seniors supportive housing facility."

TELEVISION OR RADIO ANTENNA TOWER means a structure and any associated system, including all masts, towers and other antenna supporting structures that is used for the transmission, emission or reception of television, radio or telecommunications.

THEATRE means a commercial facility with fixed seating designed to show movies, plays, musicals or other similar entertainment, but does not include adult entertainment.

TOURIST HOME means a dwelling unit that is advertised and leased for short-term rental, regardless of whether the owner of the unit resides on the premises and personally manages the property. The physical design of a tourist home shall conform to the existing residential context and its operation shall not generate material noise or traffic impacts, nor otherwise unduly interfere with the use and enjoyment of neighbouring parcels. The operator of a tourist home shall maintain the unit in compliance with the most current version of the Minimum Housing and Health Standards prescribed in the *Housing Regulation* under the *Public Health Act*.

TRAVEL PLAZA means a large-scale mixed-use development providing fuel-dispensing facilities and electric vehicle charging stations to a diverse mix of vehicle types along with an assortment of additional vehicle-related services and amenities tailored to motorists. Travel plazas typically include an accompanying restaurant or cafe along with a convenience store. Car washes, sani-dumps, vehicle towing, and car rentals are common accessory services, while amenities include retail sales, personal services, and

visitor information and trip planning services. Related uses that are incidental to the operation of the travel plaza may also be included.

TRUCK TRANSPORTATION DEPOT means a facility for the purpose of storing and dispatching trucks and tractor-trailers for transporting goods.

UTILITY means any one or more of the following supporting an approved development or subdivision:

(a) systems for the distribution of gas, whether artificial or natural;
(b) facilities for the storage, transmission, treatment or supply of water;
(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
(d) storm sewage drainage facilities;
(e) telecommunications systems;
(f) systems for the distribution of artificial light or electric power;
(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure;
(h) any other things prescribed by the Lieutenant Governor in Council by regulation.

VETERINARY CLINIC, LARGE ANIMAL means a veterinary clinic that does not meet the definition of "veterinary clinic, small animal."

VETERINARY CLINIC, SMALL ANIMAL means a facility for the medical care and treatment of small animals and household pets only and includes provision for their overnight accommodation within the building only, and may include associated office space. All animal facilities are subject to the Town's Dog Control Bylaw.

VISITOR INFORMATION CENTRE means the use of land, buildings and/or structures to provide information to the travelling public, and may include ancillary facilities such as washrooms and picnic areas.

WAREHOUSE, RETAIL means development for the retail sale of goods which are warehoused in bulk on the premises, displayed or catalogued for customer selection, and where the warehouse component occupies at least 50% of the gross floor area. This term refers to uses such as furniture, carpet, appliance, fabric and apparel warehouses and clearance centres.

WAREHOUSE, WHOLESALE means development for the storage and/or wholesale distribution of goods. "Building supplies store" is a separate use.

WASTE TRANSFER STATION means a storage or collection facility that is operated as a relay point for municipal solid waste that ultimately is to be transferred to a landfill.

SCHEDULE 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

A development permit exemption does not negate the requirement to obtain any permits required under the *Safety Codes Act*, nor from any other provincial or federal statute. Similarly, nothing in this section exempts commercial uses in the Town from needing to obtain a business license. If there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Planning Commission to make a decision.

(1) The following developments shall not require a development permit:

(a) any use or development exempted under s. 618(1) of the MGA;

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

(c) telecommunication antenna systems that are regulated by Industry Canada subject to Schedule 5: Section 35;

(d) the completion of a building which was lawfully under construction at the date this Bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

(e) the completion of a building that did not require a development permit under the previous land use bylaw and which was lawfully under construction provided the building is completed within 18 months from the date this Bylaw came into effect.

(2) The following developments shall not require a development permit, provided they comply with all other relevant provisions of this Bylaw:

(a) the demolition of a building;

(b) excavation, grading or stripping provided it is part of development for which a development permit has been issued or is addressed in a signed development agreement with the Town;

(c) stockpiling on the same parcel that is undergoing excavation, grading or stripping;

(d) lot grading where the prevailing drainage patterns are not altered, and adjacent landowners are not negatively affected;

(e) the installation of new utilities for distribution purposes to service an approved development;

(f) in all districts, the temporary placement of one shipping container in connection with construction where a development permit has been issued, or a project for which a development permit is not required (i.e. moving/logistics), for the period of the project subject to the following, and provided that in no case shall the temporary placement of a shipping container under this provision exceed 6 months:

(i) construction or moving site is active (i.e. ~~construction~~ has commenced and is on-going or is about to commence within 1 week); placement of a shipping container on an inactive construction site is prohibited, and in no case shall a temporary shipping container remain on an inactive construction site for more than 14 consecutive days, nor for more than two separate periods in any given calendar year except where ~~provided~~ there is at least 30 days between the last period;

(ii) minimum yard setbacks shall be 0.9 m (3 ft); and

(iii) shipping container must be removed immediately upon completion of construction;

(g) the temporary placement or construction of works, plants or machinery needed in connection with construction where a development permit has been issued;

(h) a change to the exterior cladding (finish) of a building;

(i) the maintenance or repair of any building provided that the work does not include structural alterations (major) or additions;

(j) up to three accessory buildings located in a rear yard or side yard, provided that none of these buildings exceed 10.0 m^2 (107 ft^2) in gross area;

(k) outdoor hot tubs smaller than 10.0 m^2 (107 ft^2) and temporary outdoor swimming pools;

(l) any satellite dish less than 1.0 m (3.3 ft) in diameter;

(m) lawn ornaments, dog houses, barbeques, and other minor structures ancillary to residential use not exceeding a height of 2.0 m (6 ft);

(n) play structures not exceeding a height of 4.9 m (16 ft);

(o) the construction of uncovered patios less than 0.6 m (2 ft) above grade;

(p) a privacy wall no greater than 2.0 m (6.5 ft) above the grade of a balcony, deck or patio;

(q) the placement, maintenance or alteration of a fence, wall, hedge or other enclosure not exceeding a height of 1.2 m (4 ft) in the front yard nor 2.0 m (6 ft) in the side/rear yards;

(r) any signs stated in Schedule 9: Sign Regulations, Section 3;

(s) landscaping that was not required as part of the original development permit, provided that the existing grade and natural drainage patterns are not altered;

(t) interior renovations to a building which do not:

  (i) create another dwelling unit,

  (ii) increase parking requirements,

  (iii) result in the change of use of a building, or

  (iv) increase the square footage ~~(increase density)~~;

(u) a day home as defined in Schedule 2;

(v) seasonal sales, activities or special events of a non-permanent nature where operations are limited to 30 consecutive days or less;

(w) temporary buildings and structures associated with an event or festival sanctioned by the Town;

(x) the maintenance or repair of public works, services and utilities on publicly owned or administered land carried out by, or on behalf of, federal, provincial, municipal or public authorities or private utilities under special agreement with the Town;

(y) projects carried out by, or on behalf of, the Town respecting the construction and maintenance of roads, trails/pathways, utility lines, water/wastewater treatment plants, parks, playground equipment, and general landscaping.

SCHEDULE 4

LAND USE DISTRICTS, MAP & DISTRICT REGULATIONS

1. The Town is divided into those districts shown on the land use districts map affixed to this Schedule.
2. Each district shown on the map referred to above shall be known by the following identifying symbols:

RESIDENTIAL (R1)

SMALL LOT RESIDENTIAL (SR)

MANUFACTURED RESIDENTIAL (R2)

LARGE LOT RESIDENTIAL (R3)

MEDIUM DENSITY RESIDENTIAL (R4)

CENTRAL COMMERCIAL (C1)

HIGHWAY COMMERCIAL (C2)

LIGHT INDUSTRIAL (LI)

INSTITUTIONAL / RECREATIONAL (I/R)

URBAN TRANSITIONAL (UT)

FLOOD HAZARD AREA OVERLAY

DIRECT CONTROL (DC)

Legend P = permitted DDO = discretionary (DO) DMPC = discretionary (MPC) blank = prohibited **USES**	**DISTRICTS**									
	R1	SR	R2	R3	R4	C1	C2	LI	I/R	UT
abattoir										
accessory development to an approved discretionary use	DDO	DDO	DDO	DDO	DDO	DMPC	DMPC	DMPC	DMPC	DMPC
accessory development to an approved permitted use	P	P	P	P	P	P	P	P	P	P
amusement facility						DMPC	DMPC			
anhydrous ammonia storage										
apartment, ≤6 dwelling units					P					
apartment, >6 dwelling units					DMPC					
auto body repair and paint shop						DMPC	DMPC	P		
automotive repair and service						DMPC	DMPC	P		
automotive sales						DMPC	P	P		
backyard suite	DMPC			DMPC						
bed and breakfast	DMPC	DMPC		DMPC						DMPC
boarding house	DMPC	DMPC		DMPC						
building supplies store						DMPC	P	P		
bulk fuel storage and sales								DMPC		
business support services						P	P	P		
campground									DMPC	
cannabis production facility								DMPC		
cannabis retail sales										
car wash						DMPC	P	P		
cemetery and interment services									P	

Legend P = permitted DDO = discretionary (DO) DMPC = discretionary (MPC) blank = prohibited **USES**	**DISTRICTS**									
	R1	SR	R2	R3	R4	C1	C2	LI	I/R	UT
child care facility	DMPC	DMPC		DMPC		DMPC			DMPC	
community garden	DMPC	DMPC	DMPC	DMPC	DMPC				P	P
concrete batch plant								DMPC		
contractor, building and trade						DMPC	DMPC	P		
contractor, heavy duty equipment								DMPC		
convenience store						P	P			
cultivation of land										P
cultural facility						DMPC			P	
day home	P	P	P	P	DMPC					P
drive-thru restaurant						DMPC	P			
duplex	DMPC	DMPC	DMPC	DMPC	P					
educational institution						DMPC		DMPC	P	
equipment sales and service						DMPC	DMPC	P		
extensive agriculture										P
facility, licensed									DMPC	
farm building										DMPC
farmer's market						P	P	DMPC	P	P
farm/industrial machinery sales & service							DMPC	DMPC		
feed mill/grain elevator								DMPC		
fertilizer storage and sales								DMPC		
financial institution						P	P			
food processing facility								DMPC		
food store						P	P	DMPC		

Legend P = permitted DDO = discretionary (DO) DMPC = discretionary (MPC) blank = prohibited **USES**	**DISTRICTS**									
	R1	SR	R2	R3	R4	C1	C2	LI	I/R	UT
funeral home						DMPC		DMPC	DMPC	
garden centre						DMPC	P	P		
golf course									DMPC	
government services						P		DMPC	P	
health care facility						P	P		P	
health services, medical clinic						P	P			
home occupation, Class 1	P	P	P	P	P					P
home occupation, Class 2	DDO	DDO	DMPC	DDO	DMPC					DMPC
home occupation, Class 3	DMPC			DMPC						
horticultural operation							DMPC	P		
hotel						DMPC	P			
indoor recreation facility							P	DMPC	P	
institutional facility				DMPC	DMPC	DMPC	DMPC		P	
kennel								DMPC		
light fabrication shop								P		
liquor store										
livestock confinement operation or facility										
livestock sales yard										
manufactured dwelling			P							
manufactured home park			DMPC							
manufacturing, heavy								DMPC		
manufacturing, light							DMPC	P		

Legend P = permitted DDO = discretionary (DO) DMPC = discretionary (MPC) blank = prohibited **USES**	**DISTRICTS**									
	R1	SR	R2	R3	R4	C1	C2	LI	I/R	UT
mini storage facility							DMPC	P		
motel						DMPC	P			
moved-in dwelling	DMPC	DMPC		DMPC						
moved-in dwelling (2-unit)					DMPC					
natural resource extraction										
office						P		DMPC		
outdoor recreation and sports fields	DMPC	DMPC	DMPC	DMPC			DMPC		P	DMPC
outdoor recreation facility							DMPC		DMPC	
outdoor storage							DMPC	DMPC		DMPC
parking facility						DMPC	DMPC	DMPC	DMPC	
personal services						P	P			
pet care services						DMPC	P	DMPC		
public park or playground	DMPC	DMPC	DMPC	DMPC	DMPC				P	DMPC
recreation camp									DMPC	
recycling facility								DMPC		
religious assembly									P	
renewable energy, commercial / industrial								DMPC		
residential accommodation in conjunction with a commercial or industrial use						DMPC	DMPC	DMPC		
residential care facility	DMPC	DMPC		DMPC	DMPC					
restaurant						P	P	DMPC		
restaurant, licensed						DMPC	DMPC			
retail, large-scale							DMPC	DMPC		

Legend P = permitted DDO = discretionary (DO) DMPC = discretionary (MPC) blank = prohibited **USES**	**DISTRICTS**									
	R1	SR	R2	R3	R4	C1	C2	LI	I/R	UT
retail, small-scale						P	P	P		
salvage yard								DMPC	DMPC	
sand blasting facility								DMPC		
secondary suite	DMPC	DMPC		DDO	DMPC					DMPC
seed cleaners and storage								DMPC		
semi-detached dwelling	DMPC	DMPC	DMPC	DMPC	P					
seniors supportive housing facility					DMPC				P	
service station						DMPC	P	P		
shipping container, permanent ~~(≤2)~~						DMPC	DMPC	P	DMPC	DMPC
shipping container, temporary	P	P	P	P	P	P	P	P	P	P
shopping centre							DMPC			
sign types 1 & 2	DDO	DDO	DDO	DDO	DDO	P	P	P	P	P
sign type 3						P	P	P	DMPC	DMPC
sign type 4	This sign type is allowed in conjunction with an approved home occupation.									
sign type 5						DMPC	DMPC	P	DMPC	DMPC
sign type 6						P	P	P	DMPC	DMPC
sign type 7							DMPC	DMPC		DMPC
sign types 8, 9 & 10						DMPC	DMPC	DMPC	DMPC	DMPC
single-detached dwelling	P	P	DMPC	P						DMPC
single-detached dwelling (existing)								P		P
small wind energy system, Type A	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC
small wind energy system, Type B								DMPC	DMPC	

Legend P = permitted DDO = discretionary (DO) DMPC = discretionary (MPC) blank = prohibited **USES**	**DISTRICTS**									
	R1	SR	R2	R3	R4	C1	C2	LI	I/R	UT
solar collector, attached	P	P	P	P	P	P	P	P	P	P
solar collector, freestanding	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC	DMPC
special care facility									DMPC	
television or radio antenna tower	This use is regulated by Industry Canada (see Appendix A).									
theatre						DMPC	P			
tourist home	DDO	DDO		DDO	DDO					
townhouse, ≤6 dwelling units					P					
townhouse, >6 dwelling units					DMPC					
travel plaza							DMPC			
truck transportation depot								DMPC		
utility	P	P	P	P	P	P	P	P	P	P
veterinary clinic, large animal								DMPC		
veterinary clinic, small animal						DMPC	DMPC	P		
visitor information centre						P	P		P	
warehouse, retail						DMPC	P	P		
warehouse, wholesale							P	P		
waste transfer station									DMPC	

RESIDENTIAL (R1) DISTRICT

Purpose:
To provide for a high-quality, low-density residential environment, primarily in the form of single-detached dwellings and associated uses.

1. USES

PERMITTED USES

- accessory development to an approved permitted use
- day home
- home occupation, Class 1
- shipping container, temporary
- single-detached dwelling
- solar collector, attached
- utility

DISCRETIONARY USES (MPC)

- backyard suite
- bed and breakfast
- boarding house
- child care facility
- community garden
- duplex
- home occupation, Class 3
- moved-in dwelling
- outdoor recreation and sports fields
- public park or playground
- residential care facility
- secondary suite
- semi-detached dwelling
- small wind energy system, type A
- solar collector, freestanding

DISCRETIONARY USES (DO)

- accessory development to an approved discretionary use
- home occupation, Class 2
- sign types: 1, 2
- tourist home

2. MINIMUM LOT DIMENSIONS

Notwithstanding the minimum lot dimensional requirements prescribed in the table below, all lots located on curves or cul-de-sacs shall have a minimum frontage of 6 m (19.7 ft).

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
single-detached	19.8	65	36.6	120	724.6	7,800
all other uses	as required by the Development Authority					

3. MAXIMUM LOT SIZE

The maximum lot size prescribed below does not apply to lots that have been developed or approved for a principal building as of the date this Bylaw came into effect. Lots exceeding the maximum lot size may be subject to an increased setback in order to accommodate future resubdivision of the lot.

Use	Area	
	m²	ft²
single-detached	1,149.7 (0.11 ha)	15,000 (0.34 acre)
all other uses	as required by the Development Authority	

4. MINIMUM YARD SETBACKS FOR PRINCIPAL BUILDINGS

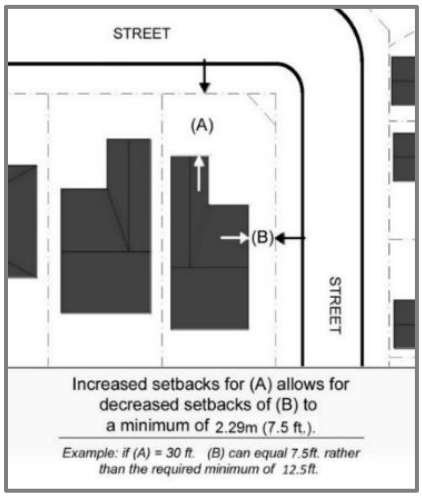
Setbacks are measured from the property boundary to the nearest point of the building or foundation (see Schedule 5 for applicability and permitted projections).

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
single/semi-detached	7.6-10.7[1]	25-35[1]	3.8	12	1.5	5	7.6	25
all other uses	as required by the Development Authority							

[1]The front yard setback is expressed as a range, meaning that front of the principal building must be within 7.6 – 10.7 m from the front property line.

Minimum yard setbacks for a corner lot

The required secondary front yard setback on a corner lot may be reduced by 0.15 m (0.5 ft) for each 0.3 m (1 ft) that the front yard setback is increased, providing the resulting secondary front yard setback is never less than 2.3 m (7.5 ft). (see diagram)



5. MAXIMUM SITE COVERAGE

(1) The principal building shall not occupy more than 33% of the surface area of a lot. Attached garages, balconies, porches, verandas, decks and patios shall be considered as part of the principal building.

(2) The cumulative footprint of accessory buildings on a lot shall not occupy more than 12% of the gross area of a lot or 148.6 m² (1,600 ft²), whichever is the lesser. Additionally, the cumulative footprint of accessory buildings shall not exceed the footprint of the principal building.

6. MINIMUM GROSS FLOOR AREA

Use	Minimum Gross Floor Area
single-detached	74.3 m^2 (800 ft^2)
semi-detached (per unit)	65.0 m^2 (700 ft^2)
all other uses	as required by the Development Authority

7. MAXIMUM HEIGHT OF BUILDINGS

Despite the maximum possible height for an accessory building specified in the table below, in no case shall the height of an accessory building exceed that of the principal building.

Use	Maximum Height
principal building	10.1 m (33 ft)
accessory buildings	4.9 m (16 ft)

8. ACCESSORY BUILDING REGULATIONS AND MEASURABLE STANDARDS

This section applies to detached garages, carports, garden sheds, non-commercial greenhouses, and related accessory buildings that are commonplace within the residential context.

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

(2) Up to three accessory buildings may be developed on a lot containing a principal building. Decks, patios, pools and play structures do not count toward this cumulative total.

(3) An accessory building shall require a separate development permit except where it forms part of an application for a principal building.

(4) Accessory buildings shall be developed in compliance with the maximum site coverage provisions specified in Section 5 of this Schedule as well as the maximum height provisions in Section 7.

~~(5) A minimum separation distance of 3.1 m (10 ft) shall be maintained from a principal building.~~

~~(6)~~(5) A minimum separation distance of 1.5 m (5 ft) shall be provided between accessory buildings.

~~(7)~~(6) No accessory building shall be located in a front yard.

~~(8)~~(7) The minimum setbacks for accessory buildings are specified below. The values are measured from the respective property line to the nearest point of the building, excluding overhanging eaves. Eaves may project into a side or rear yard setback up to 50% of the setback requirement.

Use	Front Yard	Secondary Front	Side Yard	Rear Yard
accessory buildings	N/A	N/A	0.9 m (3 ft)	0.9 m (3 ft)

SMALL LOT RESIDENTIAL (SR) DISTRICT

Purpose:
To provide opportunity for single-detached housing on comparatively smaller, more affordable lots.

1. USES

PERMITTED USES

- accessory development to an approved permitted use
- day home
- home occupation, Class 1
- shipping container, temporary
- single-detached dwelling
- solar collector, attached
- utility

DISCRETIONARY USES (MPC)

- bed and breakfast
- boarding house
- child care facility
- community garden
- duplex
- moved-in dwelling
- outdoor recreation and sports fields
- public park or playground
- residential care facility
- secondary suite
- semi-detached dwelling
- small wind energy system, type A
- solar collector, freestanding

DISCRETIONARY USES (DO)

- accessory development to an approved discretionary use
- home occupation, Class 2
- sign types: 1, 2
- tourist home

2. MINIMUM LOT DIMENSIONS

Notwithstanding the minimum lot dimensional requirements prescribed in the table below, all lots located on curves or cul-de-sacs shall have a minimum frontage of 6 m (19.7 ft).

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
single-detached	15.2	50	30.5	110	511.0	5,500
all other uses	as required by the Development Authority					

3. MAXIMUM LOT SIZE

The maximum lot size prescribed below does not apply to lots that have been developed or approved for a principal building as of the date this Bylaw came into effect. Lots exceeding the maximum lot size may be subject to an increased setback in order to accommodate future resubdivision of the lot.

