

Land Use Bylaw

Bylaw No. 1389/24
April 2024
Consolidated to Bylaw 1431/26, October 2026

Land Use Bylaw 1389/24 was prepared and written by ISL Engineering and Land Services Ltd. on behalf of the Town of Nanton.

Land Use Bylaw 1389/24 is amended and maintained by the Oldman River Regional Services Commission on behalf of the Town of Nanton.

Town of Nanton

BYLAW NUMBER: 1389/24

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO ADOPT A LAND USE BYLAW FOR THE MUNICIPALITY

1. PURPOSE:

1.1 WHEREAS, Section 640 of the Municipal Government Act of the Province of Alberta requires that every municipality must pass a land use bylaw which regulates and controls the use and development of land and buildings within the municipality; and

1.2 WHEREAS, Council passed Bylaw 1246/13 to adopt a Land Use Bylaw on June 17, 2013, and, having considered at a public hearing the concerns of person claiming to be affected by this bylaw, believes a new land use bylaw is necessary in order to achieve the orderly, economical and beneficial use of land in the municipality; and

1.3 NOW THEREFORE, the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts as follows:

2. ENACTMENT

2.1. Bylaw No. 1389/24, attached as per Schedule "A", is hereby adopted.

3. INTERPRETATION

3.1 This Bylaw will be cited as the "Town of Nanton Land Use Bylaw";

3.2 Bylaw No. 1246/13, being the former Land Use Bylaw, and all amendments thereto including Bylaw Nos. 1250, 1264, 1268, 1271, 1277, 1279, 1291, 1296, 1301, 1305, 1308, 1309, 1330, 1338, 1361 and 1375 are hereby repealed.

4. EFFECTIVE DATE AND READINGS

4.1 This bylaw comes into effect upon the date of final reading and signing thereof.

4.2 Read a **first** time this 18th day of March, 2024

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

5.3 Read a **second** time this 16 day of April, 2024.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

5.4 Read a **third** time this 16 day of April, 2024.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

Town of Nanton Land Use Bylaw No. 1389/24 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1396/24	"M-DWT Mixed-Use Downtown District" to "M-TRN Mixed-Use Transition District" "DC – Direct Control (DC-1) to "R-GEN Residential, General District" Amend Section 2, Part 2.4 regarding Development on Non-Conforming Sized Parcels.		3-Sept-2024
1404/25	New Land Use Map		20-Jan-2025
1417/25	Amend the definitions for "Development Authority" and "Development Officer" in Section 6 Glossary		17-Nov-2025
1421/26	"R-GEN Residential, General District" to "M-TRN Mixed-Use Transition District" Amend Section 5 M-TRN Mixed-Use Transition District to include specific Permitted Uses and Discretionary Uses to the parcel at 2401 26 Avenue	Lot 2, Block 4, Plan 081 2804	2-Mar-2026
1431/26	"M-DWT Mixed-use Downtown District" to "M-TRN Mixed-use Transition District"	Lot 10, Block 6, Plan 969J	5-Oct-2026

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SECTION ONE
Purpose

1

This section introduces readers to the Land Use Bylaw, establishes jurisdiction, enforcement and amendment regulations, and introduces the people and groups with the authority to exercise development powers in Nanton.

Jurisdiction

1.1 TITLE

This bylaw may be cited as the "Town of Nanton Land Use Bylaw No. 1389/24."

1.2 PURPOSE

The purpose of this Bylaw is to regulate, control or prohibit the use and development of land and buildings within the Town of Nanton in accordance with the provisions of the *Municipal Government Act* (MGA), and for that purpose, among other things to:

a) Divide the municipality into Land Use Districts,

b) Prescribe and regulate the use(s) of land and buildings within each District,

c) Establish the Development Authority,

d) Establish a method of making decisions on applications for Development Permits including the issuing of Development Permits,

e) Prescribe the manner in which notice of the issuance of a Development Permit is to be given.

f) Establish a procedure for appeals against the decisions of the Development Authority, and

g) Implement the *Town of Nanton Municipal Development Plan* and other statutory plans of the municipality, as may be developed.

1.3 CONSISTENCY

Development authorized under this Bylaw is subject to:

a) Federal and Provincial law (including but not limited to building code requirements),

b) Other bylaws, statutory plans, and inter-municipal agreements,

c) Any of the Town's Infrastructure Master Plans as they pertain to Transportation, Water Sanitary and/or Stormwater Management, and

1.4 COMPLIANCE WITH OTHER LEGISLATION

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

1.5 EFFECTIVE DATE & TRANSITION

a) The *Town of Nanton Land Use Bylaw No. 1389/24,* is passed and comes into full force and effect when it receives third reading and is signed pursuant to the MGA.

b) The existing *Nanton Land Use Bylaw No. 1246/13*, including all amendments, is hereby repealed.

c) All proposed amendments to this Bylaw or Development Permit applications received on or after the effective date of this Bylaw shall be processed and considered upon the provisions outlined herein.

d) All applications received in a complete form prior to the effective date of this Bylaw shall be processed based on *Land Use Bylaw No. 1246/13* unless the Applicant requests that the application be processed based on the regulations of this Bylaw.

1.6 FEES AND CHARGES

All fees and charges under and pursuant to this Bylaw, are established within the *Fees and Rates Bylaw*, as amended.

1.7 INTERPRETATION

a) Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual.

b) Compliance with the policies in this Bylaw shall be interpreted and applied as follows:

   i. "shall" means mandatory compliance except where a Variance has been granted pursuant to the MGA or the Bylaw.

   i. "should" means compliance in principle but is subject to the discretion of the Development Authority where compliance is impracticable or undesirable because of relevant planning principles or circumstances unique to a specific application.

   ii. "may" means discretionary compliance or a choice in applying policy.

c) Where a regulation involves two (2) or more conditions or provisions connected by a conjunction:

   i. "and" means all the connected items shall apply in combination.

   ii. "or" indicates that the connected items may apply singly or in combination.

   iii. "and/or" indicates the items shall apply singly or in combination, at the discretion of the Development Authority.

d) In the case of any conflict between the text of the Bylaw and any maps or drawings used to illustrate any aspect of the Bylaw, the text shall govern.

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

1.8 MEASURMENTS AND STANDARDS

All units of measure contained within this bylaw are Metric (SI) standards.

1.9 SEVERABILITY

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

1.10 LAND USE DISTRICT GROUPS

a) For the purposes of the Bylaw, Land Use Districts may be referred to collectively:
   i. 'Residential Districts', which include: R-GEN, R-LRG, R-NAR,
   ii. 'Mixed-Use Districts', which include: M-DWT, M-TRN,
   iii. 'Commercial Districts', which include: C-HWY,
   iv. 'Industrial Districts', which include: I-HVY, I-LHT, and
   v. 'Special Districts', which include: S-COM, S-FUD, S-NOS.

b) More information on Districts can be found in **Section 5 – Land Use Districts**.