Use	Area	
	m²	ft²
single-detached	724.5 (0.07 ha)	7,800 (0.18 acre)
all other uses	as required by the Development Authority	

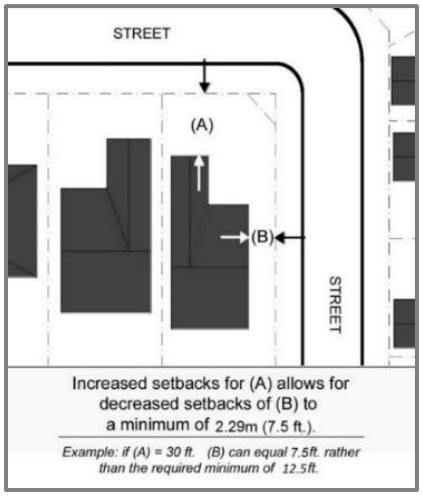
4. MINIMUM YARD SETBACKS FOR PRINCIPAL BUILDINGS

Setbacks are measured from the property boundary to the nearest point of the building or foundation .(see Schedule 5 for applicability and permitted projections).

Use	Front Yard		Secondary Front (Corner Lots)		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
single/semi-detached*	7.6	25	3.8	12	1.5	5	7.6	25
all other uses	as required by the Development Authority							

Minimum yard setbacks for a corner lot

The required secondary front yard setback on a corner lot may be reduced by 0.15 m (0.5 ft) for each 0.30 m (1 ft) that the front yard setback is increased, providing the resulting secondary front yard setback is never less than 2.3 m (7.5 ft). (see diagram)



5. MAXIMUM SITE COVERAGE

(1) The principal building shall not occupy more than 33% of the surface area of a lot. Attached garages, balconies, porches, verandas, decks and patios shall be considered as part of the principal building.

(2) The cumulative footprint of accessory buildings on a lot shall not occupy more than 12% of the gross area of a lot or 148.6 m² (1,600 ft²), whichever is the lesser. Additionally, the cumulative footprint of accessory buildings shall not exceed the footprint of the principal building.

6. MINIMUM GROSS FLOOR AREA

Use	Minimum Gross Floor Area
single-detached	74.3 m^2 (800 ft^2)
semi-detached (per unit)	65.0 m^2 (700 ft^2)
all other uses	as required by the Development Authority

7. MAXIMUM HEIGHT OF BUILDINGS

Despite the maximum possible height for an accessory building specified in the table below, in no case shall the height of an accessory building exceed that of the principal building.

Use	Maximum Height
principal building	10.1 m (33 ft)
accessory buildings	4.9 m (16 ft)

8. ACCESSORY BUILDING REGULATIONS AND MEASURABLE STANDARDS

This section applies to detached garages, carports, garden sheds, non-commercial greenhouses, and related accessory buildings that are commonplace within the residential context.

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

(2) Up to three accessory buildings may be developed on a lot containing a principal building. Decks, patios, pools and play structures do not count toward this cumulative total.

(3) An accessory building shall require a separate development permit except where it forms part of an application for a principal building.

(4) Accessory buildings shall be developed in compliance with the maximum site coverage provisions specified in Section 5 of this Schedule as well as the maximum height provisions in Section 7.

~~(5) A minimum separation distance of 3.1 m (10 ft) shall be maintained from a principal building.~~

~~(6)~~(5) A minimum separation distance of 1.5 m (5 ft) shall be provided between accessory buildings.

~~(7)~~(6) No accessory building shall be located in a front yard.

~~(8)~~(7) The minimum setbacks for accessory buildings are specified below. The values are measured from the respective property line to the nearest point of the building, excluding overhanging eaves. Eaves may project into a side or rear yard setback up to 50% of the setback requirement.

Use	Front Yard	Secondary Front	Side Yard	Rear Yard
accessory buildings	N/A	N/A	0.9 m (3 ft)	0.9 m (3 ft)

MANUFACTURED RESIDENTIAL (R2) DISTRICT

Purpose:
To provide opportunity for residential development, predominantly in the form of detached manufactured dwellings on subdivided lots or within non-subdivided communities, in those areas of the Town that are considered suitable for such development.

1. USES

PERMITTED USES	DISCRETIONARY USES (MPC)
❖ accessory development to an approved permitted use ❖ day home ❖ home occupation, Class 1 ❖ manufactured dwelling ❖ shipping container, temporary ❖ solar collector, attached ❖ utility	❖ community garden ❖ duplex ❖ home occupation, Class 2 ❖ manufactured home park ❖ outdoor recreation and sports fields ❖ public park or playground ❖ semi-detached dwelling ❖ single-detached dwelling ❖ small wind energy system, type A ❖ solar collector, freestanding **DISCRETIONARY USES (DO)** ❖ accessory development to an approved discretionary use ❖ sign types: 1, 2

2. MINIMUM LOT DIMENSIONS

Notwithstanding the minimum lot dimensions prescribed in the table below, all lots located on curves or cul-de-sacs shall have a minimum frontage of 6 m (19.7 ft).

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
Manufactured dwelling	15.2	50	30.5	110	511.0	5,500
all other uses	as required by the Development Authority					

3. MINIMUM YARD SETBACKS FOR PRINCIPAL BUILDINGS IN SUBDIVIDED COMMUNITY

Setbacks are measured from the property boundary to the nearest point of the building or foundation.

Use	Front Yard		Secondary Front		Side Yard (entrance)		Side Yard (other)		Rear Yard	
	m	ft	m	ft	m	ft	m	ft	m	ft
Manufactured dwelling	6.1 ~~7.6~~	20 ~~25~~	3.8	12	4.6	15	2.3	7.5	3.0	10
all other uses	as required by the Development Authority									

3. MINIMUM SEPARATION DISTANCE FOR PRINCIPAL BUILDINGS IN NON-SUBDIVIDED COMMUNITY

Separation distance is measured from the nearest wall of a dwelling to an adjacent dwelling(s) (not including projections like decks, cantilevers etc. provided they don't exceed 33% of the length of the dwelling).

Use	Separation Distance	
	m	ft
Manufactured dwelling	6.1	20
all other uses	as required by the Development Authority	

4. ELIGIBLE MANUFACTURED DWELLINGS

(1) Eligible manufactured dwellings include new factory built single-detached manufactured dwellings as well as used factory built single-detached manufactured dwellings in a state of good repair and not more than 35 years of age from the date of the passing of this Bylaw.

(2) Manufactured dwellings shall be certified in compliance with CSA standards.

(3) All manufactured dwellings shall be registered with the Provincial Personal Property Registration. The CSA model number and serial number shall be provided at the time of submission of a development application and are required to be registered with the Town.

(4) Application for a used manufactured dwelling shall be accompanied by recent colour photographs conveying that the quality of the building exterior is at least equal to that of other dwellings in the vicinity.

5. ELIGIBLE SINGLE DETACHED PREFABRICATED DWELLINGS

Proposed prefabricated single-detached dwellings shall be considered where the shape and design is compatible with the predominant shape and design of manufactured dwellings in the vicinity. Standards governing prefabricated dwellings are specified in Schedule 5: Section 26.

6. FOUNDATIONS

All manufactured dwellings shall be placed on permanent foundations, certified in accordance with the latest CSA standards and shall be skirted to the satisfaction of the Development Authority.

7. MINIMUM GROSS FLOOR AREA

Use	Minimum Gross Floor Area
manufactured	60.4 m^2 (650 ft^2)
all other uses	as required by the Development Authority

8. ADDITIONS TO MANUFACTURED DWELLINGS

(1) Any addition to a manufactured dwelling shall be of a design and finish which will complement the manufactured dwelling unit and the neighbouring units in the vicinity.

(2) Additions shall be located to the rear or side of the manufactured dwelling only. Where any lot has more than one front yard line, the front yard requirements shall apply to one yard only and additions may be permitted in the other front yard.

(3) Additions shall not exceed 30% of the floor area of a manufactured dwelling.

9. ACCESSORY BUILDING REGULATIONS AND MEASURABLE STANDARDS

This section applies to detached garages, carports, garden sheds, non-commercial greenhouses, and related accessory buildings that are commonplace within the residential context.

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

(2) In no case shall an accessory building exceed 4.9 m (16 ft) in height above grade.

(3) Up to two ~~three~~ accessory buildings may be developed on a lot or plot containing a principal building. Decks, patios, pools and play structures do not count toward this cumulative total.

(4) An accessory building shall require a separate development permit except where it forms part of an application for a principal building.

~~(5) A minimum separation distance of 3.1 m (10 ft) shall be maintained from a principal building.~~

~~(6)~~(5) A minimum separation distance of 0.9 m (3 ft) ~~1.5 m (5 ft)~~ shall be provided between accessory buildings.

~~(7)~~(6) No accessory building shall be located in a front yard.

~~(8)~~(7) The minimum setbacks for accessory buildings are specified below. The values are measured from the respective property line to the nearest point of the building, excluding overhanging eaves. Eaves may project into a side or rear yard setback up to 50% of the setback requirement.

Use	Front Yard	Secondary Front	Side Yard	Rear Yard
accessory buildings	N/A	N/A	0.9 m (3 ft)	0.9 m (3 ft)

LARGE LOT RESIDENTIAL (R3) DISTRICT

Purpose:
To ensure that residential and related development occurs on those larger lots within the Town that have been designated as suitable for such development.

1. USES

PERMITTED USES

- accessory development to an approved permitted use
- day home
- duplex
- home occupation, Class 1
- semi-detached dwelling
- shipping container, temporary
- single-detached dwelling
- solar collector, attached
- utility

DISCRETIONARY USES (MPC)

- backyard suite
- bed and breakfast
- boarding house
- child care facility
- community garden
- ~~duplex~~
- home occupation, Class 3
- institutional facility
- moved-in dwelling
- outdoor recreation and sports fields
- public park or playground
- residential care facility
- ~~semi-detached dwelling~~
- small wind energy system, type A
- solar collector, freestanding

DISCRETIONARY USES (DO)

- accessory development to an approved discretionary use
- home occupation, Class 2
- secondary suite
- sign types: 1, 2
- tourist home

2. MINIMUM LOT DIMENSIONS

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
single-detached, semi-detached	30.5	100	45.7	150	1,393.5 (0.14 ha)	15,000 (0.34 acre)
all other uses	as required by the Development Authority					

3. MAXIMUM LOT SIZE

The maximum lot size prescribed below does not apply to lots that have been developed or approved for a principal building as of the date this Bylaw came into effect. Lots exceeding the maximum lot size may be subject to an increased setback in order to accommodate future resubdivision of the lot.

Use	Area	
	m²	ft²
single-detached, semi-detached	4,849.4 (0.48 ha)	52,200 (1.20 acre)
all other uses	as required by the Development Authority	

4. MINIMUM YARD SETBACKS FOR PRINCIPAL BUILDINGS

Setbacks are measured from the property boundary to the nearest point of the building or foundation (see Schedule 5 for applicability and permitted projections).

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
single-detached	7.6-10.7[1]	25-35[1]	4.6	15	3.0	10	15.2	50
principal buildings on Lots 1-4, Block 73, Plan 1611451	7.6-10.7[1]	25-35[1]	4.6	15	3.0	10	53.6	176
all other uses	as required by the Development Authority							

[1]The front yard setback is expressed as a range, meaning that front of the principal building must be within 7.6 – 10.7 m from the front property line.

5. MAXIMUM SITE COVERAGE

(1) The principal building shall not occupy more than 33% of the surface area of a lot. Attached garages, balconies, porches, verandas, decks and patios shall be considered as part of the principal building.

(2) The cumulative footprint of accessory buildings on a lot shall not occupy more than 12% of the gross area of a lot or 148.6 m² (1,600 ft²), whichever is the lesser. Additionally, the cumulative footprint of accessory buildings shall not exceed the footprint of the principal building.

6. MINIMUM GROSS FLOOR AREA

Use	Minimum Gross Floor Area
single-detached	139.4 m² (1500 ft²)
all other uses	as required by the Development Authority

7. MAXIMUM HEIGHT OF BUILDINGS

Despite the maximum possible height for an accessory building specified in the table below, in no case shall the height of an accessory building exceed that of the principal building.

Use	Maximum Height
principal building	10.1 m (33 ft)
accessory buildings	4.9 m (16 ft)

8. ACCESSORY BUILDING REGULATIONS AND MEASURABLE STANDARDS

This section applies to detached garages, carports, garden sheds, non-commercial greenhouses, and related accessory buildings that are commonplace within the residential context.

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

(2) Up to three accessory buildings may be developed on a lot containing a principal building. Decks, patios, pools and play structures do not count toward this cumulative total.

(3) An accessory building shall require a separate development permit except where it forms part of an application for a principal building.

(4) Accessory buildings shall be developed in compliance with the maximum site coverage provisions specified in Section 5 of this Schedule as well as the maximum height provisions in Section 7.

~~(5) A minimum separation distance of 3.1 m (10 ft) shall be maintained from a principal building.~~

~~(6)~~(5) A minimum separation distance of 1.5 m (5 ft) shall be provided between accessory buildings.

~~(7)~~(6) No accessory building shall be located in a front yard.

~~(8)~~(7) The minimum setbacks for accessory buildings are specified below. The values are measured from the respective property line to the nearest point of the building, excluding overhanging eaves. Eaves may project into a side or rear yard setback up to 50% of the setback requirement.

Use	Front Yard	Secondary Front	Side Yard	Rear Yard
accessory buildings	N/A	N/A	0.9 m (3 ft)	0.9 m (3 ft)

MEDIUM DENSITY RESIDENTIAL (R4) DISTRICT

Purpose:
To provide opportunity for various types of multi-unit development that provide a broader mix of housing options in those areas that are considered suitable for such development.

1. USES

PERMITTED USES

- accessory development to an approved permitted use
- apartment, ≤6 dwelling units
- duplex
- home occupation, Class 1
- semi-detached dwelling
- shipping container, temporary
- solar collector, attached
- townhouse, ≤6 dwelling units
- utility

DISCRETIONARY USES (MPC)

- apartment, >6 dwelling units
- community garden
- day home
- home occupation, Class 2
- institutional facility
- moved-in dwelling (2 unit)
- public park or playground
- residential care facility
- secondary suite
- seniors supportive housing facility
- small wind energy system, type A
- solar collector, freestanding
- townhouse, >6 dwelling units

DISCRETIONARY USES (DO)

- accessory development to an approved discretionary use
- sign types: 1, 2
- tourist home

2. MINIMUM LOT DIMENSIONS

The minimum lot width for townhouses containing more than 6 dwelling units can be calculated by allocating 12.1 m (40 ft) ~~15.2 m (50 ft)~~ of width for each end dwelling unit and 6.1 m (20 ft.) ~~7.6 m (25 ft)~~ of width for each interior dwelling unit.

Use	Width		Length		Area	
	m	ft	m	ft	m²	ft²
duplexes	21.3	70	36.6	120	779.6	8,400
semi-detached	27.4	90	36.6	120	1002.8	10,800
apartments						
3 units	12.2	40	36.6	120	446.5	4,800
4 units	10.7	35	36.6	120	391.6	4,200
5+ units	as required by the Development Authority					
townhouses						
3 units	30.3 ~~38.0~~	100 ~~125~~	36.6	120	1114.8 ~~1390.8~~	12,000 ~~15,000~~
4 units	36.4 ~~45.6~~	120 ~~150~~	36.6	120	1337.8 ~~1669.0~~	14,400 ~~18,000~~
5 units	42.5 ~~53.2~~	140 ~~175~~	36.6	120	1560.8 ~~1947.1~~	16,800 ~~21,000~~
6 units	48.6 ~~60.8~~	160 ~~200~~	36.6	120	1783.7 ~~2225.3~~	19,200 ~~24,000~~

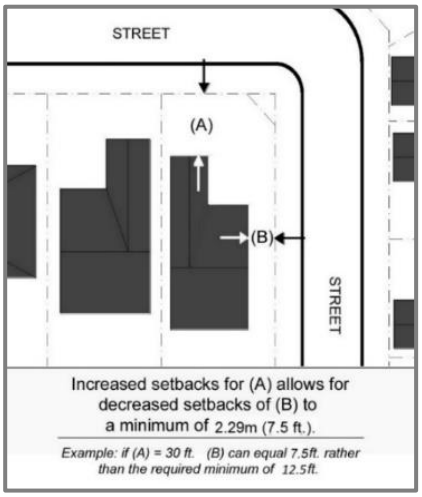
3. MINIMUM YARD SETBACKS FOR PRINCIPAL BUILDINGS

Setbacks are measured from the property boundary to the nearest point of the building or foundation (see Schedule 5 for applicability and permitted projections).

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
duplexes, semi-detached	7.6	25	3.8	12.5	1.5	5	7.6	25
apartments/townhouses (≤4 units)	7.6	25	3.8	12.5	3.0	10	7.6	25
all other uses	as required by the Development Authority							

Minimum yard setbacks for a corner lot

The required secondary front yard setback on a corner lot may be reduced by 0.15 m (0.5 ft) for each 0.3 m (1 ft) that the front yard setback is increased, providing the resulting secondary front yard setback is never less than 2.3 m (7.5 ft). (see diagram)



4. MAXIMUM SITE COVERAGE

(1) The principal building shall not occupy more than 40% of the surface area of a lot. Attached garages, balconies, porches, verandas, decks and patios shall be considered as part of the principal building.

(2) The cumulative footprint of accessory buildings on a lot shall not occupy more than 10% of the gross area of a lot or 148.6 m² (1,600 ft²), whichever is the lesser. Additionally, the cumulative footprint of accessory buildings shall not exceed the footprint of the principal building.

5. MINIMUM GROSS FLOOR AREA

Use	Minimum Gross Floor Area
dwelling units (all types)	46.5 m^2 (500 ft^2)

6. MAXIMUM HEIGHT OF BUILDINGS

(1) In addition to complying with the maximum height provisions listed below, buildings with more than three storeys will require additional measures such as sprinkler systems to ensure they meet provincial legislation. All applications involving buildings that exceed 10.1 m (33 ft) in height shall be circulated to the Magrath Fire Department to ensure adequate firefighting facilities exist.

(2) Despite the maximum possible height for an accessory building specified in the table below, in no case shall the height of an accessory building exceed that of the principal building.

Use	Maximum Height
duplexes, semi-detached, townhouses	10.1 m (33 ft)
apartments and other principal uses	as required by the Development Authority
accessory buildings	4.9 m (16 ft)

7. ACCESSORY BUILDING REGULATIONS AND MEASURABLE STANDARDS

This section applies to detached garages, carports, garden sheds, non-commercial greenhouses, and related accessory buildings that are commonplace within the residential context.

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

(2) Up to three accessory buildings may be developed on a lot containing a principal building. Decks, patios, pools and play structures do not count toward this cumulative total.

(3) An accessory building shall require a separate development permit except where it forms part of an application for a principal building.

(4) Accessory buildings shall be developed in compliance with the maximum site coverage provisions specified in Section 4 of this Schedule as well as the maximum height provisions in Section 6.

~~(5) A minimum separation distance of 3.1 m (10 ft) shall be maintained from a principal building.~~

~~(6)~~(5) A minimum separation distance of 1.5 m (5 ft) shall be provided between accessory buildings.

~~(7)~~(6) No accessory building shall be located in a front yard.

~~(8)~~(7) The minimum setbacks for accessory buildings are specified below. The values are measured from the respective property line to the nearest point of the building, excluding overhanging eaves. Eaves may project into a side or rear yard setback up to 50% of the setback requirement.

Use	Front Yard	Secondary Front	Side Yard	Rear Yard
accessory buildings	N/A	N/A	0.9 m (3 ft)	0.9 m (3 ft)

CENTRAL COMMERCIAL (C1) DISTRICT

Purpose:

To encourage the development, redevelopment, conservation and rehabilitation of commercial areas in the Town, including the growth of a vibrant main street with a focus on retail, service and office uses that cater to the daily needs of the Town's residents.

1. USES

PERMITTED USES	DISCRETIONARY USES (MPC)
❖ accessory development to an approved permitted use ❖ business support services ❖ convenience store ❖ farmer's market ❖ financial institution ❖ food store ❖ government services ❖ health care facility ❖ health services, medical clinic ❖ office ❖ personal services ❖ restaurant ❖ retail, small-scale ❖ shipping container, temporary ❖ sign types: 1, 2, 3, 6 ❖ solar collector, attached ❖ utility ❖ visitor information centre	❖ accessory development to an approved discretionary use ❖ amusement facility ❖ auto body repair and paint shop ❖ automotive repair and service ❖ automotive sales ❖ building supplies store ❖ car wash ❖ child care facility ❖ contractor, building and trade ❖ cultural facility ❖ drive-thru restaurant ❖ educational institution ❖ equipment sales and service ❖ funeral home ❖ garden centre ❖ hotel ❖ institutional facility ❖ motel ❖ parking facility ❖ pet care services ❖ residential accommodation in conjunction with a commercial use ❖ restaurant, licensed ❖ service station ❖ shipping container, permanent (≤2) ❖ sign types: 5, 8, 9, 10 ❖ small wind energy system, type A ❖ solar collector, freestanding ❖ theatre ❖ veterinary clinic, small animal ❖ warehouse, retail

2. MINIMUM LOT DIMENSIONS

Use	Width		Length		Area	
	m	ft	m	ft	m²	ft²
all uses	18.2	60	36.6	120	666.1	7,200

3. MINIMUM YARD SETBACKS

The minimum yard setbacks in this district shall be prescribed by the Development Authority (see Schedule 5 for applicability and permitted projections).