Bylaw Authorities

1.11 DEVELOPMENT AUTHORITY

a) The Development Authority is established herein pursuant to the MGA and is a person(s) who is authorized to exercise development powers and duties on behalf of the Town.

b) The Development Authority shall include one or more of the following:
   i. A Development Officer, and/or
   ii. Municipal Planning Commission, and/or
   iii. Chief Administrative Officer, and/or
   iv. Council with respect to Direct Control Districts only.

c) The Development Authority shall perform such powers and duties as are specified:
   i. in the *Town of Nanton Municipal Subdivision and Development Authority Bylaw*,
   ii. in this Bylaw,
   iii. in the MGA, and
   iv. where applicable, by resolution of Council.

1.12 DUTIES OF THE DEVELOPMENT OFFICER

a) The Development Officer, as Development Authority, shall:
   i. Receive and process all Development Permit applications and determine whether a Development Permit application is complete,
   ii. Consider and make decisions on Development Permit applications for:
      a. Permitted Uses without variance that comply with this Bylaw,

b. Discretionary Uses without variance that otherwise comply with this Bylaw

c. Variances on Permitted Uses of a measurable standard not to exceed twenty-five percent (25%), excluding height, in accordance with Section 2.19,

d. Landscaping,

e. Fences, walls or other types of enclosures, and

f. Demolition.

iii. Refer the following applications to the MPC, with their recommendation:

a. Direct Control District (for comment only),

b. Variances of a measurable standard exceeding twenty-five percent (25%), and any variances pertaining to height, in accordance with Section 2.19,

c. Variances on any Discretionary Use,

d. Applications for any signs that rotate, employ animation, or digital copy, and/or a Community Identification Sign, and

e. Any other applications that a Development Officer considers advisable to refer to the MPC.

iv. Keep, and maintain for the inspection of the public during office hours, a copy of this bylaw as amended, and ensure that an online version is made available on the **Town's website** and hard copies are available to the public for a fee,

v. Keep a register of all Development Permit applications, and the decisions rendered on them, for a minimum of seven (7) years,

vi. Provide a regular report to the MPC summarizing the applications made for a Development Permit and the decision made on the applications, and any other information as the MPC considers necessary,

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

viii. Refer all development applications in a Direct Control District to Council for a decision, unless Council has specifically delegated approval authority to the Development Officer or the Municipal Planning Commission.

b) The Development Officer, as Development Authority, may:

i. Refer a Development Permit application, in whole or in part, to any outside agency or local authority they deem necessary for comment,

ii. Enter into a written Time Extension Agreement, in alignment with the Bylaw,

iii. Allow a Variance, provided it complies with the requirements of the National Building Code - Alberta Edition,

iv. Refer the decision for a Development Permit to any other Development Authority in accordance with subsection a),

v. Refuse a Development Permit application and provide the Applicant with written notice stating the decision of refusal and the reasoning for it, or

vi. Issue a Certificate of Compliance.

1.13 DUTIES OF THE MUNICIPAL PLANNING COMMISSION

a) The Municipal Planning Commission shall:

i. Perform such duties as specified in the MGA, the *Municipal Planning Commission Bylaw*, this Bylaw, or by resolution of Council,

ii. Make decisions on Development Permit applications for a Variance of greater than 25%, or for any Variance for a Discretionary Use, in accordance with Section 2.19,

iii. Consider and decide upon Development Permit applications referred to it by the Development Officer,

iv. Comment on recommendations on planning and development matters referred to it by the Development Officer or Council,

v. Consider and decide upon requests for time extensions on Development Permit applications referred to it by the Development Officer, and

vi. Consider and decide upon and application for a Condominium Certificate pursuant to *The Condominium Property Act*.

1.14 DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER

The CAO, as Development Authority, may perform the duties of the Municipal Planning Commission or Development Officer as necessary.

1.15 INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Intermunicipal Subdivision and Development Appeal Board (ISDAB) shall perform such duties as specified in the MGA, this Bylaw and the *Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw*, as amended.

Bylaw Enforcement

1.16 ENFORCING THE BYLAW

a) The Development Authority may enforce the provisions of the Bylaw, or the conditions of a Development Permit pursuant to the MGA and the *Provincial Offences Procedure Act* (POPA), as amended.

b) A designated Municipal Enforcement Officer may be directed by the Development Authority to enforce the provisions of the Bylaw.

c) Enforcement may be by offence notice or a violation ticket pursuant to POPA, or any other authorized action to ensure compliance.

d) The enforcement powers granted to the Development Authority under the Bylaw are in addition to any enforcement powers that the Town or any of its designated or a designated Municipal Enforcement Officer may have under POPA.

e) The Development Authority may exercise all such powers concurrently.

1.17 CONTRAVENTION

a) Any person who contravenes, causes or permits a contravention of the Bylaw commits an offence.

b) It is an offence for any person to commence or continue development when:

i. A Development Permit is required but has not been issued,

ii. A Development Permit has expired,

iii. A Development Permit has been revoked or suspended.

c) It is an offence for a person to prevent or obstruct the Development Authority or a designated Municipal Enforcement Officer from carrying out any official duty under this Bylaw or the MGA.

1.18 SPECIFIED PENALTIES

a) Contravention of this Bylaw is an offence and is subject to a fine of not less than $100 and not more than $10,000.

b) Pursuant to POPA the following fine amounts are established for use on offence notices and violation tickets:

Table 1 – Specified Penalties

Offence	Penalty
Failure to obtain a Development Permit	$100
Failure to comply with Development Permit Conditions	$1,000
Failure to comply with District Regulations	$500
Failure to comply with any other condition of the Bylaw	$500

c) Persons contravening this Bylaw shall be liable for a penalty in accordance with **Table 1** and $1000 for a second or subsequent contraventions.

d) Each time that an offence notice is issued may be considered to be a separate contravention.

e) Payment of a fine does not release the offender from the requirement to comply with the requirements of this Bylaw.

1.19 STOP ORDERS

a) Pursuant to Section 645 of the MGA where an offense under this Bylaw occurs, the Development Authority may by written notice, order the owner or the person in possession of the land or buildings, or the person responsible for the contravention to:

   i. Stop the development or use of the land or buildings in whole or in part as directed by the notice, or

   ii. Demolish, remove or replace the development, or

   iii. Carry out any other actions required by the notice so that the development or use complies with the Bylaw.

b) A stop order notice shall state the following:

   i. The date on which the Stop Order was made,

   ii. The nature of the violation,

   iii. The corrective measures required, and

   iv. the time period within which such corrective measures must be performed.

c) The Development Authority or a designated Municipal Enforcement Officer shall advise the recipient of a Stop Order as to where the appeal lays.

d) If compliance with a Stop Order is not voluntarily effected, the Town may:

   i. Enter on the land or building and take any action necessary to carry out the order

   ii. Undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of King's Bench,

   iii. In accordance with the MGA, the expenses and costs of carrying out an order may be added to the tax roll of the parcel of land, and/or

   iv. Register a caveat under the Land Titles Act against the certificate of title for the land that is the subject to a stop order.

e) The Town must discharge any registered caveat when the Stop Order has been complied with.

1.20 ENTRY AND INSPECTION

a) Pursuant to Section 542 of the MGA, a designated Municipal Enforcement Officer may, after giving twenty-four (24) hours notice to the owner or occupier of land or the structure to be entered:

   i. Enter on that land or structure at any reasonable time, and carry out any inspection, enforcement or action required to assess or enforce compliance with this Bylaw,

   ii. Request anything to be produced to assist in the inspection, remedy, enforcement or action, and

   iii. Make copies of anything related to the inspection, remedy, enforcement or action.

b) If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action, the Town may obtain a court order.

1.21 VACANT BUILDINGS

If a building becomes vacant, owners shall immediately secure the building from unauthorized trespass and remove signs and continue to ensure the building and lands are secure, safe, and tidy, which includes maintaining the grass and snow removal.

Bylaw Amendments

1.22 AMENDMENT

a) Any person may apply to amend this Bylaw by making an application for a:

   i. Text Amendment, or

   ii. Land Use Redesignation/Site-Specific Amendment,

   by submitting it to the Town for processing and consideration by Council.

b) For a Land Use Redesignation/Site-Specific Amendment, the application must include a signed authorization of the registered owner(s) of the subject land consenting to the application for amendment.

c) Council may direct Administration to bring an amendment to this Bylaw for Council to consider.

d) The Development Authority may refuse to accept an application if, in their opinion, the information supplied is not sufficient to make a proper evaluation of the proposed amendment.

1.23 APPLICATION TO AMEND THE BYLAW

a) Any person making an application to amend the Bylaw shall do so using the appropriate application form available at the Town office and on the **Town's Website** and shall include the following:

   i. An application fee as set within the *Fees and Rates Bylaw*, as amended,

   ii. A certificate of title of the land affected or other documents satisfactory to the Development Authority, including the Applicant's interest in the said land,

   iii. Any drawings or site plans, specified by the Development Authority, provided on standard material and fully dimensioned, accurately figured, explicit, and complete, and

   iv. Any supporting studies, plans or other information deemed necessary by the Development Authority.

1.24 AMENDING DUTIES OF THE DEVELOPMENT OFFICER

a) Upon receipt of a completed application requesting an amendment to this Bylaw, the Development Officer shall:

   i. Prepare an Amending Bylaw for Council, and

   ii. Prepare a background report, including plans and other relevant material, and submit same to Council for their review.

b) In reviewing an application to amend this Bylaw, the Development Officer shall give consideration to:

i. Compliance with applicable standards and provisions of the Town of Nanton Land Use Bylaw,

ii. Consistency with the Municipal Development Plan and any other adopted statutory plans,

iii. Development potential/suitability of the site,

iv. The proposal is located in an appropriate area of the community and is compatible with adjacent land uses,

v. The proposal does not compromise the road capacity of the area and is suitably and efficiently serviced by an off-site road network,

vi. Availability of facilities and services (sewage disposal, domestic water, gas, electricity, police and fire protection, schools, etc.) to serve the subject property and any potential impacts to levels of service to existing and future developments,

vii. Setback distances contained in the Subdivision and Development Regulation,

viii. Supply of suitably designated land,

ix. Circulation in alignment with the Intermunicipal Development Plan, if necessary,

x. Public comment and any applicable review agency comments, and

xi. Any other matter as deemed necessary taking into consideration the nature of the application as well as any statutory plan or approved policy affecting the site.

1.25 PUBLIC NOTICE OF A BYLAW AMENDMENT

Upon first reading of a Bylaw amendment the Development Officer shall provide public notice of the proposed amending bylaw in accordance with Section 692 of the MGA, and in the case of a Land Use Redesignation circulate notice to all adjacent registered owners:

a) The legal description of land,

b) The civic address of the property if possible,

c) A map indicating the location of the land

d) The purpose of the amending Bylaw, and

e) The time and place that Council will hold a Public Hearing on the proposed amending Bylaw prior to the second reading.

1.26 DECISIONS ON BYLAW AMENDMENTS

Council may, in reviewing a proposed amendment to this Bylaw, after the public hearing:

a) Approve the proposed Amending Bylaw in its original form,

b) Make any changes it considers necessary to the proposed Amending Bylaw and proceed to approve it without further advertisement or hearing,

c) Refer the proposed Amending Bylaw back to administration for more information or further review and changes, then reschedule the application for further consideration,

d) Refer the application to the Municipal Planning Commission for their recommendation, or

e) Refuse the proposed Bylaw Amendment.

1.27 RECONSIDERATION

a) Where an application for an amendment to this Bylaw has been refused by Council, another application for amendment on the same site for the same or similar use of land shall not be made by the same or any other applicant until at least six (6) months from the date of Council's decision, and

b) Council, at their discretion may waive the six (6) month waiting period.

SECTION TWO
Development Process

2

This section outlines requirements, procedures and responsibilities related to the Town's Development Permit Process.

Requirements

2.1 CONTROL OF DEVELOPMENT COMPLIANCE WITH THE LAND USE BYLAW

a) Except as provided in 'Development Not Requiring a Development Permit' (s.2.2), no person shall commence any development unless a Development Permit has been issued.

a) All development shall proceed in accordance with the terms and conditions of a Development Permit.

2.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

A Development Permit is not required for the following development, provided it complies with all applicable provisions of the Bylaw, and does not require a Variance:

Table 2 – Development Not Requiring a Development Permit

Development	Permit Not Required
Accessory Building / Structure	In a Residential District or Special District, up to two (2) Accessory Building/Structures, each less than 10 m^2 in area, with a maximum height less than 3.05 m, that respect parcel setbacks and are not attached to a permanent foundation. Parcels in the Residential Large Lot (R-LRG) District may have up to three (3) Accessory Building/Structures aligning with the above.
Cement	The installation of cement or other hard surface material that is not to be covered or partially covered by a roof or other shelter.
Decks & Patios	The construction of uncovered decks or patios less than 0.6 m to ground level.