4. HIGHWAY SETBACK REQUIREMENTS

Notwithstanding other provisions contained within this Bylaw, no permanent development within this district shall be allowed within 4.6 m (15 ft) of a highway right-of-way.

5. MAXIMUM SITE COVERAGE

The cumulative total of principal and accessory building footprints shall not occupy more than 80% of the surface area of a lot.

6. MAXIMUM HEIGHT OF BUILDINGS

(1) The roofline of the principal building shall be compatible with the surrounding buildings to the satisfaction of the Development Authority.

(2) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening in a manner compatible with the architectural character of the building.

Use	Maximum Height
principal building	13.7 m (45 ft)
accessory buildings	6.1 m (20 ft)

7. RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH A COMMERCIAL USE

A dwelling unit(s) may be approved where, in the opinion of the Development Authority, the principal use of the property, for commercial purposes, is maintained. A dwelling unit(s) shall only be approved where the main floor façade of the building is maintained as a storefront/commercial premise.

HIGHWAY COMMERCIAL (C2) DISTRICT

Purpose:
To ensure the compatibility of commercial development adjacent to major thoroughfares in the Town.

1. USES

PERMITTED USES	DISCRETIONARY USES (MPC)
❖ accessory development to an approved permitted use ❖ ~~automotive sales~~ ❖ ~~building supplies store~~ ❖ business support services ❖ car wash ❖ convenience store ❖ drive-thru restaurant ❖ farmer's market ❖ financial institution ❖ food store ❖ ~~garden centre~~ ❖ health care facility ❖ health services, medical clinic ❖ ~~hotel~~ ❖ indoor recreation facility ❖ ~~motel~~ ❖ personal services ❖ pet care services ❖ restaurant ❖ retail, small-scale ❖ ~~service station~~ ❖ shipping container, temporary ❖ sign types: 1, 2, 3, 6 ❖ solar collector, attached ❖ theatre ❖ utility ❖ visitor information centre ❖ ~~warehouse, retail~~ ❖ ~~warehouse, wholesale~~	❖ accessory development to an approved discretionary use ❖ amusement facility ❖ automotive sales ❖ auto body repair and paint shop ❖ automotive repair and service ❖ building supplies store ❖ contractor, building and trade ❖ equipment sales and service ❖ farm/industrial machinery sales & service ❖ garden centre ❖ government services ❖ horticultural operation ❖ hotel ❖ institutional facility ❖ manufacturing, light ❖ mini storage facility ❖ motel ❖ office ❖ outdoor recreation and sports fields ❖ outdoor recreation facility ❖ outdoor storage ❖ parking facility ❖ residential accommodation in conjunction with a commercial use ❖ restaurant, licensed ❖ retail, large-scale ❖ service station ❖ shipping container, permanent (≤2) ❖ shopping centre ❖ sign types: 5, 7, 8, 9, 10 ❖ small wind energy system, type A ❖ solar collector, freestanding ❖ travel plaza ❖ veterinary clinic, small animal ❖ warehouse, retail ❖ warehouse, wholesale

2. MINIMUM LOT DIMENSIONS

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
all uses	18.3	60	39.6	130	724.6	7,800

3. MINIMUM YARD SETBACKS

Setbacks are measured from the property boundary to the nearest point of the building or foundation (see Schedule 5 for applicability and permitted projections).

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
principal building	9.1	30	4.6	15	1.5	5	7.6	25
accessory buildings	as required by the Development Authority							

4. MAXIMUM SITE COVERAGE

The cumulative total of principal and accessory building footprints shall not occupy more than 50% of the surface area of a lot.

5. MAXIMUM HEIGHT OF BUILDINGS

Use	Maximum Height
principal building	10.1 m (33 ft)
accessory buildings	6.1 m (20 ft)

6. OUTDOOR STORAGE

See Schedule 5: Section 24.

7. LANDSCAPING REQUIREMENTS

See Schedule 6: Landscaping & Screening Regulations.

LIGHT INDUSTRIAL (LI) DISTRICT

Purpose:

To allow light industrial and other compatible development in those areas of the Town that are considered most suitable, while prohibiting noxious uses.

1. USES

PERMITTED USES	DISCRETIONARY USES (MPC)
❖ accessory development to an approved permitted use ❖ auto body repair and paint shop ❖ automotive repair and service ❖ automotive sales ❖ building supplies store ❖ business support services ❖ car wash ❖ contractor, building and trade ❖ equipment sales and service ❖ garden centre ❖ horticultural operation ❖ light fabrication shop ❖ manufacturing, light ❖ mini storage facility ❖ retail, small-scale ❖ service station ❖ shipping container, permanent (≤~~2~~ 4) ❖ shipping container, temporary ❖ sign types: 1, 2, 3, 5, 6 ❖ single-detached dwelling (existing) ❖ solar collector, attached ❖ utility ❖ veterinary clinic, small animal ❖ warehouse, retail ❖ warehouse, wholesale	❖ accessory development to an approved discretionary use ❖ bulk fuel storage and sales ❖ cannabis production facility ❖ concrete batch plant ❖ contractor, heavy duty equipment ❖ educational institution ❖ farmer's market ❖ farm/industrial machinery sales & service ❖ feed mill/grain elevator ❖ fertilizer storage and sales ❖ food processing facility ❖ food store ❖ funeral home ❖ government services ❖ indoor recreation facility ❖ kennel ❖ manufacturing, heavy ❖ office ❖ outdoor storage ❖ parking facility ❖ pet care services ❖ recycling facility ❖ renewable energy, commercial/industrial ❖ residential accommodation in conjunction with an industrial use ❖ restaurant ❖ retail, large-scale ❖ salvage yard ❖ sand blasting facility ❖ seed cleaners and storage ❖ shipping container, permanent (>4) ❖ sign types: 7, 8, 9, 10 ❖ small wind energy system, types A & B ❖ solar collector, freestanding ❖ truck transportation depot ❖ veterinary clinic, large animal

2. MINIMUM LOT DIMENSIONS

Use	Width		Length		Area	
	m	ft	m	ft	m^2	ft^2
all uses	30.5	100	30.5	100	929.0	10,000

3. MINIMUM YARD SETBACKS

Setbacks are measured from the property boundary to the nearest point of the building or foundation (see Schedule 5 for applicability and permitted projections).

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
principal building	7.6	25	4.6	15	3.1	10	7.6	25
accessory buildings	as required by the Development Authority							

4. MAXIMUM SITE COVERAGE

The cumulative total of principal and accessory building footprints shall not occupy more than 60% of the surface area of a lot.

5. MAXIMUM HEIGHT OF BUILDINGS

The maximum height of all buildings shall be at the discretion of the Development Authority.

6. OUTDOOR STORAGE

See Schedule 5: Section 24.

7. LANDSCAPING REQUIREMENTS

See Schedule 6: Landscaping & Screening Regulations.

8. ENVIRONMENTAL SITE ASSESSMENT / ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Authority, a development proposal may create an unacceptable environmental impact and/or where there may have been historical environmental impacts (i.e. soil contamination), an environmental site assessment and/or environmental impact assessment may be required prior to dealing with the application.

INSTITUTIONAL / RECREATIONAL (I/R) DISTRICT

Purpose:

To ensure that the development of institutional facilities and uses within the Town is compatible with other land uses.

1. USES

PERMITTED USES	DISCRETIONARY USES (MPC)
❖ accessory development to an approved permitted use ❖ cemetery and interment services ❖ community garden ❖ cultural facility ❖ educational institution ❖ farmer's market ❖ government services ❖ health care facility ❖ indoor recreation facility ❖ institutional facility ❖ outdoor recreation and sports fields ❖ public park or playground ❖ religious assembly ❖ seniors supportive housing facility ❖ shipping container, temporary ❖ sign types: 1, 2 ❖ solar collector, attached ❖ utility ❖ visitor information centre	❖ accessory development to an approved discretionary use ❖ campground ❖ child care facility ❖ facility, licensed ❖ funeral home ❖ golf course ❖ outdoor recreation facility ❖ parking facility ❖ recreation camp ❖ salvage yard ❖ shipping container, permanent (≤2) ❖ sign types: 3, 5, 6, 8, 9, 10 ❖ small wind energy system, types A & B ❖ solar collector, freestanding ❖ special care facility ❖ waste transfer station

2. MINIMUM LOT DIMENSIONS

All Uses – As required by the Development Authority.

3. MINIMUM YARD SETBACKS

Setbacks are measured from the property boundary to the nearest point of the building or foundation (see Schedule 5 for applicability and permitted projections).

Use	Front Yard		Secondary Front		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft	m	ft
principal building	7.6	25	3.1	10	3.1	10	7.6	25
accessory buildings	as required by the Development Authority							

4. MAXIMUM SITE COVERAGE

The cumulative total of principal and accessory building footprints shall not occupy more than 50% of the surface area of a lot.

5. MAXIMUM HEIGHT OF BUILDINGS

The maximum height of all buildings shall be at the discretion of the Development Authority.

URBAN TRANSITIONAL (UT) DISTRICT

Purpose:

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

1. USES

PERMITTED USES	DISCRETIONARY USES (MPC)
❖ accessory development to an approved permitted use ❖ community garden ❖ cultivation of land ❖ day home ❖ extensive agriculture ❖ farmer's market ❖ home occupation, Class 1 ❖ shipping container, temporary ❖ sign types: 1, 2 ❖ single-detached dwelling (existing) ❖ solar collector, attached ❖ utility	❖ accessory development to an approved discretionary use ❖ bed and breakfast ❖ farm building ❖ home occupation, Class 2 ❖ outdoor recreation and sports fields ❖ outdoor storage ❖ public park or playground ❖ secondary suite ❖ shipping container, permanent (≤2) ❖ sign types: 3, 5, 6, 7, 8, 9, 10 ❖ single-detached dwelling ❖ small wind energy system, type A ❖ solar collector, freestanding

2. USE RESTRICTIONS AND DEVELOPMENT REQUIREMENTS

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

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

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

(2) The Development Authority shall ensure, to its satisfaction, that any proposed improvement is located or developed so that it:

(a) does not conflict with nor jeopardize the implementation of an adopted area structure plan or area redevelopment plan, where either one or both of these affect the lands which are the subject of a development application;

(b) does not compromise the orderly subdivision or subsequent development of lands; and

(c) does not, in the case of a permitted or discretionary use, substantially conflict with the provisions of the district which will likely apply, in the opinion of the Development Authority, on subsequent reclassification of the lands.

(3) Where an area structure plan or a conceptual scheme has not been submitted for the lands that are the subject of a development application, the Development Authority may require that:

(a) an area structure plan or conceptual scheme to be submitted by the applicant; and

(b) the parcel which is the subject of the development application shall be reclassified in this Bylaw and subdivided in accordance with the area structure plan or conceptual scheme before the Development Authority considers the development application.

3. MINIMUM LOT DIMENSIONS

(1) Existing parcels (the subdivision of new parcels is not permitted in this district).

(2) Boundary line adjustments may be approved at the discretion of the Subdivision Authority.

4. MINIMUM YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
all uses	7.6	25	3.1	10	7.6	25

In establishing setbacks for principal and accessory buildings, the Development Authority shall have regard to the following:

(1) the setbacks which may apply, in the opinion of the Development Authority, on future reclassification and/or subdivision of the lot;

(2) the maintenance of adequate setbacks from existing and proposed roadways, including service roadways and lanes; and

(3) such other matters as the Development Authority considers appropriate.

5. MAXIMUM HEIGHT OF BUILDINGS

(1) The maximum building height of any dwelling shall be 10.1 m (33 ft).

(2) The maximum height of all buildings accessory to a dwelling or agricultural use shall be 4.9 m (16 ft).

(3) The maximum building height of discretionary uses shall be as required by the Development Authority having regard to the maximum building height which may apply, in the opinion of the Development Authority, on reclassification of the lot in the future.

FLOOD HAZARD AREA OVERLAY DISTRICT

Purpose:

To achieve beneficial long-term land use outcomes on parcels within the Town that are subject to flooding through a proactive approach to regulating development that mitigates flooding-related risks to property damage and human safety. The district is designed to curb the far-reaching public and private costs associated with flood damage without affecting private property rights except to the extent that is necessary to implement the purpose stated herein. The Flood Hazard Area Overlay district respects the real property investments and locational choices made by residents who own or reside in existing dwellings within the Flood Hazard Area. It also implements a consistent measure of land use control to ensure that, going forward, only appropriate development is approved within the Flood Hazard Area.

1. INTEPRETATION

(1) For the purposes of administering this district, "lands subject to flooding" shall be interpreted as parcels that are reasonably likely to flood in the normal course of events, as delineated by the Flood Hazard Area on the land use district map. The data underlying the Flood Hazard Area was produced in 2019 as part of a study undertaken by the province regarding a proposed emergency spillway operation for the Jensen Dam.

(2) The Flood Hazard Area corresponds to the 1:100 flood event. It depicts parcels that have a 1% chance of being reached by flood waters in any given year.

(3) The Flood Hazard Area elevations are the elevations that have a 1% chance of being reached by flood waters in any given year. In the context of a development proposal, the average pre-development grade of the proposed building site shall serve as the baseline elevation for flood-proofing measurements.

2. SCOPE

(1) The standards in this section govern the development of all new buildings proposed within the Flood Hazard Area, along with substantial additions and other significant modifications to existing buildings.

(2) Where part of a parcel lies within the Flood Hazard Area and part of the parcel lies outside, only that part of the parcel lying inside the Flood Hazard Area will be subject to the provisions set forth in the Flood Hazard Area Overlay district.

(3) The Development Authority may determine the relative extents of the Floodway and Flood Fringe within the Flood Hazard Area for the purposes of restricting land use and prescribing standards.

3. USES

Where a parcel falls within the Flood Hazard Area, all uses listed as permitted or discretionary in the underlying conventional district governing the parcel shall be designated as "discretionary (MPC)" and referred to the Municipal Planning Commission for a decision.

4. APPROVAL CRITERIA

(1) The Development Authority shall not issue an approval for development on a parcel located in the Flood Hazard Area unless the applicant has demonstrated that all proposed buildings are appropriately sited so as to not obstruct the flow of flood waters in the event of a flood.

(2) Parcels located in any portion of the Flood Hazard Area designated as the Floodway, where anticipated flows are greatest and anticipated damages most destructive, are deemed to be unsuitable for most uses apart from essential public utilities and low-impact recreation.

(3) Parcels located in any portion of the Flood Hazard Area designated as the Flood Fringe, where anticipated flows are generally shallower and less destructive, may potentially be suitable for development.

(4) Where a parcel lying partly within the Flood Hazard Area contains a suitable development area located outside the Flood Hazard Area, a development proposal on that parcel should seek to locate all permanent improvements outside the Flood Hazard Area.

(5) Setbacks shall be prescribed by the Development Authority on a proposal-specific basis, having regard for site parameters pertaining to the relative risk of incurring flood damage as well as the findings of any professional studies undertaken in respect of the subject parcel.

5. SITE-RELATED FLOOD MITIGATION STANDARDS

(1) The Development Authority may require, as a condition of development approval, engineered grading and drainage plans demonstrating that the proposal will not adversely impact existing flood elevations, along with a legal survey confirming that said engineered grades have been met.

(2) A development proposal within the Flood Hazard Area shall integrate an engineered detention pond providing a volume of on-site flood water storage capacity equivalent to the total off-site fill used to elevate the grade for all buildings, structures, access and embankments.

(3) The Development Authority may limit the proportion of impervious hardscape allowed for a proposal located within the Flood Hazard Area in order to prevent an increase in the volume of storm water runoff.

6. BUILDING-RELATED FLOOD MITIGATION STANDARDS

(1) The Development Authority shall not issue an approval for development on a parcel located in the Flood Hazard Area unless the applicant has submitted documentation prepared by a professional engineer or registered architect certifying that adequate flood-proofing measures have been integrated into the development design as per this section.

(2) The lowest habitable floor of a new principal or accessory dwelling developed in the Flood Hazard Area shall be flood-proofed to a minimum of 0.5 m (1.6 ft) above the Flood Hazard Area elevation.

(3) All electrical and mechanical equipment in new buildings developed in the Flood Hazard Area shall be flood-proofed to a minimum of 0.5 m (1.6 ft) above the Flood Hazard Area elevation.

(4) Basements shall be prohibited in new buildings located within the Flood Hazard Area.

(5) A sewer back-up valve shall be installed in any building located within the Flood Hazard Area for which a development permit has been issued.

(6) The Development Authority may allow minor renovations and repairs to an existing building located in the Flood Hazard Area without requiring the building to be flood-proofed.

(7) The Development Authority may allow additions to an existing building located in the Flood Hazard Area providing such additions are adequately flood-proofed, without requiring the existing portion of the building to be flood-proofed.

(8) The Development Authority may impose additional building-related flood mitigation standards derived from the Canadian Mortgage & Housing Corporation guidelines for building in flood-risk areas, or from similar publications promoting best practices in land and property development.

7. AMENDMENTS TO THE BOUNDARIES OR PROVISIONS OF THIS DISTRICT

(1) Should an updated Flood Hazard Area map for the Town be produced as part of the Flood Hazard Identification Program (FHIP), this Bylaw shall be amended to include the updated map.

(2) Upon enactment of the *Floodway Development Regulation*, or the coming into force of any other provincial regulations respecting development on lands subject to flooding, this Bylaw shall be amended as necessary to ensure its provisions are aligned with the provincial regulations.

DIRECT CONTROL (DC) DISTRICT

Purpose:

To provide a means whereby Council may govern the use and development within a specific area of the Town where the circumstances of a site are such that regulation and control through conventional districting is inadequate considering location, parcel size, long-range planning goals and the public interest.

1. USES

Council may, by bylaw, specify any uses it considers appropriate.

2. APPROVAL PROCEDURE

(1) Before considering a development application in the Direct Control district, Council shall:

(a) have the Development Officer provide notification to adjacent landowners and other persons likely to be affected as per Administrative Provisions: Section 37 ~~ADMINISTRATIVE PROVISIONS: Section 37~~; and

(b) hear any person that claims to be affected by the decision on the application.

(2) Council may then approve the application with or without conditions or refuse the application.

(3) Where applicable, Council should seek comments from its planner, regional health authority, or any applicable department of the provincial government.

(4) Following a decision, notification shall be sent to the applicant via postal mail or by email, as well as published within a local publication.

3. APPEAL PROCEDURE

Pursuant to s. 685(4)(a) of the MGA, if a decision with respect to a development application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

4. MINIMUM LOT DIMENSIONS, SETBACKS, SITE COVERAGE AND BUILDING HEIGHT

At the discretion of Council.

5. ANY AND ALL OTHER SCHEDULES SHALL BE CONSIDERED PRIOR TO IMPLEMENTATION OF THE SUBJECT BYLAW.

6. SITE-SPECIFIC DIRECT CONTROL STANDARDS

6.1. PLAN 3985J
THE SOUTHERLY 115 FEET OF THE EASTERLY
120 FEET BOTH IN PERPENDICULAR WIDTH
THROUGHOUT OF BLOCK 51
EXCEPTING THEREOUR ALL MINES AND MINERALS

(1) The permitted uses applicable to this parcel shall be all permitted uses listed in the R1 district.

(2) The discretionary uses applicable to this parcel shall be “garden centre” and all discretionary uses listed in the R1 district.

(3) The development standards applicable to this parcel shall be at the discretion of Council.

SCHEDULE 5

DEVELOPMENT STANDARDS

The standards prescribed in this Schedule operate in conjunction with the district-specific regulations established in Schedule 4 to govern the development of land, buildings and structures in the Town.

1. ACCESS AND SERVICING REQUIREMENTS

(1) A site plan submitted in support of a development application shall depict the proposed physical access to the development from a public roadway.

(2) The design of new residential subdivisions may integrate lanes as a primary or secondary means of physical access to the lots. Where possible, these lanes shall be at least 6.1 m (20 ft) wide.

(3) A backyard suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.

(4) The design of non-residential subdivisions, including the provision of physical access, shall be governed by the Subdivision Authority on a site-specific basis.

(5) All residential, industrial and commercial buildings shall be required to connect to municipal water supply, sanitary sewer systems and storm sewer systems where these municipal services are, in the opinion of the Development Authority, reasonably available.

(6) Refuse and garbage shall be kept in suitable containers or permanent enclosures. Permanent refuse and garbage storage areas and enclosures shall be effectively screened from public view.

(7) In all non-residential districts, refuse and garbage holding areas, enclosures, and compaction areas are to be located a minimum of 7.6 m (25 ft) from an adjacent residential use.

(8) Refuse on a construction site shall be properly screened or placed in an approved enclosure until such time that it is removed for disposal.

2. ~~ACCESSORY~~ DWELLING UNITS, ACCESSORY

GENERAL REQUIREMENTS

(1) Only one accessory dwelling unit may be developed in conjunction with a principal dwelling unit.

(2) An accessory dwelling unit shall not be subdivided from the principal dwelling unit.

(3) An accessory dwelling unit consisting of a single bedroom shall provide a minimum of one parking space, while 2-bedroom units shall provide a minimum of two parking spaces.

(4) An accessory dwelling unit shall have full utility services through service connections from the principal dwelling unit at the cost of the developer, or a servicing arrangement satisfactory to the Development Authority.

(5) The minimum gross floor area for an accessory dwelling unit shall be 30.1 m^2 (324 ft^2).

SECONDARY SUITES

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

(7) A secondary suite shall have a separate entrance from the principal dwelling unit, either directly from the exterior of the building or from a common indoor landing.

(8) A secondary suite shall have facilities for sleeping, sanitation and food preparation that are physically separate from those of the principal dwelling unit.