Development	Permit Not Required
Development In-Progress	i. 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. ii. The completion of a building that did not require a Development Permit under the previous Land Use Bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this Bylaw came into effect.
Driveways	Where it does not impact existing grades, sidewalks or curbs and does not exceed the width of a garage or carport at the end of the driveway.
Fences and Gates	In all Districts, the erection, maintenance or alteration of a fence, gate, wall, hedge or other means of enclosure in compliance with Section 3.12.
Garage Sales	Temporary, less than two-day-long, outdoor display of goods, materials, and equipment for sale may be permitted in the front yard of Residential Districts provided the display does not obstruct traffic.
Home-Based Business Type One (HBB1)	In compliance with Section 4.12.
Landscaping	Landscaping that was not required as part of the original Development Permit where the proposed grades will not adversely affect the subject or an adjacent parcel.
Maintenance	The maintenance or repair of any building provided that the work does not include structural alterations or additions.
Occupancy within a Shopping Centre or Market	The occupancy of a Permitted Use of a vacant space within an existing and approved Shopping Centre or Market.
Poles	Less than 4.5 m in height.
Permitted Uses	Where a change of use is proposed from one Permitted Use to a new Permitted Use in the same District.
Renovations	Interior renovations (including basement development) to a building which do not: a) create another dwelling unit, b) increase parking requirements, or c) result in the change of use of a building.
Retaining walls	Less than 1.0 m in height. If a fence is placed on top of a retaining wall, the height of the retaining wall factors into the total height of the fence.
Satellite Dishes	Any satellite dish less than 0.9 m in diameter.
Signs	Any sign listed in 'Signs Not Requiring a Development Permit' (s.3.51).
Site Preparation	Excavation, grading, stripping, or stockpile provided it is part of a development for which a Development Permit has been issued or is addressed in a signed Development Agreement with the Town of Nanton.
Solar Collector (Roof/Wall)	In compliance with the National Building Code - Alberta Edition and Section 4.18.
Personal Swimming Pools	Temporary outdoor above ground swimming pools and hot tubs that meet parcel setbacks and are not attached to a permanent foundation.
Per the MGA	i. Any use or development exempted under Section 618(1) of the MGA. ii. Any use or development exempted by the Lieutenant Governor in Council pursuant to Section 618(4) of the MGA.

Development	Permit Not Required
Temporary Structure	A structure erected for a temporary special function not exceeding seven (7) days.
Utilities Maintenance on Public Land	The construction, 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.

2.3 NON-CONFORMING BUILDINGS AND USES

Development rendered legally non-conforming as a result of the passage of this Bylaw shall be permitted to remain in accordance with the provisions of the MGA.

2.4 DEVELOPMENT ON NON-CONFORMING SIZED PARCELS

a) Development on an existing registered non-conforming sized parcel that does not meet the minimum requirements for parcel length, width or area specified in the applicable District may be permitted at the discretion of the MPC.

b) The Development Officer is authorized to permit development on existing registered non- conforming sized parcels for Permitted Uses where the MPC issued a variance(s) to the minimum requirements for parcel length, width or area as part of a subdivision approval.

c) As a result of a Land Use Bylaw Amendment by Council to redesignate lands in accordance with Section 1.22, where a non-conforming sized parcel that does not meet the minimum requirements for parcel length, width or area specified in the applicable District, development shall proceed in accordance with subsections a) and b), subject to all other applicable regulations of the Land Use Bylaw.

2.5 NON-CONFORMING VARIANCES

The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 643(5)(c) of the MGA.

2.6 DEVELOPMENT PERMIT APPLICATIONS

a) A Development Permit application shall be made using the appropriate application form available at the Town office and on the **Town's Website** and shall include an application fee as set within the *Fees, Rates and Charges Bylaw*, as amended. The application package shall include the following:

   i. Current copy of the Certificate of Title (within 60 days of submission) for the affected lands,

   ii. Current copies of any restrictive covenants or easements (within 60 days of submission),

   iii. A description of the existing and proposed use of the land, building(s) and structures and whether it is a new development, an alteration/addition, relocation or change of use and whether the use is temporary in nature,

   iv. Color renderings or facsimile acceptable to the Development Authority showing the exterior elevations including height, horizontal dimensions and finishing materials of all buildings, existing and proposed,

   v. Documentation from the Alberta Energy Regulator (AER) identifying the presence or absence of abandoned oil and gas wells as required by the *Matters Related to Subdivision and Development Regulation*, as amended,

   vi. A copy of the Site Plan showing:

      a. Legal description of the site with north arrow, scale and municipal address,

      b. Site area and dimensions of the front, rear and side yards if any,

      c. Site drainage including any watercourses, finished parcel grades, road grades and slopes greater than 15%,

d. The location of all existing and proposed buildings and structures (including roof overhangs) and registered easements or rights-of-way, dimensioned to property lines and drawn to a satisfactory scale,

e. Existing and proposed parking and loading areas, driveways, abutting streets, avenues and lanes, and egress and ingress,

f. Where applicable, the location of existing and proposed utilities, wells, septic tanks, disposal fields, culverts and surface drainage patterns,

g. Where applicable, the identification of trees to be cut down or removed, and

h. Any additional information as may be stipulated in the standards of development, and

vii. When required by the Development Authority:

a. A Real Property Report prepared by an Alberta Land Surveyor, if there is any doubt as to the boundaries of the parcel,

b. Engineering and other reports to prove the safety and suitability of the site for the purpose intended, including a declaration that the site is free from contamination,

c. Landscaping Plans where required in alignment with Section 3.21,

d. A site drainage/stormwater management plan prepared by a qualified professional, to the satisfaction of the Development Authority, for all commercial, industrial, greenhouses and multi-unit developments or other developments as required by the Development Authority,

e. A Traffic Impact Assessment,

f. Elevations showing the proposed exterior of a building,

g. Any supporting studies, plans or other information deemed necessary, and

h. Any other additional information required for a Specific Use or Activity, as outlined in **Section Four – Specific Uses and Activities**.

b) An application for a Development Permit must be made by the registered owner(s) of the land on which the development is proposed. An application may be made by a person who is not the registered owner of the land only with written consent of the registered owner(s).