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

(10) In the case of a secondary suite developed completely or partially above grade, the floor area shall not exceed 40 percent of the total floor area above grade of the building containing the associated principal dwelling unit.

(11) A secondary suite shall not be developed within the same principal dwelling unit containing a, Class 2 home occupation unless the Development Authority is satisfied that the amount of traffic generated will be limited and that adequate parking has been included in the proposal.

BACKYARD SUITES

(12) A backyard suite located on a corner lot shall not take access from the street but shall instead share the principal front access or take access from the lane.

(13) A backyard suite shall be situated to the rear of the principal dwelling unit and oriented so as to clearly indicate its subordinance to the principal dwelling unit.

(14) If a backyard suite is attached to a garage, the entrance to the suite shall be separate from that of the garage, either via direct access from the exterior or from a common indoor landing.

(15) A backyard suite shall be situated no closer than 3.1 m (10 ft) to the principal dwelling unit.

(16) The maximum net floor area for the dwelling portion of an accessory dwelling unit shall be 55.7 m^2 (600 ft^2).

~~(15)~~(17) A backyard suite shall not be developed with a basement.

~~(16)~~(18) Minimum setbacks for backyard suites are as follows:

use	front		secondary front		side		rear (lane)		rear (no lane)	
	m	ft	m	ft	m	ft	m	ft	m	ft
backyard suite	N/A		3.8	12.5	3.1	10	1.5	5	3.1	10

~~(17)~~(19) Notwithstanding the minimum and maximum measurable standards prescribed in the table below, in no case shall a backyard suite exceed the height of the principal building.

use	maximum height		minimum gross floor area	
	m	ft	m^2	ft^2
backyard suite	7.6	25	30.1	324

~~(18)~~(20) At the discretion of the Development Authority, a backyard suite may be serviced independently (i.e. separately metered) from the principal dwelling unit.

~~(19)~~(21) In order to preserve the privacy of adjacent properties the following design measures shall be integrated to the satisfaction of the Development Authority:

(a) placement of larger windows in such a way that limits overlook into neighbouring properties;

(b) translucency (i.e. allowing the transport of light but not to the extent where image formation can be realized) of windows where appropriate;

(c) placement of balconies on a backyard suite to face the rear lane or the larger side yard; and

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

3. AIR CONDITIONERS (FREESTANDING)

A freestanding exterior air conditioner shall not be located in a front yard (not including the secondary front yard of a corner lot) nor located less than 0.9 m (3 ft) from a side or rear property boundary.

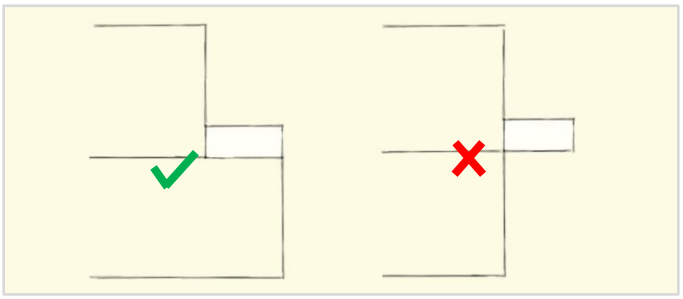
4. BALCONIES, PORCHES AND VERANDAS

(1) Balconies, porches and verandas attached to a principal building by a roof, floor, above-grade foundation or any connecting feature located below grade that allows access between the buildings are considered to form part of the principal building as it relates to site coverage calculations and minimum yard setback requirements, except where specifically permitted to project.

(2) A balcony shall not project more than 1.8 m (6 ft) from a building facade and shall adhere to the preferred design style depicted below. For semi-detached dwellings, no separation from a party wall property line is required for a balcony where a privacy wall extends the full depth of the balcony.

(3) A privacy wall shall be no greater than 2.0 m (6.5 ft) above the grade of a deck or patio.

BALCONY DESIGN STYLE



5. BED AND BREAKFASTS

Bed and breakfast accommodations may only be approved where the Development Authority is satisfied that the use shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and breakfast accommodations are governed as follows:

(1) This use shall be subordinate to, and housed within, the principal dwelling unit.

(2) Alterations to the principal building may be permitted provided they are congruent with the residential character of the building or property.

(3) Advertising shall only be permitted in compliance with Schedule 9: Sign Regulations.

(4) A development permit will remain in effect provided that the intensity of use remains unchanged.

(5) 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.

(6) Employees working in the business shall be limited to the residents of the dwelling unit.

(7) The accommodation shall be limited to a maximum of two guest rooms.

(8) A development permit is based solely on the location of use. If a permit holder relocates within the Town, a new development permit shall be required to continue the use from the new location.

(9) Accommodation for each group of guests shall be for a maximum of 10 consecutive days or 14 intermittent days over a 21-day period.

(10) Guest rooms shall not be permitted to contain cooking or kitchen facilities.

(11) Meals may be provided to registered guests only and meals for guests shall be prepared in the common kitchen of the principal residence.

6. CANNABIS PRODUCTION FACILITY

(1) The owner or applicant must provide, as a condition of development approval, a copy of the current license for all activities associated with medical marijuana production as issued by Health Canada.

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

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

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

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

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

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

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

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

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

7. CANNABIS RETAIL SALES

(1) A cannabis retail sales use may only be located on lands designated Direct Control (DC).

(2) A cannabis retail sales use must be a separate use from any other uses or business activities unless expressly authorized by the Alberta Gaming, Liquor and Cannabis Commission (AGLC).

(3) A cannabis retail sales use must obtain the necessary license from the AGLC and proof of license shall be required as a condition of development approval.

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

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

(6) A development application for a cannabis retail sales use shall not be approved if the premises (measured from the nearest outside wall of the cannabis retail sales use) is located within 300 m of any of the following:

(a) the boundary of a parcel on which an educational institution is located;

(b) the boundary of a parcel on which a health care facility is located;

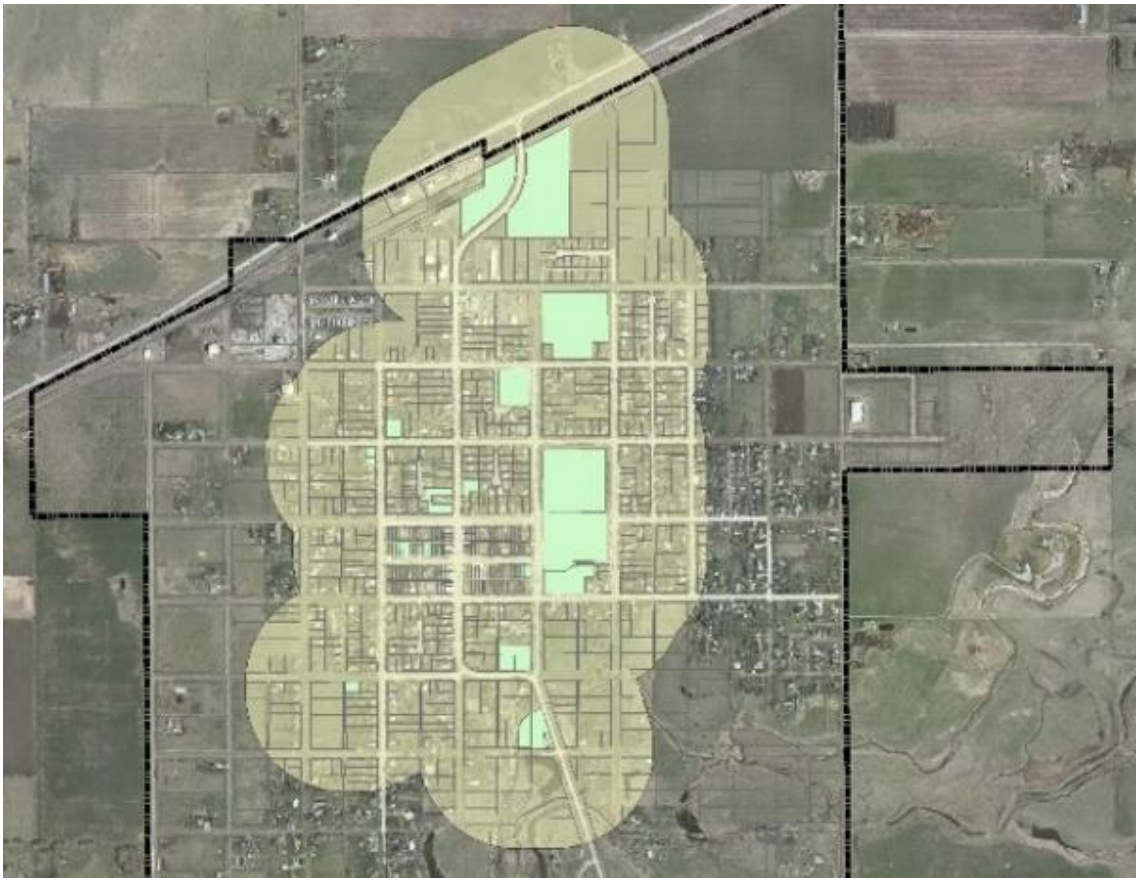
(c) the boundary of a parcel designated as school reserve (SR) or municipal and school reserve (MSR) is located;

(d) the boundary of a parcel on which another cannabis retail sales use is located; or

(e) the boundary of a parcel containing one of the following uses: child care facility, religious assembly, educational institution, indoor recreation facility, outdoor recreation facility, outdoor recreation and sports fields, public park or playground, institutional facility, or any other land use (unless specifically dealt with otherwise in this section), where, in the opinion of the Development Authority, persons under the age of 18 are likely to congregate on a regular basis.

(7) The separation distances noted above are reciprocal and are illustrated, for informational purposes only, below.

RECIPROCAL SEPARATION AREAS FOR CANNABIS RETAIL SALES



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

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

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

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

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

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

(d) proposed exterior business signage and information demonstrating compliance with the AGLC store name requirements;

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

8. CHILD CARE FACILITIES

All child care facilities may be approved subject to the following conditions and requirements:

(1) An applicant for a child care facility is encouraged to meet and consult with all adjacent land owners in the vicinity of where the use is proposed and to submit a summary of consultation as part of a development application.

(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 9: Sign Regulations, and a request for more than one sign or a sign greater than 0.74 m^2 (8 ft^2) requires a separate development application.

(4) The use shall not generate traffic problems within the district.

(5) A minimum of one on-site parking space per employee at the use at any given time, along with a minimum of one on-site pick-up and drop-off space for every seven children.

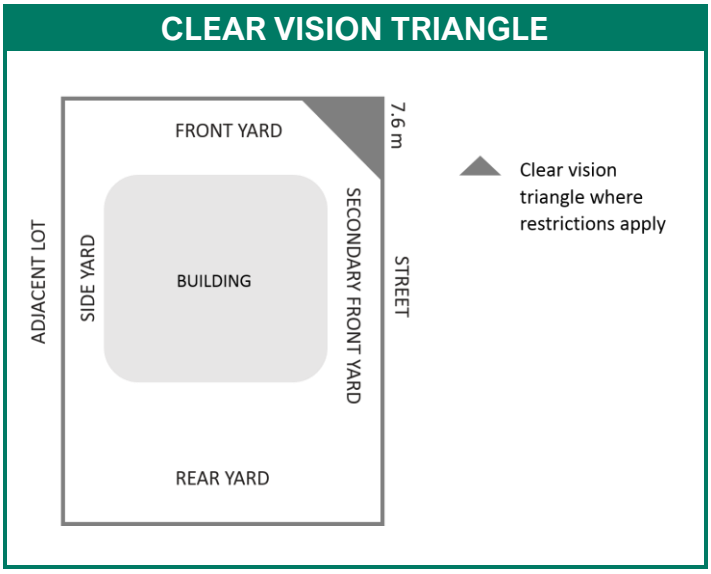
(6) The location of passenger loading zones may be specified as a condition of approval.

(7) Screening for any outdoor play areas must be provided to the satisfaction of the Development Authority.

(8) All applications for child care facilities shall, as a condition of development approval, obtain the necessary approvals required from provincial regulatory agencies.

9. CLEAR VISION TRIANGLE FOR CORNER LOTS

On a corner lot, nothing shall be placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 0.9 m (3 ft) and 3.1 m (10 ft) above the centre line grades of the intersecting streets in the area bounded by the curb (or where there is no curb, the physical road) of such corner lots and a line joining points along the said property lines 7.6 m (25 ft) from the point of intersection.



10. CORNER LOT CUT-OFF YARD DIMENSIONS

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

11. DECKS AND PATIOS

(1) Decks and patios are distinguished according to height, the former measuring more than 0.6 m (2 ft) above grade and the latter measuring less than 0.6 m (2 ft) above grade. The height of a deck or patio is measured from finished grade to the underside of the supporting joist.

(2) A development permit is required for a detached deck.

(3) An attached deck or patio is deemed to form part of the principal building for the purposes of calculating site coverage ratios.

(4) An attached deck or patio is deemed to form part of the principal building for the purposes of applying minimum setbacks, except in respect of permitted projections as per Section 25 of this Schedule.

(5) A privacy wall shall be no greater than 2.0 m (6.5 ft) above the height of a deck or patio.

12. DEVELOPMENT QUALITY

As a mechanism to ensure that development will be carried out in a manner that upholds visual and architectural quality in the Town's built environment, the Development Authority may attach reasonable conditions to a development permit respecting the siting, orientation, massing, design, materials, and general character of buildings.

13. DRAINAGE, GRADING AND RETAINING WALLS

(1) Roof and surface drainage shall be directed either to the public roadway fronting the property, or as approved by the Development Authority, to a rear or side property boundary or as approved in an engineered drainage plan. All surface drainage must be contained on-site and/or directed into approved municipal infrastructure. In no case shall surface drainage negatively affect adjacent properties. In the case of residential development, all dwellings and accessory buildings must be equipped with eaves and downspouts.

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

(3) The Development Authority may require, as a condition of development approval, engineered grading and drainage plans in conjunction with a legal survey demonstrating that engineered grades have been met. These requirements shall be mandatory for any new development located within the Flood Hazard Area.

(4) The Development Authority may require a retaining wall to be constructed as a condition of development approval if, in its opinion, significant differences in grade exist or will exist between the parcel being developed and adjacent lands.

14. DRIVEWAYS

The regulations in this Section are intended to promote safe traffic flows and prevent nuisances.

(1) The Development Authority may regulate driveways as part of the development review process by prescribing locational and measurable standards, and by determining the suitability of raw materials to be used in the construction of driveways.

(2) Driveways shall be located a minimum of 4.6 m (15 ft) from the intersection of two public roadways, and 3.1 m (10 ft) from the entrance to a lane.

(3) The Development Authority may prescribe additional stipulations in terms of where a driveway and the accompanying physical access shall be located on a lot.

(4) Except where site-specific considerations require otherwise, vehicular access for corner lots will be limited to locations along the minor street.

(5) Driveways and manoeuvring aisles serving as fire lanes shall be at least 6.1 m (20 ft) wide.

(6) The Development Authority may, where necessary, prescribe a wider minimum width for a driveway as well as impose other standards respecting the configuration of a driveway.

(7) The Development Authority may, as a condition of development approval, require driveways to be hard surfaced with pavement, concrete, or similar materials.

15. DRIVE-THRU RESTAURANTS

(1) Exits and entrances shall be as approved by the Development Authority, and circulation within the lot shall be directional and adequately signed.

(2) When drive-thru service is provided, a minimum length for vehicle stacking shall be provided before the service window/point, and within the lot as per Schedule 7.

(3) Areas required for parking or circulation of vehicles shall be hard surfaced to the satisfaction of the Development Authority.

(4) Front, side and rear yards abutting on parking or circulation areas shall be adequately landscaped to the satisfaction of the Development Authority.

(5) The Development Authority shall, where necessary to mitigate the effect on adjacent residential properties, regulate the hours of operation of the drive-thru portion of a restaurant.

2. DWELLING UNITS, PRINCIPAL

(1) Every development permit application for a principal dwelling unit (including apartment, moved-in and single-detached, semi-detached) shall be required to submit a drainage plan in accordance with Schedule 5, Section 13, to the satisfaction of the Development Authority, which shall be adhered to.

(2) Every development permit application for a principal dwelling unit (including apartment, moved-in and single-detached, semi-detached) shall be required to submit a landscaping plan consistent with Schedule 6, and to the satisfaction of the Development Authority, which shall be adhered to.

(3) The Development Authority shall require security, in accordance with Administrative Provisions: Section 44, amounting to at least $3,000 (or an amount specified elsewhere in this Schedule) and up to 50% of the total estimated value of the building to ensure the conditions of the development permit are met and that municipal infrastructure is not damaged during construction. Refund of the security is contingent upon the Development Authority verifying that the standards listed in this section have been met and that the conditions of the development permit have been satisfied.

16. FENCES

(1) No fence exceeding 2.0 m (6.5 ft) in height shall be placed in any front, secondary front, side or rear yard.

(2) No fence exceeding 1.2 m (4 ft) in height shall be placed in a front yard without obtaining a development permit. This provision excludes side yard enclosures exceeding 1.2 m (4 ft) in height, which may project into the front yard up to a maximum of 2.4 m (8 ft) beyond the furthest projection of the principal building and located on the property line.

(3) A fence exceeding 1.2 m (4 ft) in height may be placed in a front yard if a development permit has been issued in respect of that enclosure, provided that the enclosure is at least 75% transparent, thereby allowing for adequate passage of light and air.

(4) The Development Authority shall govern fence siting, height and type in non-residential district.

(5) Subdivision perimeter fencing is subject to the approval of the Development Authority.

(6) Fencing shall not be placed within any developed or undeveloped roadway or laneway. Removal of such fencing shall be at the landowner's expense.

(7) The Development Authority may regulate the material and colour of any fence for which a development permit is required.

17. HOME OCCUPATIONS

(1) The issuance of a development permit in no way exempts the applicant from obtaining a business license from the Town in accordance with the Town of Magrath Business License Bylaw, nor any other provincial approval(s) that may be required to legally operate a proposed business.

CLASS 1 HOME OCCUPATION

(2) A home occupation is deemed to be a Class 1 home occupation if:

(a) the use involves only an in-home office;

(b) the use involves no outdoor storage;

(c) there is no display of goods on the interior of the residence; and

(d) all sales and/or customer interaction occur off the premises.

(3) A Class 1 home occupation is a permitted use in all residential districts in the Town.

CLASS 2 HOME OCCUPATION

(4) A home occupation is deemed to be a Class 2 home occupation only if:

(a) up to ten ~~six~~ home occupation ~~business~~-related trips to the residence are anticipated per day;

(b) ~~the proposed outdoor storage~~ any associated storage is housed within a building and is not exposed to public view; and

(c) there is a limited display proposed for the inside of the building.

(5) ~~(5)~~ A class 2 home occupation is a discretionary use in all residential districts in the Town.

CLASS 3 HOME OCCUPATION

(6) A home occupation is deemed to be a Class 3 home occupation only if:

(a) home occupation-related trips involve groups of people (eg. team activities, instructional classes);

(b) any associated storage is housed within a building and is not exposed to public view; and

(c) there is a limited display proposed for the inside of the building.

(7) A class 3 home occupation is a discretionary use in certain residential districts in the Town.

PHYSICAL STANDARDS

(6) No modifications to the principal building shall be undertaken unless those modifications have been approved in conjunction with the approval for the home occupation.

(7) The applicant shall be responsible for ensuring compliance with all regulations brought into force under the *Safety Codes Act*, as well as any standards prescribed by Alberta Health in respect of any modifications to the principal building.

(8) No modification of electrical or mechanical equipment shall be approved that would cause a fire rating change in the building or the district in which the home occupation is located.

(9) No variation from the external appearance and residential character shall be permitted, with the exception of one sign advertising the business.

(10) Class 1 home occupations are allowed to display one window sign not exceeding 0.4 m^2 (4 ft^2) advertising the business, while the nature and scale of signs for Class 2 home occupations are prescribed by the Development Authority. In both cases, a separate development permit is not required for the sign.

USE PROVISIONS

(11) A home occupation shall be subordinate to the principal use of the dwelling unit as a residence.

(12) The applicant shall be a permanent resident of the dwelling.

(13) No person other than the applicant shall be engaged in the home occupation on the premises except in accordance with the approval granted by the Development Authority.

(14) Home occupations shall not generate vehicular traffic or parking in excess of that which is characteristic of the district within which it is located.

(15) The Development Authority may require additional parking spaces to be provided for Class 2 and 3 home occupations.

(16) The Development Authority may regulate any aspect of the home occupation including, but not limited to, the number and size of vehicles associated with the use, type and extent of screening of outdoor storage, hours of operation or any other dimension of the use to ensure the amenities of the neighbourhood are not negatively affected and the principal residential character of the neighbourhood is upheld.

(17) No offensive noise, vibration, smoke, dust, odours, heat or glare discernible beyond the property lines shall be produced by the use.

(18) Any associated storage is housed within a building and is not exposed to public view.

(198) Home occupations shall not include activities that use or store hazardous materials, nor any other use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment or value of neighbouring properties.

(2019) Home occupations shall not be permitted in any residential district if, in the opinion of the Development Authority, the use would be more appropriately located in a commercial or industrial district.

(21) A Class 3 home occupations (involving home occupation related trips by groups of people – eg. classes, team events) may be limited to a certain number of business trips/activities/events per week, at the discretion of the Development Authority.

18. HOT TUBS AND SWIMMING POOLS

(1) Outdoor hot tubs and swimming pools are deemed to be accessory buildings, yet are exempt from site coverage ratio calculations.