2.7 SUITABILITY OF SITES

a) Notwithstanding that a use of land may be Permitted or Discretionary or considered similar in nature to a Permitted or Discretionary Use in a District, the Development Authority may refuse issuance of a Development Permit if the Development Authority is made aware of the fact that the site of the proposed building or use is not safe or suitable, based on the following:

i. Does not have safe legal and physical access to a maintained road in accordance with this Bylaw, other municipal requirements, or those of Alberta Transportation if within 300.0 m of a provincial highway or 800.0 m from the centre point of an intersection of a controlled highway and a public road,

ii. Has a high-water table or soil conditions which make the site unsuitable for foundations or sewage disposal systems in accordance with the provincial regulations,

iii. Is situated on an unstable slope,

iv. Consists of unconsolidated material unsuitable for building,

v. Is situated over an active or abandoned coal mine or oil or gas well or pipeline,

vi. Is unsafe due to contamination by previous land uses,

vii. Does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility,

viii. Does not have adequate water and sewer provisions,

ix. Does not meet the parcel size or setback requirements or other applicable standards or requirements of this Bylaw.

b) Nothing in this section shall prevent the Development Authority, as applicable, from issuing a Development Permit if they are satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures or other mitigating measures and approvals from provincial or federal agencies have been obtained, as applicable.

Receive and Review

2.8 DETERMINATION OF COMPLETENESS

a) Within twenty (20) days of receipt of a Development Permit application, the Development Authority shall determine whether an application is complete, unless an agreement is reached between the Development Authority and the applicant to extend the twenty (20) day period. If the Development Authority fails to determine that the application is complete within the prescribed time period, the application shall be deemed to be complete.

b) If the Development Authority determines that the application is incomplete, the Development Authority shall issue to the applicant a written notice indicating that the application is incomplete and that the application will not be processed until the required information is provided. The written notice shall specify the outstanding documents and information to be provided, including but not limited to those required by Section 2.6. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the Development Authority in writing to extend the deadline. Failure to submit the required information in accordance with the notice shall result in the application being deemed refused and may be appealed in accordance with Section 2.26.

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

d) Despite issuance of a Notice of Completeness under subsection 2.8 c), the Development Authority in the course of reviewing the application may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

e) Notwithstanding subsections a) to b), the Development Authority may decide on a Development Permit application without all the required information, if the Development Authority determines that a decision can be properly made without such information.

2.9 REVIEW PERIOD

a) The Development Authority must make a decision on a Development Permit application within forty (40) days of the date of the 'Notice of Completeness' (s.2.8c)).

b) Notwithstanding a), time to make a decision on a Development Permit Application may be extended by entering into a 'Time Extension Agreement' (s.2.10).

2.10 TIME EXTENSION AGREEMENT

a) The Development Authority may request up to a six (6) month extension of the review period of a Development Permit application from the applicant,

b) The Development Authority may grant up to a six (6) month extension of the review period of a Development Permit Application at the request of the applicant, and

c) A Time Extension Agreement shall be agreed to by both parties in writing.

d) Additional six (6) month extensions may be requested from or granted by the Development Authority as required.

2.11 REVIEWING DEVELOPMENT PERMIT APPLICATIONS

a) In reviewing a Development Permit Application, the Development Authority shall have regard to:

   i. The purpose and intent of the applicable District,

   ii. The purpose and intent of any applicable Statutory Plan adopted by the Town,

   iii. The purpose and intent of any other plan and pertinent policy adopted by the Town, and

   iv. The circumstances and merits of the application, and

b) Notwithstanding the provisions of this Bylaw, the Development Authority may impose more stringent development regulations or standards on a Development Permit for a Discretionary Use in order to ensure that the Development is compatible with and complementary to surrounding land use and other planning considerations.

2.12 HEALTH, SAFETY AND NUISANCE FACTORS

Unless otherwise provided in a district, the following health, safety and nuisance factors shall be given due consideration in determining any health and safety hazards related to any development:

a) No use shall cause or create excessive air contaminants, visible and particulate emissions, odours, water contaminants or noise as determined by legislation.

b) No use shall create or store refuse or operate a use in a manner that attracts pests in contravention of legislation.

2.13 PUBLIC NOTICE OF A DEVELOPMENT PERMIT

a) The Development Authority shall provide the following notice(s) of a Development Permit application:

Table 3 – Public Notice Requirements

Review of a:	Notice sent to surrounding registered owners prior to decision	Notice published on Town website prior to decision	MPC meeting required	Notice sent to surrounding registered owners after decision	Notice published on Town website after decision
Permitted Use	No	No	No	No	No
Permitted Use with a Variance ≤ 25%	No	Yes	No	No	Yes
Permitted Use with a Variances > 25%	Yes	Yes	Yes	Yes	Yes
Discretionary Use	Yes	Yes	No	Yes	Yes
Discretionary Use with a Variance	Yes	Yes	Yes	Yes	Yes

b) Where notification of adjacent registered owners and other persons likely to be affected is required, the Development Authority shall:

   i. Mail (postal service or electronic) written notice of the application at least ten (10) days before the meeting of the MPC or the decision of the Development Authority to:

      a. Adjacent registered owners and other persons likely to be affected by the issuance of a Development Permit,

      b. The Municipal District (MD) of Willow Creek if in the opinion of the Development Authority, the proposed development could have an impact upon land uses in the MD or is adjacent to the MD boundary, and

      c. Any other persons, government departments or referral agency that is deemed to be affected.

ii. Post a notice on the municipal website and official social media as authorized through an advertising bylaw approved by Council in accordance with Section 606.1 of the MGA at least ten (10) days before the meeting of the MPC or the decision of the Development Officer, or

iii. A combination of the above that satisfies the requirements of the MGA.

c) In all cases, notification shall:

i. Describe the nature and location of the proposed use or development,

ii. If warranted per **Table 3**, state the place and time where the MPC will meet to consider the application, , and

iii. Specify the location at which the application can be inspected.

d) When an application for a Development Permit is refused, the Notice of Decision, including reasons for refusal, shall be sent by ordinary mail to the applicant.

e) Approved Development Permit applications, shall be posted in alignment with **Table 3**. This notice shall include:

i. The location and use of the Parcel,

ii. The date the Development Permit was issued, and

iii. Notice that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the ISDAB within Twenty-One (21) days notice being posted or the date of the 'Deemed Refusal' (s.2.20).

f) Notices provided after decision, either sent to surrounding registered owners and/or published on the Town website shall be done on the same day.

Decisions

2.14 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

The Development Authority, in making a decision on a Development Permit Application for:

a) A Permitted Use

i. Shall approve the application for a Permitted Use, with or without conditions, if the proposed development conforms with this Bylaw, or

ii. May approve the application for a Permitted Use, with or without conditions, if the proposed development does not conform with the Bylaw, subject to the approval of any required variances, or

iii. Shall refuse the application if it does not conform to the Bylaw.

b) A Discretionary Use:

i. May approve the application for a Discretionary Use, with or without conditions, if the proposed development conforms with this Bylaw,

ii. May approve the application for a Discretionary Use, with or without conditions, if the proposed development does not conform with this Bylaw, subject to the approval of any required variances, or

iii. May refuse the application for a Discretionary Use even though it meets the requirements of this Bylaw.