(2) Outdoor hot tubs and swimming pools are prohibited in front yards and secondary front yards.

(3) Outdoor hot tubs and temporary outdoor swimming pools do not require a development permit but shall be setback a minimum of 1.2 m (4 ft) ~~1.8 m (6 ft)~~ from all side and rear property lines.

(4) A development permit must be obtained for an in-ground outdoor swimming pool or other type of permanent outdoor swimming pool.

(5) Permanent outdoor swimming pools shall be setback a minimum of 1.8 m (6 ft) from all side and rear property lines and shall also adhere to the setbacks prescribed in the applicable district, whichever is the greater.

(6) Setbacks greater than those specified in this section may be imposed in order to prevent against seepage or sloughing, or to ensure the privacy and quiet enjoyment of adjacent properties.

19. INFILL DEVELOPMENT

Infill development is expected to be designed in a contextually sensitive manner. Applications for infill development shall provide, in addition to the normal application requirements set forth in this Bylaw:

(1) a detailed development application including:

- (a) existing and proposed grades for the lot to be developed;
- (b) existing grades for each adjacent lot; and
- (c) location(s) for the stockpiling of materials to be moved through stripping and/or grading;

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

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

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

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

20. KENNELS

Any development undertaken pursuant to an approved development permit for a kennel or animal boarding use shall comply with the Town's Dog Control Bylaw and with the following provisions:

(1) All dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building.

(2) The Development Authority may determine the maximum number of adult dogs that may be kept at any one time by the operator of a private or commercial kennel.

(3) All pens, rooms, exercise runs, and holding stalls shall be soundproofed if deemed necessary by the Development Authority, which shall base its decision on the number of animals to be kept at the kennel and the proximity of the kennel to other uses in the vicinity.

(4) The times at which the animals are allowed to be kept outdoors may be regulated.

(5) All kennel facilities shall be screened to the satisfaction of the Development Authority from dwellings on adjacent parcels by both a visual and sound barrier of fences and/or landscaping.

(6) Kenneling facilities shall be operated in accordance with health regulations and, in particular, excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health.

(7) Development shall be undertaken in compliance with the Canadian Veterinary Medical Association Code of Practice for Canadian Kennel Operations.

21. LIGHTING

(1) The type, location and orientation of outdoor lighting provided to illuminate any land, building or structure shall:

(a) avoid direct illumination of the neighbouring properties;

(b) not adversely affect the use, enjoyment and privacy of any dwelling; and

(c) not interfere with traffic safety on public roadways.

(2) Site lighting may be required as a condition of development approval, and any such lighting shall be located, oriented and shielded to the satisfaction of the Development Authority so as not to adversely affect neighbouring properties or traffic safety on public roadways.

22. MOVED-IN BUILDINGS

A moved-in building may be utilized in conjunction with a variety of uses, including a moved-in dwelling. All uses involving a moved-in building are governed by the following standards:

(1) A moved-in building shall be securely fastened and placed on a permanent, conventional perimeter foundation approved under the *Safety Codes Act*.

(2) The Development Authority shall only approve a use involving a moved-in building if it is satisfied that the quality of the moved-in building is equal to or better than the quality of other buildings in

the surrounding area, or that this outcome can and will be achieved, at the cost of the developer, through upgrades to the moved-in building prior to the use being commenced.

(3) The Development Authority may impose any conditions on an application for a moved-in building that it would normally impose on an application for a building constructed on-site.

(4) A moved-in building shall meet all relevant requirements in regulations brought into force under the *Safety Codes Act*. An application involving a moved-in building shall not be considered until such time that a report completed by a certified building inspector or a licensed home inspector, at the discretion of the Development Authority, has been submitted as proof that the moved-in building meets these requirements or can be made to meet them.

(5) Where an applicant must undertake upgrades to bring a moved-in building in compliance with this Bylaw, a timeframe for completion including all stipulated requirements shall be established by the Development Authority at the time the approval is issued for the development.

(6) An applicant shall provide at least two recent colour photographs showing the exterior of the proposed moved-in building.

(7) The Development Authority shall require security, in accordance with Administrative Provisions: Section 44, amounting to at least $5,000 and up to 50% of the total estimated value of the building to ensure the conditions of the development permit are met and that municipal infrastructure is not damaged during relocation of the building to the subject parcel. Refund of the security is contingent upon the Development Authority verifying that the standards listed in this section have been met and that the conditions of the development permit have been satisfied.

23. MULTI-UNIT DWELLING LOCATION AND DESIGN

The design requirements in this section apply to all buildings containing three or more dwelling units, regardless of whether the building meets the definition of an apartment or townhouse. Multi-unit dwellings are to demonstrate thoughtful attention to detail and should integrate such elements as:

(1) consistency with the Municipal Development Plan policies respecting multi-unit dwellings;

(2) accent cladding materials that provide visual interest and are complementary to existing residential developments in the vicinity;

(3) materials and landscaping that facilitate ease of maintenance while also sustaining curb appeal;

(4) variations in building orientation, height, configuration, massing, and projections and recesses that contribute visual interest and flair to the streetscape;

(5) design and landscaping measures to an extent sufficient to ensure a quality visually indistinguishable from the quality of nearby housing; and

(6) integration of private outdoor amenity space (i.e. balconies, patios) for each unit.

24. OUTDOOR STORAGE

This Section applies where outdoor storage is approved as a principal use or in conjunction with an approved principal use.

(1) Outdoor storage shall be prohibited in the front yard setback as well as in the secondary front yard setback of any corner lot.

(2) Outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof and be maintained in good repair.

(3) Sites for outdoor storage shall be otherwise kept in a neat and orderly manner.

25. PERMITTED PROJECTIONS INTO SETBACKS

(1) The permitted projections into setbacks listed in this section do not constitute an exemption from any requirements under the *Safety Codes Act.*

(2) The permitted projections into setbacks listed in this section do not override the requirement to maintain a clear vision triangle for corner lots.

(3) In no circumstance shall a building or structure encroach onto an adjoining parcel.

(4) The following features may project into the minimum required yard setbacks:

(a) unenclosed steps or unenclosed fire escapes to a maximum of 2.0 m (6.5 ft) into a front or rear yard and 0.9 m (3 ft) into a side yard;

(b) a wheelchair ramp to a maximum of 3.1 m (10 ft);

(c) fences and other enclosures as per the applicable district and Section 16 of this Schedule;

(d) driveways, curbs and sidewalks;

(e) off-street parking as per Schedule 7;

(f) service meters;

(g) mailboxes;

(h) flagpoles not exceeding a height of 4.9 m (16 ft);

(i) landscaping, fishponds, dog houses, lawn ornaments, barbeques and similar features ancillary to residential use not exceeding a height of 2.0 m (6 ft);

(j) play houses not exceeding a height of 4.9 m (16 ft);

(k) signs, in accordance with Schedule 9;

~~(l) uncovered decks to a maximum of 2.0 m (6.5 ft) into a rear yard in all residential districts;~~

(m) balconies that are unenclosed to a maximum of 2.0 m (6.5 ft) into a rear yard; and

(n) privacy walls less than 2.0 m (6.5 ft) above the top of the finished floor elevation of a balcony, deck or patio may project the same distance as the approved balcony, deck or patio.

(5) The portions of an attachment to a principal building which may project over a required yard setback are as follows:

(a) eaves, fireplace chases, bay windows, sills, projecting stones, temporary awnings or other similar architectural features may project:

(i) a maximum of 0.6 m (2 ft) over a side yard setback; and

(ii) a maximum of 1.2 m (4 ft) over a front or rear yard setback;

(b) in a front yard, cantilevers not exceeding 40% of the front wall area may project a maximum of 0.6 m (2 ft);

(c) in a side yard, cantilevers may project a maximum of 0.6 m (2 ft) where the projection does not exceed 40% of one side wall and 20% of the other; ~~and~~

(d) in a rear yard, cantilevers may project a maximum of 0.6 m (2 ft).

(e) uncovered decks to a maximum of 2.0 m (6.5 ft) into a rear yard in all residential districts;

(f) uncovered decks to a maximum of 1.5 m (5 ft) into a front yard, provided it does not exceed 40% of the width of the principal building, in all residential districts;

(g) at-grade patios (less than 0.6 m above grade and attached or unattached to principal dwelling) up to 100% of one (1) side yard setback provided that a 1.2 m (4 ft) setback is maintained for the other side yard, in all residential districts;

(h) at-grade patios (less than 0.6 m above grade and attached or unattached to principal dwelling) into a front yard or rear yard, provided that a 3.0 m (10 ft) setback is maintained, in all residential districts.

26. PREFABRICATED BUILDINGS, MODULES AND PANELS

(1) All prefabricated residential, commercial and industrial buildings, modules and panels must be certified in accordance with CSA A277 as proof of compliance with the *Safety Codes Act*.

(2) A prefabricated building is bound by all measurable standards prescribed in the applicable district.

(3) A prefabricated building shall be securely fastened and placed on a permanent, conventional perimeter foundation approved under the *Safety Codes Act*.

(4) A prefabricated building shall only be approved if, in the opinion of the Development Authority, the design, character and appearance of the building will be at least equal to that of existing buildings in the vicinity of the proposal. Factors such as exterior finish, colour and roofing material may be stipulated as a condition of development approval.

(5) An application for a prefabricated dwelling unit shall be accompanied by professional building plans illustrating the exterior design, floorplans and elevations and demonstrating a minimum width of 7.3 m (24 ft) and a minimum roof pitch of 4/12.

(6) A prefabricated single-detached dwelling located in an R1, SR or R3 District shall not be less than 9.1 m (30 ft) wide and with a length to width ratio of not more than 2.5 to 1.

~~(6)~~(7) All other standards in this Bylaw governing site-built development apply likewise to development involving a prefabricated building or a building constructed from prefabricated modules or panels.

27. PRINCIPAL BUILDING SETBACKS IN RESIDENTIAL AREAS

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

(1) the proposed setback conforms to the existing and prevailing neighbourhood yard pattern;

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

(3) the proposal complies with the appropriate section of this Bylaw specifying any and all requirements in considering applications requiring a variance.

28. RENEWABLE ENERGY, INDIVIDUAL ACCESSORY SOURCES

The Development Authority is authorized to issue development approvals for minor renewable energy sources that are accessory to an approved principal use, in addition to the structures for which specific standards are provided, including but not limited to, heat exchange systems, generators, turbines, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded. For commercial and industrial renewable energy development, see Schedule 8.

29. RESIDENTIAL ACCOMMODATION IN CONJUNCTION WITH A COMMERCIAL OR INDUSTRIAL USE

(1) Residential accommodation in conjunction with a commercial or industrial use may be approved where in the opinion of the Development Authority:

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

(b) the principal use of the property for commercial or industrial purposes is maintained; and

(c) the front facade of the building is maintained as a commercial or industrial premise.

(2) The dwelling unit(s) will be limited to a size and extent that are reasonably necessary for habitation without precluding the development or expansion of adjacent commercial or industrial uses.

30. SATELLITE DISHES AND TELECOMMUNICATION ANTENNAS

(1) In all residential districts:

(a) satellite dishes greater than 1.0 m (3 ft) in diameter or radio or television antenna shall be classified as an accessory structure and shall be placed in the rear or side yard; and

(b) satellite dishes greater than 1.0 m (3 ft) in diameter shall not be mounted or attached to the roof of any dwelling or accessory building and shall not be illuminated or contain advertising other than the manufacturer's trademark or logo.

(2) Radio and television antennas, which are not regulated by Industry Canada, fall under "accessory development" for the purposes of use allocation.

31. SERVICE STATIONS

(1) Notwithstanding the district regulations prescribed in Schedule 4, a use pursuant to this section shall not be located on sites which, in the opinion of the Development Authority, would be considered unsafe in terms of ingress to the site, egress from the site, and vehicle circulation within the site.

SITE AREA (MINIMUM)

(2) Minimum site areas are as follows:

(a) service station: 1,449 m^2 (15,600 ft^2);

(b) service station including car wash: 2,700 m^2 (29,063 ft^2);

(c) where a service station forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 m^2 (10,764 ft^2); and

(d) where a service station is combined with a convenience store: 1,200 m^2 (12,917 ft^2).

BUILDINGS SETBACKS

(3) The proposed location(s) and design of all fuel storage tanks shall be approved under the *Safety Codes Act*.

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

Up to 7,500 litres	3.1 m (10 ft)

7,501 to 19,000 litres	4.9 m (16 ft)
19,001 to 38,000 litres	7.6 m (25 ft)
Over 38,000 litres	10.7 m (35 ft)

(5) The ventilation tank pipes shall have a minimum height of 3.4 m (11 ft) from grade, and a minimum setback of 0.9 m (3 ft) from any property line. Where the ventilation tank pipes are abutting to a building opening, the setback requirement shall be a minimum of 1.2 m (4 ft).

(6) Ventilation tank pipes shall have a minimum setback of 7.6 m (25 ft) from fuel-dispensing units.

(7) The minimum front yard requirements shall be as prescribed in the district in which the use is located but in no case shall be less than 3.1 m (10 ft).

(8) The minimum side and rear yard setbacks shall be as prescribed in the relevant district.

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

SITE AND BUILDING REQUIREMENTS

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

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

32. SHIPPING CONTAINERS

(1) Any shipping container measuring 10.0 m^2 (107 ft^2) or more that has been relocated from off-site must obtain a building permit under the *Safety Codes Act*. This provision applies to shipping containers used for storage, including containers that have not been structurally modified.

TEMPORARY USE OF SHIPPING CONTAINERS FOR STORAGE

(2) As per Schedule 3: Development Not Requiring a Development Permit, the temporary use of a single shipping container ~~for storage~~ in connection with construction or moving undertaken in compliance with this Bylaw is exempt from the development approval process provided it meets the criteria in Schedule 3. Notwithstanding, the temporary use of a shipping container must abide by all dimensional and other requirements ~~non-use provisions~~ in this Bylaw.

(3) The temporary use of a single shipping container for storage in connection with construction undertaken in compliance with this Bylaw is not exempt from the development approval process if the duration of use exceeds the allowable time frame specified in Schedule 3.

(4) The Development Authority may authorize the temporary use of a shipping container as storage to continue for a period up to 6 ~~3~~ months beyond the time frame prescribed in Schedule 3 by issuing a temporary development permit. The posting of security may be required as a condition of development approval. For clarity, this provision allows for a temporary shipping container to be in place for a total period of 12 months.

(5) The applicant is responsible for ensuring the shipping container is removed from the parcel upon expiration of the temporary permit.

PERMANENT USE OF SHIPPING CONTAINERS FOR STORAGE

(6) A development permit must be obtained for any permanent use of a shipping container.

(7) The permanent use of shipping containers for storage is prohibited in residential districts.

(8) The maximum number of shipping containers that may be approved on a parcel is as per the applicable land use district, subject to the approval of the Development Authority ~~two.~~

(9) There shall be an approved principal use established on the subject property.

(10) A shipping container for permanent use shall not be located in a front yard.

(11) The Development Authority may require a shipping container to be screened from view.

(12) Shipping containers shall not be stacked.

(13) A development application involving the permanent use of a shipping container shall include a minimum of two recent colour photographs of the container.

(14) The Development Authority may require the exterior of a shipping container to be sandblasted, or otherwise kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.

(15) A shipping container for permanent use shall not display advertising, company logos, names or other marketing without an approved sign permit issued under Schedule 9.

SHIPPING CONTAINERS AS BUILDING MATERIALS

(16) The provision in the preceding section respecting the maximum number of shipping containers does not apply where the containers are used as a building or integrated as building materials.

(17) A development proposal involving either the use of shipping containers as a building or integrating shipping containers as building materials must abide by the following:

(a) the use of the proposed building is either permitted or discretionary in the district in which the development is proposed;

(b) the applicant has demonstrated that the proposal will comply with all regulations brought into force under the *Safety Codes Act* via the submission of engineering reports and/or stamped schematic drawings; and

(c) the Development Authority is reasonably assured that the design, character and appearance of the finished building will be compatible with other buildings in the vicinity.

33. SMALL WIND ENERGY SYSTEMS

This section is intended to implement the necessary procedural requirements and standards respecting the development of small wind energy systems, while protecting the scenic and natural resources of the Town and the health, safety and welfare of its residents.

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.

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.

DEVELOPMENT APPLICATION REQUIREMENTS

(1) Small wind energy systems shall require a development permit depending on their location, as per the regulations for the districts in which they are allowed. Where applicable, an application for a small wind energy system shall include:

- (a) the location of existing buildings or improvements;
- (b) proof that the system was commercially manufactured (i.e. make and model number);
- (c) the manufacturer's specifications indicating:
  - (i) safety features and sound characteristics;
  - (ii) the rated output in kilowatts;
  - (iii) type of material used in tower, blade, and/or rotor construction;
- (d) the potential for electromagnetic interference;

(e) the nature and function of over speed controls which are provided;

(f) specifications on the foundations and/or anchor design, including location and anchoring of any guide wires;

(g) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;

(2) Prior to making a decision on a development application for a Small wind energy system, the Development Authority may refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) Navigation Canada.

SETBACKS

(3) A Small wind energy system shall comply with all the setbacks that govern the principal use in the district in which it is located.

(4) No part of the wind system structure, including guy wire anchors, may extend closer than 3.1 m (10 ft) to the property boundaries of the installation site.

(5) 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 3.1 m (10 ft) from any other building or structure on the parcel on which the system is located. On parcels 4.1 ha (10 acres) or more, the parcel line setback may be reduced if the applicant demonstrates that:

(a) because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback; and

(b) the system's tower is set back a minimum distance equal to the height of the tower from any building or structure on adjoining parcels.

DEVELOPMENT STANDARDS

(6) There shall be a limit of one small wind energy system per parcel.

(7) Subject to the allocation of use (Type A or Type B) in the particular district, the system's tower shall not exceed a maximum height of 12.2 m (40 ft) on a parcel of less than 0.40 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. Notwithstanding the above, in no case shall a Type A system exceed 12.2 m (40 ft) in height and in no case shall a Type B system exceed 24.4 m (80 ft).

(8) The system's tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences, roadways and public areas.

(9) 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.

(10) 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.

(11) 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 m (6 ft) high fence.

(12) The system's utility lines shall be underground where economically practical.

(13) The system shall be operated such that no electro-magnetic interference is caused.

(14) The system shall be located in the rear yard.

(15) Small wind turbines shall not exceed 50 dB(A), or in excess of 5 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.

(16) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

(17) 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.

34. SOLAR COLLECTORS

(1) A solar collector must be located so as to not create undue glare on neighbouring property or roadways.

(2) An attached solar collector that is mounted to the roof of a building:

(a) may project a maximum of 1.2 m (4 ft) from the surface of the roof;

(b) must not extend beyond the outermost edge of the roof; and

(c) shall not exceed the maximum building height allowed in the applicable district.

(3) An attached solar collector that is mounted to the wall of a building:

(a) must be located a minimum of 2.3 m (7.5 ft) above grade;

(b) may, subject to the minimum setbacks of the applicable district, 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; and

(c) may, subject to the minimum setbacks of the applicable district, project a maximum of 1.5 m (5 ft) from the surface of the wall when the wall faces the rear property line.

(4) A freestanding solar collector:

~~(a) shall be classified as an accessory structure;~~

(b) shall meet the minimum required setbacks in the applicable district;

(c) shall not exceed 1.8 m (6 ft) in height above existing grade; ~~and~~

(d) shall not be located in the front, secondary front or side yard; and~~.~~

(e) shall only be approved where the size and scale of the array is, in the opinion of the Development Authority, consistent with the nature and character of the land use district in which it is located.

35. TELECOMMUNICATION ANTENNA SITING PROTOCOLS

Telecommunication, radio communication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radio communication or broadcast antenna system within the Town, which does not meet the exclusion criteria in Appendix A shall be subject to the following siting protocols:

CO-UTILIZATION

(1) The applicant shall be requested to identify any other similar antenna systems within a radius of 500 m (1,640 ft) of the proposed location and to provide documentary evidence that co-utilization of the existing antenna systems is not a viable alternative to the proposed antenna.

SITING

(2) The applicant shall be requested to identify siting options and any alternative locations.

APPEARANCE

(3) Antenna systems which are visible from residential areas are encouraged to employ innovative design measures to mitigate the visual impact of the antenna system.

LANDSCAPING

(4) The landscaping requirements of the district in which the development is proposed should be integrated into the site design, except where existing site vegetation is deemed comparable by the Development Authority to the district requirements.

LIGHTING AND SIGNAGE

(5) Lighting in addition to that which is required by applicable federal agencies shall be avoided. Security lighting may be considered provided it complies with the district-specific regulations, but no advertising signage shall be permitted.

MUNICIPAL CONCURRENCE

(6) The applicant shall be required to present the development proposal to the Development Authority at a public meeting held in accordance with Section 35(8) of this Schedule and submit the following plans at least 14 days before the scheduled meeting:

(a) site plan identifying the location of the proposed improvements, access, distance from property lines, easements, rights-of-way or any other development constraint on the property, proposed fencing or other security measures, and landscaping plan; and

(b) antenna height, type, design, material, appearance and lighting.

(7) Upon conclusion of the public consultation process, the Development Authority will issue a response to the applicant in writing indicating either concurrence of the development proposal or specific concerns or comments relating to the antenna system.

PUBLIC CONSULTATION

(8) The applicant shall be required to hold a public meeting before the Development Authority at the Town Office or another location approved by the Town administration to explain all aspects of the proposal, including but not limited to siting, technology and physical appearance.

(9) The Town may notify all landowners within a distance of 500 m (1640 ft) of the proposed structure at the expense of the applicant.