2.15 NOTICE OF DECISION TO APPLICANT

a) All decisions on Development Permit applications must be provided in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given, must be given or sent to the applicant on the same day the written decision is given.

b) If the Development Permit application is refused, or conditionally approved, the Notice of Decision shall contain the conditions imposed as part of the approval or the reasons for the refusal.

2.16 APPROVAL OF A SIMILAR USE

a) Notwithstanding Section 2.14, the Development Authority may approve a Development Permit, with or without conditions, for a use that is neither Permitted nor Discretionary in the District in which the development is to be located, provided that:

   i. The proposed use is a similar use to a permitted or discretionary use in the District,

   ii. The proposed use is not defined elsewhere in this Bylaw, and

   iii. All public notices of the Development Permit approval specifically reference that the use was approved as a similar use.

b) A similar use is considered a discretionary use.

2.17 DIRECT CONTROL DISTRICT DECISIONS

a) Upon receipt of a completed application for a Development Permit in a Direct Control District, the Development Authority shall:

   i. Refer the application to Council for a decision, except where the decision-making authority has been delegated to the Development Authority, and

   ii. Notify adjacent registered owners and other persons likely to be affected in accordance with 'Public Notice of a Development Permit' (s.2.13).

b) After considering any response to notifications issued under Section 2.13, Council or the Development Authority, if delegated authority by Council, may:

   i. Approve a Development Permit with or without conditions; or

   ii. Refuse to approve the Development Permit, stating reasons.

c) In accordance with the MGA there is no appeal to the ISDAB for a decision on an application for a Development Permit in a Direct Control District, where the decision was made by Council.

2.18 TEMPORARY USE

a) Where in the opinion of the Development Authority, a proposed use is of a temporary nature, it may approve a temporary Development Permit valid for a period of up to one (1) year for a use, provided the use is listed as a Permitted Use, Discretionary Use or deemed similar to a Permitted or Discretionary Use in the applicable District.

b) Temporary use applications shall be subject to the following conditions:

   i. The applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period,

   ii. The Development Authority may require the applicant to submit an acceptable form of security guaranteeing the cessation or removal of the temporary use, and

   iii. Any other conditions as deemed necessary.

2.19 VARIANCES

a) Unless a specific provision of this Bylaw provides otherwise, the Development Authority may issue a Variance as a condition of a Development Permit.

b) Variances may be issued where:

   i. The proposed development would not unduly interfere with the amenities of a neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

   ii. The proposed development conforms with the use prescribed for that land or building in the Bylaw.

c) Applicants requesting a Variance shall provide a supporting rationale in support of the variance.

d) In the event that a Variance is granted, the Development Authority shall specify the nature of the approved Variance in the Development Permit approval.

e) Variances can be granted at the sole discretion of the Development Officer for uses that request a Variance of up to twenty five percent (≤25%) to a applicable measurable standard, excluding height.

f) Variances can be granted by the MPC for uses that request a Variance(s) exceeding twenty-five percent (>25%) of any measurable standard of this bylaw, or a Variance of any other bylaw provision.

2.20 DEEMED REFUSALS

An application for a Development Permit shall be deemed to be refused in the following circumstances:

a) Outstanding information requested as part of the 'Determination of Completeness' (s.2.8) is not submitted by the Applicant within the time period identified by the Development Authority, or

b) The Development Authority does not make a decision on a Development Permit within the 40-day 'Review Period' (s.2.9), or

c) The Development Authority does not make a decision on a Development Permit within the alternative review period stated within a written 'Time Extension Agreement' (s.2.10).

2.21 EFFECTIVE DATE

a) A Development Permit for a Permitted Use where no Variance has been approved comes into effect on the date the Permit was issued.

b) Barring an appeal to the ISDAB, a Development Permit for a Discretionary Use or where a Variance has been approved, does not come into effect until Twenty-One (21) days from the date on which public notice was issued in alignment with **Table 3**.

c) Any development occurring prior to the dates determined under subsections a) and b) above is at the risk of the applicant.

Conditions

2.22 CONTINUATION OF CONTROLS

A condition attached to a Development Permit issued under a former Land Use Bylaw continues under this Bylaw.

2.23 CONDITIONS ATTACHED TO DEVELOPMENT PERMITS

a) The Development Authority, in imposing conditions on a Development Permit may:

   i. For a Permitted Use, impose conditions only to ensure compliance with this Bylaw, and

   ii. For a Discretionary Use, impose conditions as deemed appropriate, so long as they serve a legitimate planning objective and do not sub-delegate the Development Authority's discretionary powers.

b) Conditions may include, but are not limited to, that the applicant:

   i. Pay an off-site levy or redevelopment levy imposed by bylaw,

   ii. Register an Easement or Encroachment Agreement,

   iii. Enter into a Development Agreement or Deferred Servicing Agreement pursuant to Section 2.24,

   iv. Fence a site during construction,

   v. Repair municipal improvements that may be damaged as a result of the development,

   vi. Grade, landscape or pave a parcel,

   vii. Registering a restrictive covenant,

viii. Enter into an agreement to remediate the site when the use comes to an end,

ix. Complete a geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, mass wasting and erosion,

x. Alter a structure or building size or location to ensure any setback requirements of this Land Use Bylaw or the Subdivision and Development Regulation can be met,

xi. Provide public utilities, other than telecommunications systems or works, and vehicular and pedestrian access,

xii. Give security, in alignment with Section 2.25, to ensure the terms of the permit approval under this section are carried out,

xiii. Completion development within a specified time period,

xiv. Complete a lot or construction stakeout conducted by an approved surveyor or agent,

xv. Complete any measures to ensure compliance with applicable federal, provincial or other municipal legislation and approvals,

xvi. Submit an Environmental Impact Assessment, and/or

xvii. Obtain any other approval, permit, authorization, consent or license that may be required to develop or service the affected land.

c) In addition to the foregoing, conditions may include but are not limited to any conditions that the Development Authority may deem appropriate to ensure compatibility with neighbouring development, including but not limited to:

i. limiting hours of operation, and/or

ii. requiring the mitigation of noise or other nuisances.

2.24 DEVELOPMENT AGREEMENTS

a) As a condition of approval, the Development Authority may require the applicant to enter into a Development Agreement with the Town, in accordance with the provisions of the MGA, and may require the applicant to:

i. Pay for all or a portion of the cost of an improvement constructed or paid for in whole or in part by a municipality at any time prior to the date of approval of the development permit or subdivision approval application, or

ii. Construct or pay for all or a portion of an improvement with an excess capacity.

iii. Repair or reinstate to original or improved condition any roads, sidewalks or parking areas which may be damaged, destroyed or otherwise harmed by development or building operations upon the site, and/or

iv. Attend to all other matters the Development Authority considers appropriate.

b) A Development Agreement referred to in this section may require the applicant to oversize improvements in accordance with Section 651 of the MGA.

c) The Town may register a caveat under the *Land Titles Act* with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision, which shall be discharged upon the terms of the Development Agreement being met.

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

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

2.25 SECURITIES

The Development Authority may require an approved form of financial security to be provided to ensure the satisfactory completion of the approved development. Should security be required, the following shall apply:

a) The form of security shall be to the satisfaction of the Development Authority.

b) The security either in part or as a whole shall be returned to the security provider upon inspection of the completed development by the Development Authority and depending on whether deficiencies have been identified.

c) Should it be determined that any portion of the approved development was not completed in accordance with the requirements of this bylaw, conditions of an approved permit, and/or any approved plans, the Development Authority shall withhold a part or all of the Security until the deficiencies have been rectified to their satisfaction.

d) Should the identified deficiencies be outstanding two (2) years after the issue date of the approved permit, the security deposit will be considered and can be deposited into general revenue and used by the Town in its sole discretion.

Appeals

2.26 APPEALING A DEVELOPMENT PERMIT DECISION

Pursuant to the *Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw* as amended, and the MGA, any person affected by an order, decision or Development Permit made or issued by a Development Authority, including the applicant, may appeal the decision to the ISDAB.

2.27 APPEAL PROCESS

The Process followed by the ISDAB is articulated within the *Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw* as amended, and the MGA.

2.28 DECISIONS OF THE CHINOOK ISDAB

a) If the decision to approve a Development Permit application is reversed by the ISDAB the Development Permit shall be null and void.

b) If the decision to approve a Development Permit application is varied by the ISDAB, the Development Authority shall be directed to issue a Development Permit in accordance with the terms of the decision of the ISDAB.

c) If the Development Authority refuses a permit and the application is varied by the ISDAB, the Development Authority shall be directed to issue a Development Permit in accordance with the terms of the decision of the ISDAB.

Completion and Cancellation

2.29 COMMENCEMENT AND EXTENSIONS

a) Unless a Development Permit is:

   i. specified by the Development Authority to remain in effect for less than twelve (12) months, or

ii. suspended or cancelled,

it shall be deemed void if the development authorized by the Development Permit is not commenced within twelve (12) months from the date of its issue unless an extension has been granted by the Development Authority.

b) At the request of the applicant, the validity of a Development Permit may be extended by the Development Authority, for an additional period of not more than twelve (12) months having due regard to the merits of the case.

2.30 SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT

a) The Development Authority may cancel, suspend, or modify a Development Permit by written notice to the holder of the permit when, after a Development Permit has been issued, the Development Authority becomes aware of one the following circumstances:

i. The application contained a misrepresentation,

ii. Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered,

iii. Any condition under which the Development Permit was issued has been contravened,

iv. The Development Permit was issued in error,

v. Development has not commenced within twelve (12) months of the effective date,

vi. The applicant has requested cancellation of the permit in writing, or

vii. The approved use or development is discontinued or abandoned for twelve (12) months or more.

b) Upon receipt of the written notification of suspension or cancellation, the applicant must cease all development and activities to which the Development Permit relates.

c) A person whose Development Permit is suspended or cancelled under this section may appeal within 21 days of the date the notice of cancellation or suspension is received to the ISDAB.

d) If a Development Permit is suspended or cancelled, the ISDAB shall review the application if an appeal is filed by the applicant and either:

i. Reinstate the Development Permit,

ii. Cancel the Development Permit if the Development Authority would not have issued the Development Permit if the facts subsequently disclosed had been known during the consideration of the application, or

iii. Reinstate the Development Permit and may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

2.31 TRANSFERABILITY OF DEVELOPMENT PERMIT

A valid Development Permit is transferable where the use remains unchanged and the development is affected only by a change of ownership, tenancy, or occupancy. This provision does not apply to a Development Permit for a Home-Based Business Type Two (HBB2), which is non-transferable.

2.32 REAPPLICATION INTERVAL

a) When a Development Permit application is refused, the Development Authority may:

i. Refuse to accept another application on the same property and for the same or similar use of the land by the same or any other applicant for six (6) months after the date of previous refusal,

ii. Receive an application for the same or similar use of the parcel before six (6) months have elapsed from the date of the decision, when, in the opinion of the Development Authority, the aspects of the application which caused it to be refused have been sufficiently modified so as to constitute a sufficiently different application, or

iii. Receive an application for a Permitted Use of the parcel, complying in all respects with this Bylaw, before six (6) months have elapsed from the date of the decision.

2.33 OCCUPANCY PERMITS

The Development Authority may require that the holder of a Development Permit obtain an Occupancy Permit before a building or use that was the subject of a Development Permit is occupied or the approved use initiated.

SECTION THREE
General Regulations

3

This section outlines general regulations that apply to development within Town.

Parcels & Setbacks

3.1 DOUBLE-FRONTING AND CORNER PARCELS

Where a Parcel abuts two (2) or more public roadways, the front yard setback shall be established on the side that is identified by a municipal address.

3.2 PROJECTIONS INTO MINIMUM SETBACKS

a) Those parts of a building which may project over a yard, as defined by the minimum setback required by this Bylaw, are as follows:

   i. Front Yards

      a. Projections, cantilevers, bay windows, covered or uncovered decks, may project a maximum of 0.6 m over or onto a required front yard.

      b. Unenclosed steps may project a maximum of 1.8 m over or onto a required front yard.

   ii. Side Yards

      a. Projections, cantilevers, bay windows, covered or uncovered decks, less than 2.4 metres, may project a maximum of 0.6 m over or onto a required side yard.

      b. Cantilevers and balconies, higher than 2.4 metres, may project further than 0.6 m into a side yard but must maintain a minimum 1.2 m separation from property lines.

      c. Unenclosed steps and landings at grade (0.3 m or less) to a side entrance may project onto the entire side yard.

      d. Unenclosed steps and landings above 0.3 m may project a distance not exceeding one half of the minimum side yard.

      e. A projection into the side yard shall not cause an obstruction for emergency access to the rear yard.

iii. Rear Yards

a. Projections, cantilevers, balconies, bay windows, patios, balconies, covered or uncovered decks and steps may project a maximum of 1.2 m over or onto a required rear yard.

b. Patios, the surface of which is less than 0.3 m above grade shall comply with the maximum site coverage of the respective District.

b) Notwithstanding any setback provision of this Bylaw, no buildings or structures or including projections shall encroach onto, under or over a utility right-of-way or within the required side yard setback to provide access to the rear yard on a laneless parcel.

c) The minimum distances required for yards do not apply to:

i. Exterior finishing materials applied to principal buildings provided the material does not encroach more than 0.1 m into any yard,

ii. Retaining walls, landscaping, regulation-height fences and garbage enclosures, or

iii. Wheelchair ramps.