36. USES INVOLVING LIQUOR SERVICE

This Bylaw regulates the service of liquor where associated with land uses that are regulated by this Bylaw and does not pertain to special events or other activities not regulated by this Bylaw but that may be dealt with by a separate bylaw of the Town.

LICENSED RESTAURANTS

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

(2) The hours of liquor service for a "restaurant, licensed" shall be restricted to between 11:00 a.m. and 1:00 a.m.

LICENSED FACILITY

(3) The inclusion of liquor service as part of a facility shall only be allowed where a development application for a "facility, licensed" is approved by the Development Authority, and shall be restricted to a Class B or Class C liquor license issued by the AGLC.

(4) Development Authority may regulate the hours of liquor service for a "licensed facility."

APPLICATION REQUIREMENTS AND DEVELOPMENT STANDARDS

(5) A detailed business plan including hours of operation, number of employees, exterior signage related to liquor and any other relevant matters.

(6) New or existing developments proposing a licensed use shall be required to complete a Crime Prevention Through Environmental Design (CPTED) analysis and, where required by the Development Authority, incorporate CPTED design principles into the design of the development.

PROHIBITED LIQUOR USES

(7) Except for licensed restaurants and licensed facilities as defined in Schedule 2 and provided for in this Section, all other uses involving liquor are prohibited in the Town, including but not limited to "liquor store," which is defined in Schedule 2 but does not appear in any land use districts.

37. WATER BODIES AND RIPARIAN AREAS

The Development Authority may place development related conditions, including setbacks, on an application for development approval that may impact a water body, riparian area, and/or environmentally significant areas in accordance with the management practices outlined in Stepping Back from the Water.

SCHEDULE 6

LANDSCAPING & SCREENING REGULATIONS

1. PURPOSE AND INTENT

(1) To provide for an attractive, aesthetic and high-quality urban environment in all districts.

(2) To provide for environmental buffers or transition areas between incompatible land uses as well as sensitive environmental interfaces.

(3) To specify minimum standards that acknowledge the capacity for a thoughtfully managed landscape to contribute economic, social and environmental value to the broader community.

2. APPLICABILITY

The standards and requirements established in this schedule shall apply to all new developments. Where an existing developed property does not meet the requirements of this Schedule and an application is brought forth to make minor additions or other improvements to the property, the Development Authority may consider imposing realistic landscaping improvements as a condition of development approval. This provision does not apply to changes in use, ownership or tenancy where no proposed physical alterations are involved.

3. MINIMUM REQUIREMENTS FOR ALL DISTRICTS

(1) All required landscaping must be completed within 24 months from the date on which the development permit was issued, unless the terms of the permit specify otherwise, or an extension has been granted.

(2) The quality and extent of landscaping required pursuant to an approved development permit shall serve as the minimum standard to be maintained throughout the life of the development.

(3) Any area not constructed upon shall be developed or landscaped to the satisfaction of the Development Authority at the time of development approval.

(4) The Development Authority may impose landscaping requirements as a condition of development approval if, in its opinion, such requirements would improve the quality and/or compatibility of any development proposal with existing uses in the vicinity.

(5) The Development Authority may require, as a condition of development approval, screening for permitted and discretionary uses which involve the outdoor storage of recreational vehicles, vehicles, boats, machinery, building materials, scrap metal, junk, other waste materials and other items.

(6) Vegetation and other landscaping features shall be placed in a manner which will not obstruct access to any fire hydrant, utility or appurtenance thereto, nor impede clear vision for traffic.

(7) The majority of any required landscaping shall be concentrated in those yards adjacent to streets/roads unless the developer can show reasonable cause why this cannot occur, to the satisfaction of the Development Authority.

(8) A professionally prepared landscaping plan may be required by the Development Authority at the time of the submission of a development application or placed as a condition of development approval, unless otherwise specified in this Bylaw.

(9) Existing vegetation should be preserved and protected unless the need for removal is demonstrated to the satisfaction of the Development Authority.

(10) All natural landscaping shall be planted in accordance with good horticultural practice.

(11) At the time of planting, the minimum calliper width for all trees required as part of a specific development project shall be 20 millimetres (0.8 in).

(12) Landscaping shall consist of the following materials:

(a) vegetation (trees, shrubs, lawn, flowers);

(b) ground cover such as boulders, bark chip, field stone, crushed rock, or other similar features;

(c) berming, terracing;

(d) innovative landscaping features;

(f) front walkways and steps; and

(e) landscape ornaments.

4. MINIMUM REQUIREMENTS FOR COMMERCIAL / INDUSTRIAL

(1) Except for lands located within the Central Commercial (C1) district, an appropriately sized area proportional to the size of the building, and located directly adjacent to the front or secondary front orientation of the principal building shall be landscaped. The size and location of required landscaping shall be determined by the Development Authority with the aim of providing an appreciable area that serves to beautify the site.

(2) Landscaping in addition to the landscaping required in Section 4(1) may be required where the Development Authority finds it necessary to improve the appearance, screening or compatibility of the site, or as a trade-off for a variance of a separate measurable standard in this Bylaw.

(3) For development on parcels located within the Central Commercial (C1) district, where a principal building is not developed to the front property boundary, the front setback shall be comprehensively landscaped to the satisfaction of the Development Authority.

(4) For commercial and industrial development on parcels located outside of the Central Commercial (C1) district and that are adjacent to municipal roadways, a minimum 3.1 m (10 ft) landscape buffer is required (except for those areas occupied by sidewalks and driveways) and shall be located to the satisfaction of the Development Authority.

(5) All lots or sites abutting a residential district shall be buffered and/or screened to the satisfaction of the Development Authority.

(6) Parking lots shall be landscaped to the satisfaction of the Development Authority.

(7) Parking or storing of vehicles is not permitted on required landscaping areas unless approved specifically as an outdoor display area as part of an approved development.

(8) In both commercial districts, trees may be required as part of an overall landscaping plan, and shall be planted at the overall minimum ratio of one tree per 27.9 m^2 (300 ft^2) of landscaped area provided.

(9) In all industrial districts, trees are required as part of an overall landscaping plan and shall be planted at the overall minimum ratio of one tree per 46.5 m^2 (500 ft^2) of landscaped area provided.

(10) Wherever space permits and where acceptable to the Town, trees shall be planted in groups.

(11) To ensure the continued care of lawns and other vegetation, developers may be required to install underground watering/irrigation systems as a condition of development approval.

5. MINIMUM REQUIREMENTS FOR RESIDENTIAL

(1) A minimum of 25% of the front yard area of the principal building shall be required to contain landscaping as described in Section 3(12), for all single-detached dwellings and semi-detached dwellings.

(2) A comprehensive, professionally prepared landscaping plan shall ~~may~~ be required for all major multi-unit residential developments consisting of three or more dwelling units.

(3) A basic landscaping plan shall be required for all single-detached dwelling and semi-detached dwellings, to the satisfaction of the Development Authority, that illustrates the proposed vegetation and hardscape materials for the purposes of beautifying and enhancing the front yard area.

(~~4~~3) Parking or storing of vehicles is not permitted on any required landscaping area.

6. LANDSCAPING SECURITY AND IMPLEMENTATION

(1) A refundable security of $3,000 ~~1,000~~ may be required as a condition of development approval to ensure compliance with any and all landscaping requirements to the satisfaction of the Development Authority.

(2) If the costs for implementation of the required and approved landscaping for a commercial, industrial, major multi-unit residential dwelling or institutional project exceed the refundable security of $1,000, the Development Authority may require the applicant and/or landowner to provide an estimate of the cost of landscaping (including all site work and/or irrigation) and may secure up to 100% of the cost of such landscaping until such time that it has been determined that all landscaping has been provided and is healthy/viable, to the satisfaction of the Development Authority.

(3) If the landscaping requirements are not completed to the satisfaction of the Development Authority within 24 months of occupancy, the refundable security shall be forfeited by the applicant/landowner or the security held in trust may be collected by the Town and used to complete the landscaping.

~~(4) As part of all new development projects, landscaping shall be successfully maintained for two consecutive growing seasons prior to the security being refunded. A partial refund may be considered after one successful growing season, at the discretion of the Development Authority.~~

SCHEDULE 7

OFF-STREET PARKING & LOADING REGULATIONS

1. APPLICABILITY

(1) This Schedule does not apply to proposals involving strictly a change of use, where a building and approved use exist on the subject property and the proposal would not increase the gross floor area, nor create a dwelling unit, nor reduce the number of off-street parking spaces.

(2) The off-street parking and loading requirements and design standards apply to:

(a) the development of all new buildings, and

(b) the expansion or enlargement of existing buildings or uses, where additional off-street parking spaces will only be required to serve the expanded or enlarged area.

2. MINIMUM REQUIRED OFF-STREET PARKING

(1) The minimum required off-street parking for an approved development proposal shall be calculated as per the table in this Schedule titled “Minimum Required Off-Street Parking.”

(2) All required off-street parking shall be provided at the time of construction and prior to occupancy.

(3) The applicant must provide a site plan (and in some cases an alternative site plan) showing the location and dimensions of all off-street parking requirements.

(4) Off-street parking requirements based on floor area are to be computed on the gross floor area of the building, unless otherwise stipulated in this Bylaw.

(5) Calculations resulting in a fractional number of 0.5 or greater shall be rounded up.

(6) Development involving multiple uses must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority. An alternative site plan shall be submitted in proposing a shared parking scenario and is based upon the proposed sharing of parking spaces between two or more uses on a lot and/or utilization of lot area on a lot other than that in which the use is proposed and must include a written agreement between the owners on record. Where such off-site parking is approved, a caveat may be registered against the lot(s) to guarantee the continuous use of the site for parking.

(7) Where a use is not listed, minimum required off-street parking shall be prescribed by the Development Authority having regard for the listed use that is most similar to the proposed use. In special circumstances, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant’s expense to determine the parking requirements for a use not listed in the table in this Schedule titled “Minimum Required Off-Street Parking.”

(8) All required parking spaces shall be provided on the same lot as the principal use, except where the Development Authority may approve an alternative site plan in permitting off-site parking spaces to be provided on a lot within 152.4 m (500 ft) of the principal use if, in the Development Authority opinion, it is impractical to provide parking on the same lot as the principal use. Where such off-site parking is approved, a caveat may be registered against the lot(s) to guarantee the continuous use of the site for parking for the life of the development.

Minimum Required Off-Street Parking	
USE	**MINIMUM PARKING SPACES**
accessory dwelling unit	1 space for 1-bedroom unit, 2 spaces for 2-3 bedroom unit
apartment	2 spaces per unit plus 0.5 space per unit for visitor parking
automotive repair and service	1 space/46.5 m^2 (500 ft^2) of gross floor area
automotive sales	1 space/46.5 m^2 (500 ft^2) of gross floor area
boarding house	1 space per bedroom
building supplies store	1 space/50 m^2 (538.2 ft^2) of gross floor area
business support services	1 space/50 m^2 (538.2 ft^2) of gross floor area
car wash	1 space per employee
child care facility	1 space per employee plus 1 space for every 7 children
contractor, building and trade	1 space/65.0 m^2 (700 ft^2) of gross floor area
convenience store	1 space/27.9 m^2 (300 ft^2) of gross floor area
cultural facility	1 space/9.29 m^2 (100 ft^2) plus 1 space per employee
drive-thru	1 space/5.1 m^2 (55 ft^2) of seating area plus 1 space per employee
duplex	2 spaces per dwelling unit
educational institution	3 spaces per classroom
equipment sales and service	1 space/65.0 m^2 (700 ft^2) of gross floor area
farm/industrial machinery sales & service	1 space/65.0 m^2 (700 ft^2) of gross floor area
financial institution	1 space/37.2 m^2 (400 ft^2) of gross floor area
food processing facility	1 space/50 m^2 (538.2 ft^2) of gross floor area
food store	1 space/50 m^2 (538.2 ft^2) of gross floor area
funeral facility	1 space/5 seating spaces plus 1 space per employee
garden centre	1 space/37.2 m^2 (400 ft^2) of gross floor area
grocery store	1 space/37.2 m^2 (400 ft^2) of gross floor area
health care facility	1 space per 2 beds plus 1 space per employee
home occupation, Class 2	1 space
horticultural operation	1 space/65.0 m^2 (700ft^2) of gross floor area
hotel/motel	1 space per guest room
kennel	1 space/46.5 m^2 (500 ft^2) of gross floor area
light fabrication shop	1 space/65.0 m^2 (700 ft^2) of gross floor area
manufactured dwelling	2 spaces per dwelling unit
manufacturing, light	1 space/65.0 m^2 (700 ft^2) of gross floor area
mini storage facility	1 space per employee plus 2 spaces for visitor parking
office	1 space/46.5 m^2 (500 ft^2) of gross floor area

personal services	1 space/37.2 m^2 (400 ft^2) of gross floor area
pet care services	1 space/46.5 m^2 (500 ft^2) of gross floor area plus 1 space per employee
religious assembly	1 space/4 seating spaces
residential accommodation in conjunction with a commercial or industrial use	1 space per dwelling unit
residential care facility	1 space per employee
restaurant	1 space per 4 seats plus 1 space per employee
retail, small-scale	1 space/37.2 m^2 (400 ft^2) of gross floor area
retail, large-scale	1 space/37.2 m^2 (400 ft^2) of gross floor area
single-detached dwelling	2 spaces per dwelling unit
semi-detached dwelling	2 spaces per dwelling unit
seniors supportive housing facility	1 space per 2.5 dwelling units
service station	1 space/37.2 m^2 (400 ft^2) of gross floor area
shopping centre	1 space/23.2 m^2 (250 ft^2) of gross floor area
theatre	1 space per 2 seating places
townhouse	2 spaces per unit plus 0.5 space per unit for visitor parking
travel plaza	1 space/37.2 m^2 (400 ft^2) of gross floor area
truck transportation depot	1 space/65.0 m^2 (700 ft^2) of gross floor area
veterinary clinics (large or small animal)	1 space/46.5 m^2 (500 ft^2) of gross floor area
visitor information centre	1 space/46.5 m^2 (500ft^2) of gross floor area
warehouse, retail	1 space/65.0 m^2 (700 ft^2) of gross floor area
wholesale, storage	1 space/65.0 m^2 (700 ft^2) of gross floor area

3. OFF-STREET PARKING DESIGN STANDARDS

(1) Off-street parking areas shall be accessible and designed in a manner which will provide for orderly parking in accordance with the minimum parking space dimensions specified in the figures in this Schedule titled “Parking Layout Alternatives.”

(2) Designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only.

(3) The stall width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed to accommodate compact vehicle parking.

(4) Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

(5) Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

(6) Off-street parking spaces adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

(7) The Development Authority may require that off-street parking areas or portions thereof be hard surfaced (pavement, cement, etc.) as a condition of development approval, prior to occupancy or an alternative time frame as agreed to between the Town and the applicant. A security deposit for completion of this condition may be required.

4. BARRIER-FREE PARKING

(1) Barrier-free parking spaces shall be required to be provided for any development except where exempted by the National Building Code (Alberta Edition). The minimum number of barrier-free parking spaces to be provided shall be a portion of the total number of off-street parking spaces required, in accordance with the table below.

(2) Each barrier-free parking space for the disabled shall be:

(a) at least 3.7 m (12 ft) wide or designed in accordance with the *Safety Codes Act*,

(b) have a firm, slip-resistant and level surface,

(c) be clearly marked as being for the use of persons with disabilities only.

(3) Where there are two or more adjacent barrier-free parking stalls, a 1.5 m (5 ft) wide access aisle shall be provided between the stalls.

(4) Barrier-free parking stalls shall be clearly identifiable in accordance with the *Safety Codes Act*.

(5) There must be a well-lit, discernible, barrier-free path of travel leading to the building entrance.

(6) It is recommended that an additional number of spaces be considered when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical services and restaurants.

Barrier-Free Parking Spaces	
Number of parking spaces required	**Number of barrier-free spaces required**
2-10	1
11-25	2
26-50	3
51-100	4
for each additional increment of 100 or part thereof	one additional stall

5. BICYCLE PARKING

(1) Major commercial and public developments may be required to provide bicycle parking of an amount sufficient to facilitate bicycle parking for employees and patrons during peak use hours.

(2) Bicycle parking shall be located and designed to facilitate security as well as convenience.

6. LOADING SPACE REQUIREMENTS

(1) There shall be a minimum of one off-street loading space per building in the C1, C2 and LI districts.

(2) One loading space shall be provided for each loading door.

(3) The Development Authority may require that off-street loading areas be provided in any district.

(4) The minimum dimensions for a loading space shall be 3.1 m (10 ft) by 9.1 m (30 ft) with an overhead clearance of 4.0 m (13 ft).

(5) Each loading area shall provide a doorway into the building sufficient to meet the needs of the use within the building.

(6) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow or parking.

(7) The Development Authority may require additional loading areas or doors if, in the Development Authority's opinion, such additional areas or doors are deemed necessary.

(8) The Development Authority may consider a joint loading area for two or more uses if, in the Development Authority's opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

7. STACKING SPACES FOR DRIVE-THRU USES

(1) In addition to the off-street parking requirements, a drive-thru use is required to provide ~~the following~~ a minimum stacking space~~s~~ of no less than 9.1 m (30 ft), or a greater space at the discretion of the Development Authority.~~:~~

~~(a) Restaurant use: 30.5 m (100 ft) from order box to pick-up window~~

~~(b) Gas station: 9.1 m (30 ft) from each end on pump island~~

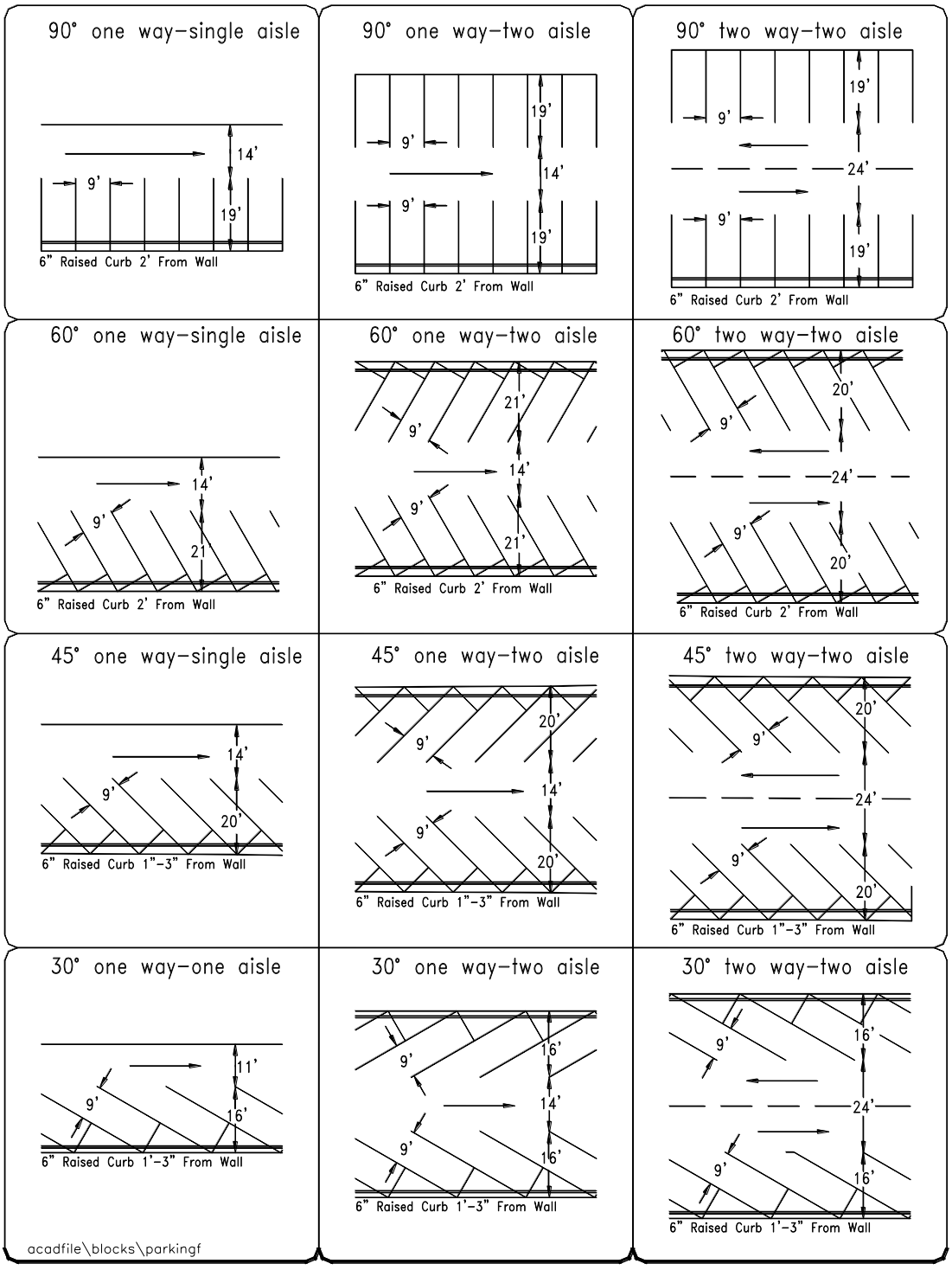
~~(c) Bank machine: 22.9 m (75 ft) from bank machine window~~

~~(d) Car wash: 15.2 m (50 ft) from car wash entrance~~

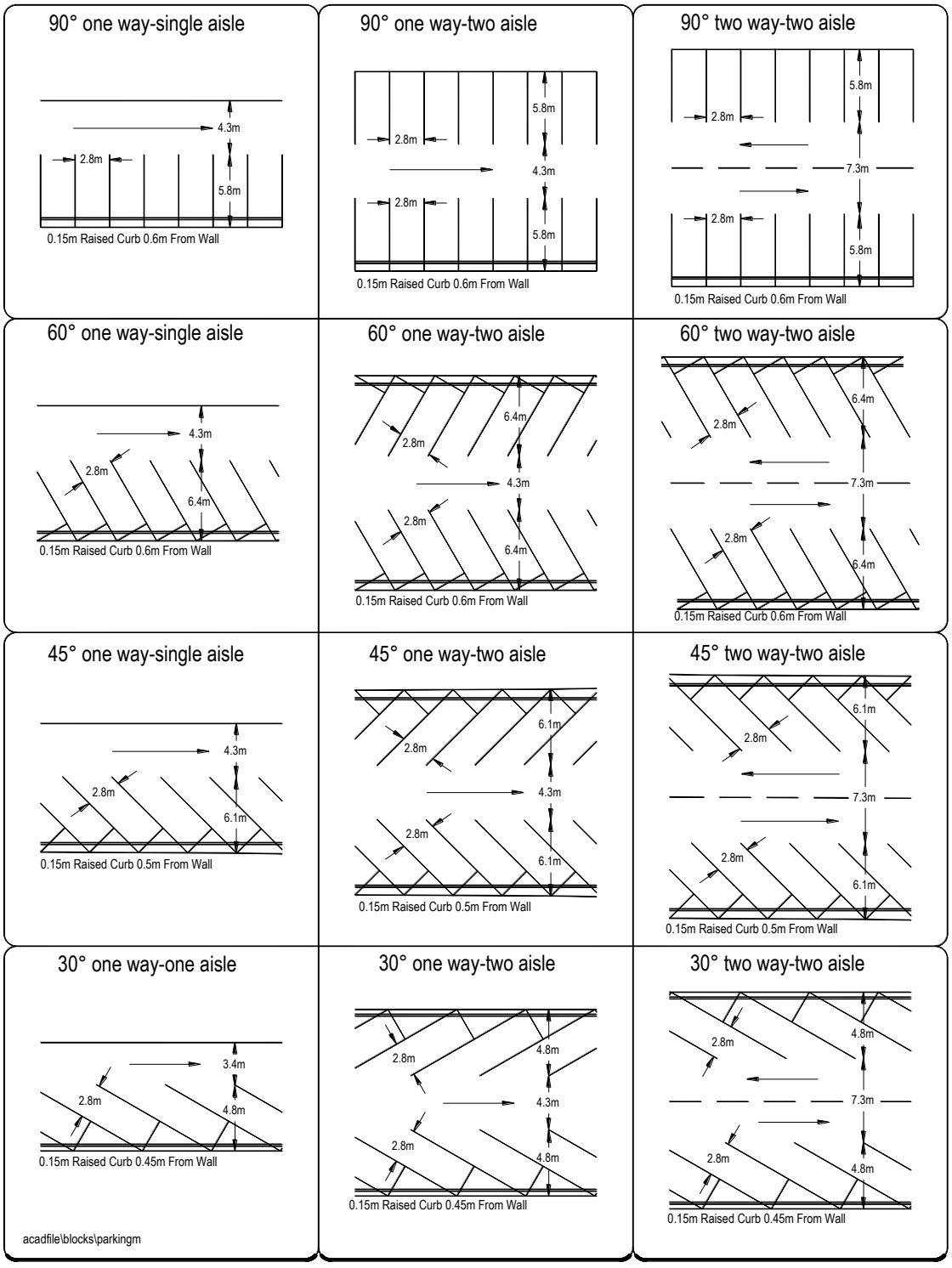
~~(e) Other: As determined by the Development Authority~~

(2) The minimum stacking space requirements in (a) above may be varied by the Development Authority depending upon the intensity of the development proposal.

PARKING LAYOUT ALTERNATIVES—FEET



PARKING LAYOUT ALTERNATIVES-METRES



SCHEDULE 8

COMMERCIAL / INDUSTRIAL RENEWABLE ENERGY REGULATIONS

1. DEFINITIONS

ANAEROBIC DIGESTER means a facility or system designed to process animal manure, organic or septic waste into biogas. The biogas can be used to heat water or create electricity, and may also provide a source of organic fertilizer.

BIODIESEL means a clean burning alternative fuel, produced from domestic, renewable resources, such as soy oil and other feedstocks. Biodiesel is made through a chemical process called transesterification whereby the glycerin is separated from the fat or vegetable oil.

BIOENERGY means the energy stored in organic matter to generate electricity. This organic matter can include agricultural residues, animal manure, waste wood, wood chips and bark. Bioenergy can be generated in a variety of ways such as thermal treatment, anaerobic digestion, biofuel or landfill gas.

BIOFUEL means a fuel derived from biological raw materials or biomass (recently living organisms or their metabolic by-products, such as manure from cows). It is a renewable energy source and typically, it is considered a fuel with an 80% minimum content by volume of materials derived from living organisms harvested within 10 years preceding its manufacture.

FERMENTATION means the process of extracting energy from the oxidation of organic compounds.

GASIFICATION means a process that converts organic or fossil based carbonaceous materials into carbon monoxide, hydrogen and carbon dioxide. This is achieved by reacting the material at high temperatures (>700 °C), without combustion, with a controlled amount of oxygen and/or steam.

GEOTHERMAL ENERGY means thermal energy that is generated and stored in the Earth.

MECHANICAL BIOLOGICAL TREATMENT SYSTEM means a type of waste processing facility that combines a sorting facility with a form of biological treatment such as composting or anaerobic digestion. MBT plants are designed to process mixed household waste as well as commercial and industrial wastes.

MICRO-HYDRO means a type of hydroelectric power that typically produces up to 100 kW of electricity using the natural flow of water. These installations can provide power to an isolated home or small community, or are sometimes connected to electric power networks.

PYROLYSIS is a thermochemical decomposition of organic material at elevated temperatures without the participation of oxygen. It involves the simultaneous change of chemical composition and physical phase, and is irreversible.

SIGN means a lettered board or other public display intended to advertise or call attention to any person, business, matter, message, object or event.

THERMAL DEPOLYMERIZATION (TDP) is a depolymerization process using hydrous pyrolysis for the reduction of complex organic materials (usually waste products of various sorts, often biomass and plastic) into light crude oil. It mimics the natural geological processes thought to be involved in the production of fossil fuels.

WASTE-TO-ENERGY (WTE) or energy-from-waste (EfW) is the process of creating energy, typically in the form of electricity or heat, from the incineration of a waste source. Most WtE processes produce electricity directly through combustion, or produce a combustible fuel commodity, such as methane, methanol, ethanol or synthetic fuels. Besides incineration, other WtE technologies may include: gasification, thermal depolymerization, pyrolysis, plasma gasification, anaerobic digestion, fermentation, and mechanical biological treatment.

2. COMMERCIAL / INDUSTRIAL RENEWABLE ENERGY PROJECTS

All major commercial or industrial renewable energy development projects require a development permit, including but not limited to solar photovoltaic, solar thermal, geo-exchange, micro-hydro, carbon capture and storage, geothermal, waste-to-energy, anaerobic digesters, biodiesel, biofuel or fuel cells. This section is specific and applicable to those commercial and industrial development projects whose primary intent and purpose is to sell and/or export energy (or any other by-product of a particular process) off-site.

INFORMATION REQUIREMENTS

(1) A development application shall be accompanied by the following information:

(a) an accurate site plan showing and labelling the development proposal and the location of overhead utilities on or abutting the subject parcel, and identification of any sensitive, environmental or topographical features which may be present on the parcel;

(b) detailed information on the type of facility, structure or system and the energy process involved;

(c) the manufacturer's specifications indicating (if applicable):

(d) the rated output in megawatts;

(e) safety features and sound characteristics;

(f) any information regarding general public safety;

(g) identification of any impacts to the local road system having regard to Town standards;

(h) information regarding setbacks from property lines and the proximity to buildings or uses on both the site and adjacent parcels of land;

(i) information or verification of the proposed source of water and required capacity if required for the type of facility such as an ethanol plant;

(j) a plan outlining how the site will be decommissioned and reclaimed if the use is ever discontinued;

(k) large commercial and industrial facilities shall submit studies identifying noise, odour and pollutant impacts and how these impacts will be addressed;

(l) an emergency response plan;

(m) a summary report of any and all public consultation that was undertaken by the applicant;

(n) any or all information as deemed relevant to a proposed project; and

(o) any other information as required by the Development Authority.

SETBACKS

(2) The buildings or structures of a commercial or industrial energy project shall comply with all the property line and public roadway setbacks as established in the district in which the project is proposed.

(3) In addition to the requirements listed above, structures or facilities related to waste-to-energy, anaerobic digesters, biodiesel, or biofuels developments shall not be located within:

(a) a minimum of 250 m (820 ft) from any residential dwelling, food establishment or public use facility or building;

(b) a minimum of 120 m (394 ft) from the boundary or right-of-way of an irrigation district canal, creek, stream, river, or water body;

(c) the parts of the project related to the transmission lines and associated structures and to the roads, docks, water crossings, culverts, etc. associated with the facility may be allowed within 30 m (100 ft) of a water body or within the water body itself (to the satisfaction of the Town and/or all other federal and provincial departments that may have jurisdiction with respect to a proposed project).

(4) The Development Authority may require a larger minimum setback than required as per the above and in the applicable district having regard for the location of the development, potential environmental impacts, adjacent land uses and any determined natural, scenic or ecologically significant features of the landscape.

DEVELOPMENT APPLICATION REFERRALS

(5) Prior to making a decision on a development application for a commercial/industrial renewable energy project, the Development Authority may refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) NavCanada,

(d) Industry Canada

(e) Alberta Culture and Community Spirit,

(f) Alberta Environment,

(g) Alberta Agriculture, Food and Rural Development

(h) AESO (Alberta Energy Systems Operator),

(i) Alberta Sustainable Resource Development,

(j) Alberta Transportation (within prescribed distances to provincial roadways),

(k) any other federal or provincial agencies or departments, as deemed necessary.

(6) The Development Authority shall also refer a development application for a commercial/industrial renewable energy project to:

(a) the adjacent municipal jurisdiction if it is deemed by the development authority that the project may have a noxious, hazardous, negative or otherwise detrimental impact on lands located within the adjacent municipal jurisdiction; and

(b) landowners located within 800 m (0.5 mile) of the proposed commercial/industrial renewable energy project.

DEVELOPMENT STANDARDS

Depending on the type of renewable energy project proposed, the Development Authority may require that the applicant comply with any or all of the following standards or requirements:

(7) All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off.

(8) The applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment, if applicable.

(9) Any biodiesel waste or water contaminated with biodiesel, is prohibited to be discharged directly into any sewers or surface waters.

(10) All feedstock and materials are to be stored and contained within buildings, and no outside storage is permitted.

(11) That the semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as agreed to or specified by the Town.

(12) The preferred location of renewable energy commercial or light industrial developments is on parcels designated for industrial land use and located in proximity to highways or railway corridors. The Development Authority may require a parcel redesignation to Light Industrial or Direct Control, or be required to appropriately amend the text in this Bylaw (as the case may be) to potentially accommodate such a development proposal, prior to accepting a development application.

(13) The applicant is responsible to apply for any Alberta Environment, AUC, ERCB or other applicable provincial approvals or permits that may be required, and must provide the Town with a copy to be kept on file.

(14) The Development Authority may stipulate any or all of the criteria listed above to be addressed by the applicant as a condition of development approval.

(15) Any license, permit, approval or other authorization granted by AUC or ERCB shall prevail over any requirements prescribed in this Bylaw or development permit conditions if there is a perceived conflict.

(16) All energy transmission lines on the site of the energy generating facility to the substation or grid shall be underground unless otherwise approved by the Development Authority.

(17) The Development Authority may attach conditions to a development permit for any renewable energy generating facility based on any other standards that are provided for in this Bylaw, including but not limited to:

(a) a condition to enter into a development agreement with the Town (in compliance with the relevant section(s) of the MGA;

(b) a condition to enter into a road use agreement with the Town to address road maintenance and repairs that may arise from the development;

(c) a condition to post security with the Town; and

(d) a condition to allow the developer to register the approved project in phases.

SITE-SPECIFIC ENERGY GENERATING FACILITIES

(18) Energy generating facilities whose energy is not distributed off the lot upon which the energy generating facility is located may be approved on a case-by-case basis by the Development Authority taking into regard the applicable standards of this Bylaw.

SCHEDULE 9

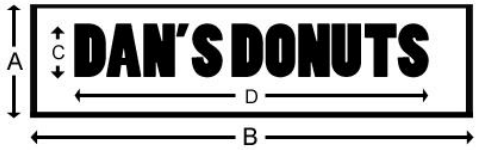
SIGN REGULATIONS

1. GENERAL SIGN DEFINITIONS

SIGN means a lettered board or other public display intended to advertise or call attention to any person, business, matter, message, object or event.

SIGN ALTERATION means the structural and/or projection style modification of a sign but does not include the routine maintenance, painting or change in face, content, copy or lettering.

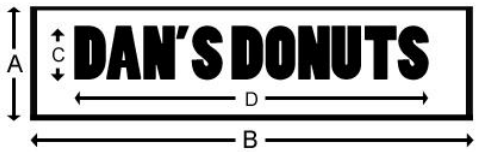
SIGN AREA means the entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.



sign area = length of A x length of B

SIGN CONTENT means the lettering, message, graphics or content displayed on a sign.

SIGN CONTENT AREA means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.



sign content area = length of C x length of D

SIGN HEIGHT means the vertical distance measured from the highest point of the structure to 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 (i.e. lettering/logo, animation, changeable content, movement/motion).

2. SIGN APPLICATION REQUIREMENTS

(1) Unless otherwise indicated in Section 3 of this Schedule, no one shall place or alter a sign including a temporary sign, without having first obtained a development permit from the Development Authority in accordance with the provisions of this Bylaw.

(2) A development application for a sign shall include:

(a) a description of the proposed sign and a plan drawn to a suitable scale;

(b) photographs or illustration, if available;

(c) the location of all existing and proposed sign(s);

(d) the size, height and other dimensions of the proposed sign including any supporting structures;

(e) the message content and dimensions of the proposed sign face;

(f) the materials and finish of the proposed sign;

(g) type of illumination and/or changeable content, if any, and details with respect to the proposed luminosity, intensity and transition time; and

(h) if a sign is to be attached to a building, the details regarding the extent of projection.

3. SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The following signs shall not require a development permit, provided that they otherwise comply with this Bylaw and are maintained to the satisfaction of the Development Authority:

(1) residency identification signs which state the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.2 m^2 (2 ft^2);

(2) signs approved in conjunction with a development permit for a home occupation;

(3) one window sign not exceeding 0.4 m^2 (4 ft^2) per principal dwelling unit in a residential district;

(4) a window sign cumulatively occupying no more than 50% of a subject window area in a non-residential district;

(5) construction signs, provided such signs do not exceed 2.9 m^2 (32 ft^2) in area and are removed within 14 days of the completion of construction;

(6) political posters, provided all such signs are removed within 3 days after the completion of the relevant election or plebiscite;

(7) real estate signs, provided all such signs are removed within 30 days after the sale or lease of the premises upon which the sign is located;

(8) garage sale signs, provided the owner of the property upon which the sign is located has approved its placement and that the sign is removed immediately upon the conclusion of the sale;

(9) any traffic or directional and informational signs placed by the Town, the Government of Alberta or the Government of Canada;

(10) any community service bulletin board placed by the Town and any notices posted on the bulletin board;

(11) any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate such on the street furniture has been reached with Council;

(12) A-board signs in compliance with this Part that are removed from the location on a daily basis when the business is closed; and

(13) the alteration of a lawful sign which includes routine maintenance, painting or change in copy content or lettering and does not include modification of the sign structure, location, dimensions or sign type.

4. GENERAL SIGN STANDARDS

(1) Unless otherwise indicated, signs shall generally be limited to advertising or identifying the principal use of a premises or the products and services available at the premises.

(2) All signs shall be safely located and maintained in good condition.

(3) The location of any sign is at the discretion of the Development Authority.

(4) The location of any sign shall not create a visual obstruction to vehicular traffic, obstruct the vision of, or cause confusion with, any information sign, traffic control sign or device, or create a potential hazard or conflict with rights-of-way, easements or routing of any public utility.

(5) All signs shall be of quality construction and of a design suitable for public display and maintained in good repair and a safe and tidy manner.

(6) Signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby buildings.

(7) Signs shall not be located in the public right-of-way or on public property, except for signs approved by the Town or by the Government of Alberta or the Government of Canada.

(8) Where any sign extends over public land, the owner shall agree to a save harmless agreement with the Town.

(9) No sign shall be illuminated unless the source of light is steady and suitably shielded.

(10) Signs shall not be permitted to emit amplified sound or music or employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting.

(11) A business or building owner shall remove the visible copy and image area of a derelict sign within 60 days of the business ceasing operations within the Town.

(12) Signs adjacent to residential districts or which may have an effect on residential uses, as determined by the Development Authority, may be subject to additional or modified standards deemed necessary to mitigate impact(s) of the sign on residential uses.

(13) Digital signs, if allowed, shall generally be limited to non-residential districts.

5. SIGN TYPES

(1) **PORTABLE SIGN** means a sign that is not permanently affixed to a building, structure or the ground, but that is displayed on a non-temporary basis. While A-boards that are regularly removed during non-business hours are exempt from requiring a development permit under Section 3 of this Schedule, they are deemed to be portable signs within the context of imposing the development standards listed in Section 6.



(2) **TEMPORARY SIGN** means any sign except a portable sign that is intended to be displayed for a short period of time but not permanently affixed to a building, structure or the ground. Temporary signs include but are not limited to banner signs, political poster signs, balloon signs and construction signs.



(3) **CANOPY SIGN** means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee, including an under canopy sign.



(4) **HOME OCCUPATION SIGN** means an on-premises sign advertising a home occupation for which a development permit has been issued. A home occupation sign does not trigger the need to apply for a separate development permit, as the right to advertise the home occupation on-premises with a single sign is included as part of the approval for the home occupation, with the sign standards being imposed as conditions of that approval.

(5) **FREESTANDING SIGN** means a sign supported independently of a building or other structure by way of columns, uprights, braces, masts or poles mounted in or upon grade.



(6) **FASCIA SIGN** means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall provides structural support, or forms the background surface of the sign, which does not project more than 0.3 m (1 ft) from the building.



(7) BILLBOARD means a freestanding structure constructed to provide a medium for advertising where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located and where the copy can be periodically replaced.



(8) 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.



(9) 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 or vertically from a building face or from another structure. For the purposes of this Bylaw, shingle signs, roof signs and signs that otherwise project and have a similar impact on the Town's urbanscape shall be categorized as projecting signs.



(10) OTHER SIGN means a sign that is not exempt from requiring a development permit under Section 3 of this Schedule but does not fit into any of the above categories.

6. TYPE-SPECIFIC SIGN STANDARDS

This section prescribes standards for the sign types listed in Section 5. Where a sign cannot be definitively categorized as one of the types described in Section 5, the Development Authority shall determine all applicable controls governing that sign.

(1) PORTABLE SIGNS

(a) No more than one portable sign shall be permitted on a lot.

(b) A portable sign shall not be displayed for more than 90 days in a calendar year.

(c) The copy area, maximum height and maximum width of portable signs shall be as follows:

(i) A-board signs shall not exceed 0.6 m^2 (6 ft^2) in area; sign height from grade shall not exceed 0.9 m (3 ft); sign width shall not exceed 0.9 m (3 ft); and

(ii) all other portable signs shall not exceed 3.7 m^2 (40 ft^2) in area; sign height from grade shall not exceed 2.1 m (7 ft); sign width shall not exceed 2.4 m (8 ft).

(2) TEMPORARY SIGNS

(a) Except where exempted pursuant to Section 3 of this Schedule, all temporary signs must obtain a development permit.

(b) A permit for a temporary sign will be valid for a maximum period of no longer than 60 days.

(c) Upon expiration of a temporary sign permit, another temporary sign shall not be approved on the same site until 30 days have elapsed from the date the temporary sign was removed.

(d) No temporary signs shall be suspended on or between support columns of any permanent sign such as a freestanding sign or billboard sign.

(e) The maximum sign area of a temporary sign shall be no greater than 5.6 m^2 (60 ft^2).

(f) No posters or signs shall be placed on any public utility such as a power pole.

(g) No posters or signs shall be placed on municipal, provincial or federal signage.

(3) **CANOPY SIGNS**

(a) No part of the canopy, excluding that portion which is used for support and which is free of advertising shall be less than 2.4 m (8 ft) above the ground or sidewalk grade.

(b) No part of the canopy shall project more than 1.8 m (6 ft) over public property, or come within 0.6 m (2 ft) of the curb or edge of a roadway.

(c) No part of the canopy shall project more than 45.7 cm (18 inches) above the top of the vertical face of the wall to which it is attached.

(d) The space between the canopy and supporting building shall not be more than 0.6 m (2 ft).

(4) HOME OCCUPATION SIGNS

(a) A sign for a Class 1 home occupation shall be limited to one sign located in the building's window of an approved home occupation use, not exceeding 0.4 m^2 (4 ft^2) in size.

(b) A sign for a Class 2 home occupation shall be regulated by the Development Authority.

(5) FREESTANDING SIGNS

(a) No sign shall exceed 11.1 m^2 (120 ft^2) in area.

(b) The maximum height of any freestanding sign shall be 6.1 m (20 ft).

(6) FASCIA SIGNS

(a) Not more than two signs shall be permitted on the premises.

(b) No fascia sign shall exceed 11.1 m^2 (120 ft^2) in area.

(7) BILLBOARDS

(a) Billboards shall be limited to the Highway 5 corridor within town limits.

(b) shall be restricted to a maximum size of 18.1 m^2 (195 ft^2).

(c) Billboards shall be located so as not to become a visual obstruction or other traffic hazard.

(d) Billboards shall not be illuminated unless the source of light is steady and suitably shielded.

(e) The Municipal Planning Commission may prescribe additional billboard standards.

(8) MURAL SIGNS

(a) Mural signs shall be regulated by the Municipal Planning Commission.

(9) PROJECTING SIGNS

(a) Projecting signs and related signs shall be regulated by the Municipal Planning Commission.

(10) OTHER SIGNS

(a) Other signs shall be regulated by the Municipal Planning Commission.

TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1333

BEING a bylaw of the Town of Magrath in the Province of Alberta, to amend Bylaw No. 1284, being the municipal Land Use Bylaw.

WHEREAS the municipal council wishes to redesignate lands within the municipality.

AND WHEREAS THE PURPOSE of proposed Bylaw No. 1333 is to redesignate lands legally described as:

Lot 7 & a portion of Lot 6, Block 33, Plan 3046H
(42 N – 1st Street W)

from "Residential – R1" to "Highway Commercial – C2" in order to provide for the opportunity to use and development of the lands in accordance with the provisions of the C2 Land Use District.

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto.

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

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

1. Lands legally described and illustrated on the map in Schedule "A" attached hereto shall be redesignated from "Residential – R1" to "Central Commercial – C2".

2. Bylaw No. 1284, being the municipal Land Use Bylaw, is hereby amended.

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

READ a **first** time this 11 day of August, 2026.

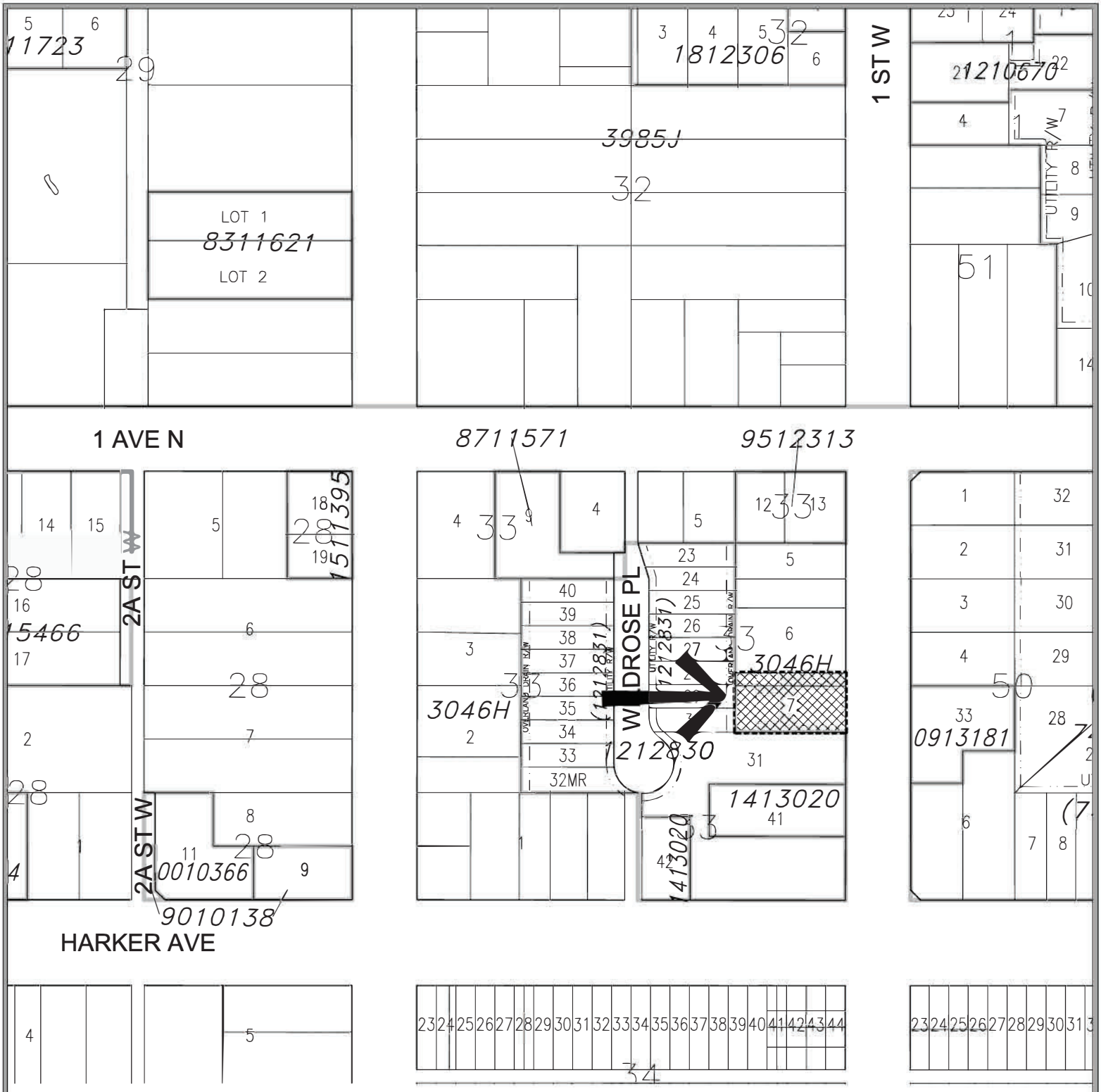
Mayor *– Byrne Cook* ***Chief Administrative Officer*** *– James Suffredine*

READ a **second** time this 15 day of September, 2026.

Mayor *– Byrne Cook* ***Chief Administrative Officer*** *– James Suffredine*

READ a **third** time and finally PASSED this 15 day of September, 2026.

Mayor *– Byrne Cook* ***Chief Administrative Officer*** *– James Suffredine*



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

Bylaw #: 1333

Date: _____

FROM: RESIDENTIAL – R1

TO: HIGHWAY COMMERCIAL – C2

LOT 7 AND PORTION OF LOT 6, BLOCK 33, PLAN 3046H
WITHIN NW 1/4 SEC 26, TWP 5, RGE 22, W 4 M
MUNICIPALITY: TOWN OF MAGRATH
DATE: AUGUST 5, 2026

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

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

ORRSC

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August 5, 2026

N:\Cardston–County\Magrath\Magrath LUD & Land Use Redesignations\LUDRedesignations\Town of Magrath – Lot 6–7, Block 33, Plan 3046H – Bylaw 1333.dwg

TOWN OF MAGRATH
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1334

BEING a bylaw of the Town of Magrath in the Province of Alberta, to amend Bylaw No. 1334, being the municipal Land Use Bylaw.

WHEREAS the municipal council wishes to redesignate lands within the municipality.

AND WHEREAS THE PURPOSE of proposed Bylaw No. 1334 is to redesignate lands legally described as:

Portion of Lot 2, Block 26, Plan 2010802
(174 South – 2A Street West)

From "Small Lot Residential – SR" to "Residential – R1" in order to provide for the opportunity for the lands to be developed in accordance with the provisions of the R1 Land Use District.

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto.

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

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

1. Lands legally described and illustrated on the map in Schedule "A" attached hereto shall be redesignated from "Small Lot Residential – SR" to "Residential – R1".

2. Bylaw No. 1294, being the municipal Land Use Bylaw, is hereby amended.

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

READ a **first** time this 11th day of August, 2026.

Mayor *– Byme Cook*

Chief Administrative Officer *– James Suffredine*

READ a **second** time this 15th day of September, 2026.

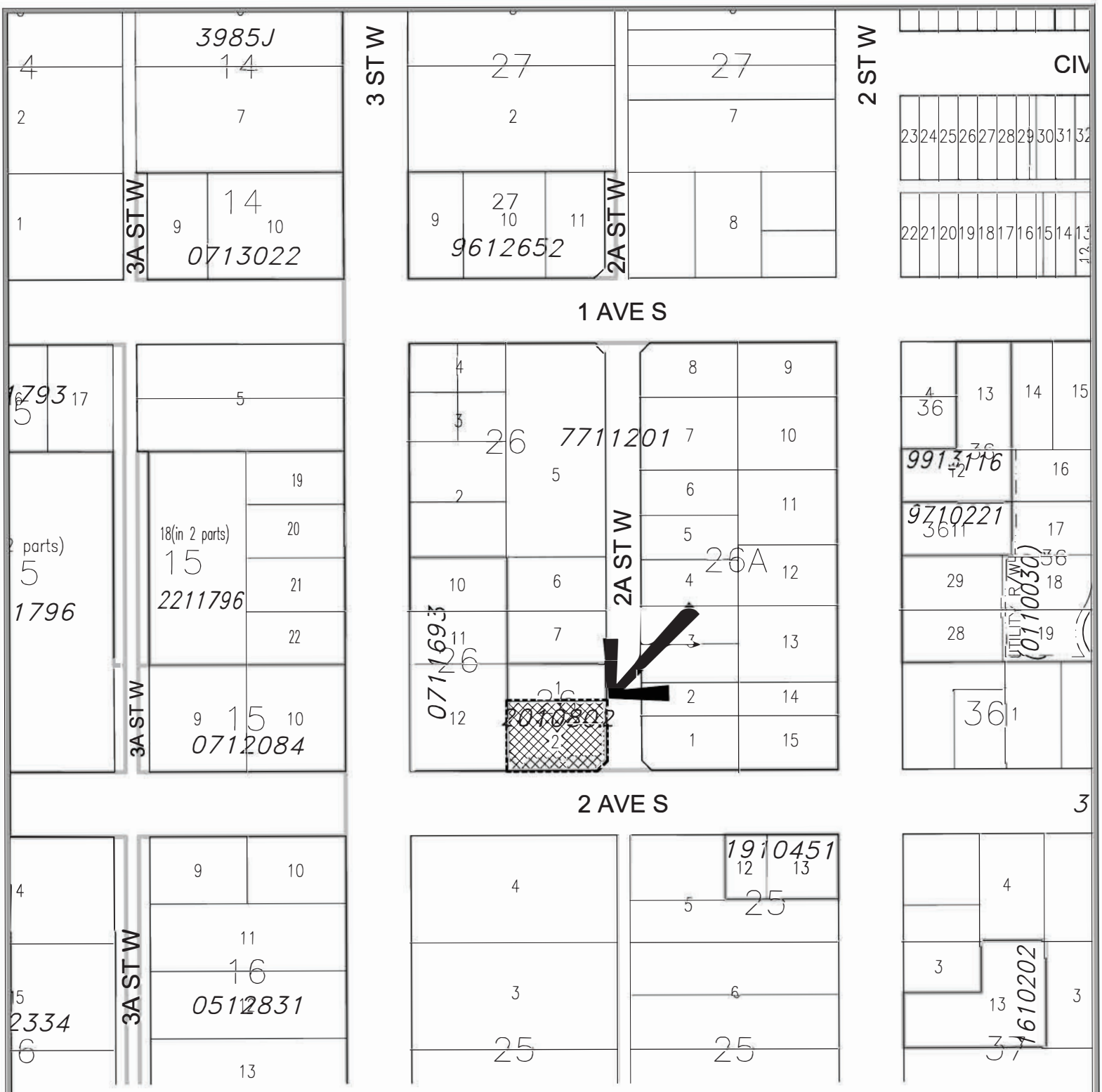
Mayor *– Byme Cook*

Chief Administrative Officer *– James Suffredine*

READ a **third** time and finally PASSED this 15th day of September, 2026.

Mayor *– Byme Cook*

Chief Administrative Officer *– James Suffredine*



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

Bylaw #: 1334

Date: _____

FROM: SMALL LOT RESIDENTIAL – SR

TO: RESIDENTIAL – R1

LOT 2, BLOCK 26, PLAN 2010802

WITHIN SW 1/4 SEC 26, TWP 5, RGE 22, W 4 M

MUNICIPALITY: TOWN OF MAGRATH

DATE: AUGUST 5, 2026

Initial map that was presented and amended at the meeting

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

ORRSC

N

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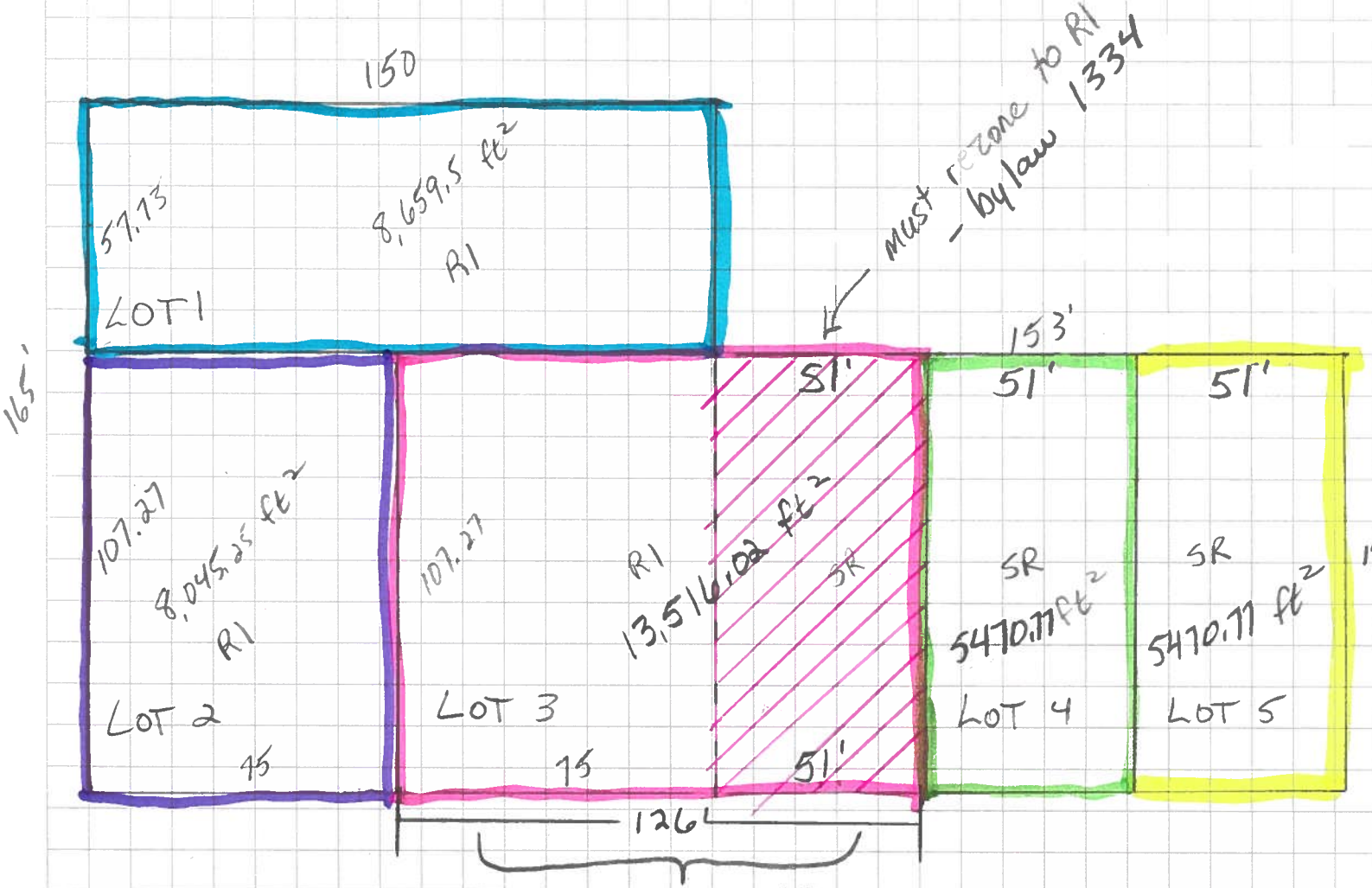
August 05, 2026

N:\Cardston-County\Magrath\Magrath LUD & Land Use Redesign

Toll Free Phone: 1.877.956.0082
Toll Free Fax: 1.877.956.0083
10 - 3903 Millar Avenue
Saskatoon, Sask. S7P 0C1
www.calidon.ca

Calidon
Equipment Leasing



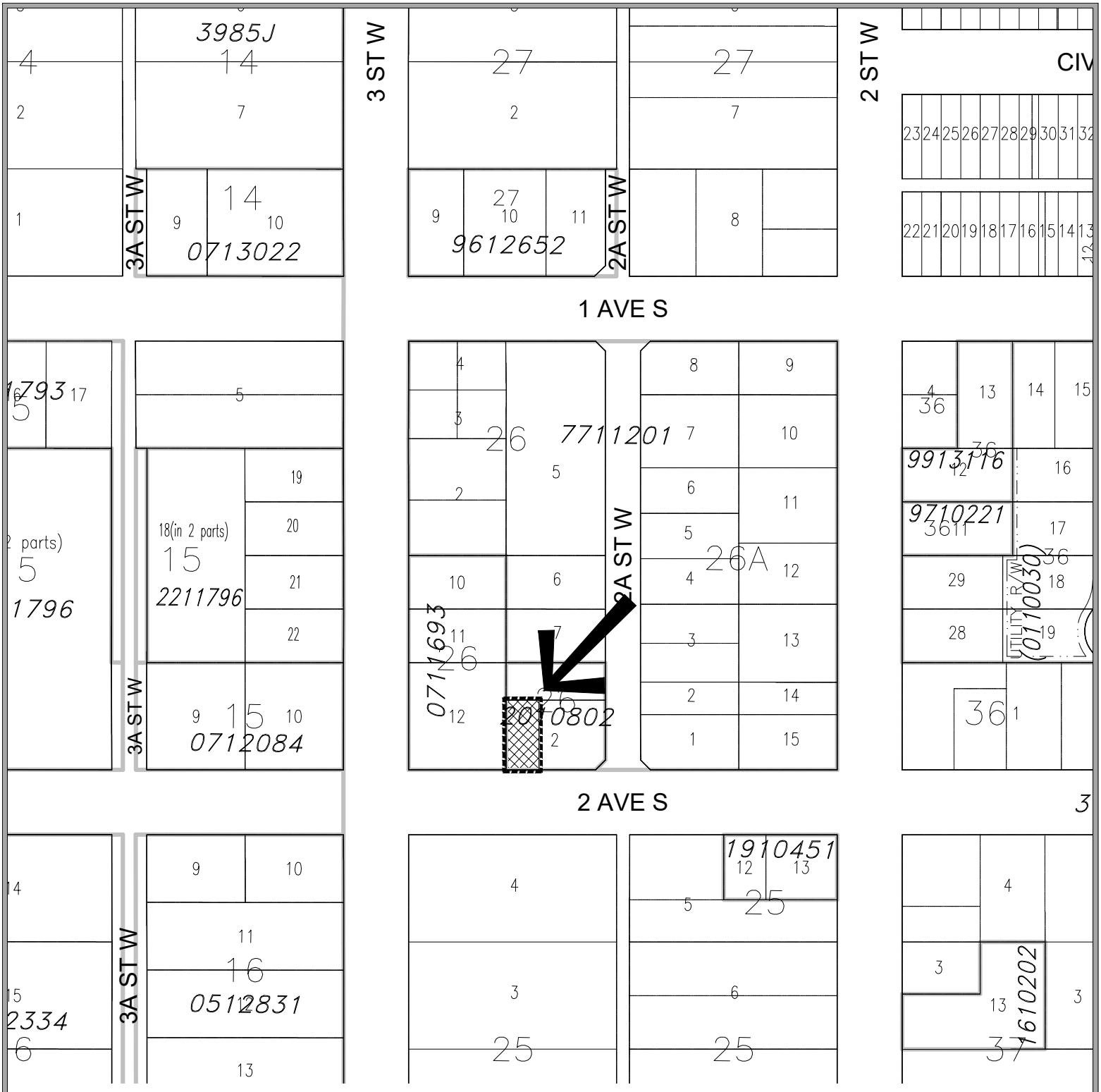
R1 minimum lot size
65' X 120', 7800 ft²

R1 maximum lot size
15,000 ft²

SR minimum lot size
50' x 110', 5,500 ft²

SR maximum lot size
7800 ft²

LOT 1	$57.73' \times 150' = 8,659\ ft^2$ - Zone R1 - does not meet dimension measurements but meets area requirement.
LOT 2	$75' \times 107.27' = 8,045.25\ ft^2$ Zone R1 - does not meet dimension measurements but meets area requirement.
LOT 3	$126' \times 107.27' = 13,516.02\ ft^2$ Zone R1 - does not meet dimension measurements but meets area requirement
LOT 4 + LOT 5	$51' \times 107.27' = 5,470.77\ ft^2$ Zone SR - does not meet the dimension or area requirements - previously granted waiver for lot depth to be 107.27'



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

Bylaw #: 1334

Date: Sept 15/2026

Approved

FROM: SMALL LOT RESIDENTIAL – SR

TO: RESIDENTIAL – R1

PORTION OF LOT 2, BLOCK 26, PLAN 2010802

WITHIN SW 1/4 SEC 26, TWP 5, RGE 22, W 4 M

MUNICIPALITY: TOWN OF MAGRATH

DATE: AUGUST 5, 2026

UPDATED: OCTOBER 6, 2026

MAP PREPARED BY:

OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8

TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

ORRSC

N

0 Metres 50 100

October 6, 2026

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