However, these structures and improvements shall remain entirely within the parcel on which they are located.

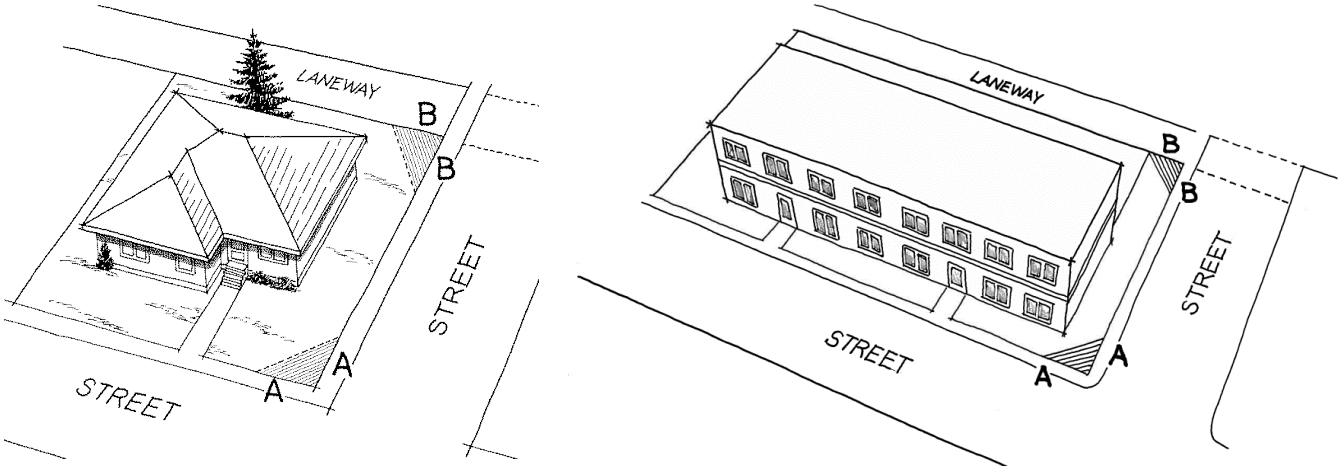
3.3 CORNER VISIBILITY

a) In a Residential District, buildings, structures, fences and landscaping shall be setback at least 3.0 m from the intersection of two roads, as measured from the curb intersect point or edge of pavement, to maintain corner visibility, as illustrated as "A" in **Figure 1**.

b) In a Non-Residential District, buildings, structures, fences and landscaping shall be setback at least 6.0 m from the intersection of two roads, as measured from the curb intersect point or edge of pavement, to maintain corner visibility, as illustrated as "A" in **Figure 1**.

c) For parcels backing onto the intersection of a rear lane and public roadway in all Districts, buildings, structures, fences and landscaping shall be setback at least 1.5 m from the intersection of the rear lane and public roadway, as measured from the curb intersect point or edge of pavement, to maintain corner visibility, as illustrated as "B" in **Figure 1**.

Figure 1 – Corner Visibility Triangle



3.4 EASEMENTS

a) All permanent structures shall be located a minimum of 3.0 m, or such greater distance as required by the Development Authority, from an easement registered for the protection of municipal water mains and sewer mains or any other infrastructure, as determined by the municipality.

b) No structures shall be located within a registered easement without the written consent of the easement holder.

3.5 EMERGENCY ACCESS

Setbacks in any District may be increased at the discretion of the Development Authority in order to provide adequate emergency access.

3.6 DEVELOPMENT ON OR NEAR A BODY OF WATER

Parcels shall be located at least 30.0 m back from the top of bank of any body of water or an area subject to flooding as established by the province.

3.7 DEVELOPMENT NEAR A HIGHWAY

a) Where development is proposed adjacent to an arterial road or highway, the Development Authority may request an applicant provide:

   i. A noise attenuation study satisfactory to the Town's Engineer, and/or

   ii. A roadside Development Permit from Alberta Transportation.

c) Following consideration of the noise attenuation study, the Development Authority may impose a condition on the Development Permit requiring the applicant to:

   i. Construct a noise barrier satisfactory to the Town Engineer, or

   ii. Pay to the Town a sum of money equal to the present estimated cost of constructing a noise barrier as determined by the Town Engineer.

3.8 DEVELOPMENT OF LANDS SUBJECT TO SUBSIDENCE, UNDERMINING OR FLOODING

a) If, in the opinion of the Development Authority, land upon which development is proposed is subject to subsidence, mass wasting, flooding or undermining the Development Authority may require the applicant to submit the following reports, prepared by an engineer demonstrating that any potential hazards can be mitigated:

   i. Structural building plan,

   ii. Slope stability analysis,

   iii. Geotechnical report, or

   iv. Flood mapping.

3.9 GRADING AND DRAINAGE

a) Site grading and parcel drainage shall be in accordance with the *Utilities Bylaw*, as amended.

b) The Development Authority may require engineered grading or stormwater management plans as a condition of approval.

3.10 RETAINING WALLS

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

c) Any retaining wall proposed over 1.0 m in height must be approved by the Safety Codes Officer as a condition of approval.

b) Creosote railway ties are not a permitted construction material for any retaining wall.

3.11 SCREENING

a) Year-round visual screening to a minimum height of 1.8 m shall be provided by a fence or a combination of fence and landscaping materials where a Non-Residential District abuts a Residential District.

b) All mechanical equipment or apparatus on the roof of any office, commercial, or industrial building shall be screened to the satisfaction of the Development Authority.

c) All exterior work areas, storage areas and waste handling areas shall be screened and/or enclosed from view to the satisfaction of the Development Authority.

d) In those cases where wrecked or damaged vehicles are permitted to be stored or located on a site they shall be screened or enclosed to the satisfaction of the Development Authority.

3.12 FENCING

a) Fence heights shall be in alignment with **Table 4**, as illustrated in **Figure 2**.

b) In cases where a fence is constructed on a retaining wall, height is calculated as the average combined height measured from grade on both sides of the fence and retaining wall.

c) Where a permit is required, the Development Authority may regulate the types of materials and colours used for a fence.

d) The use of barbed wire below a height of 2.4 m is not permitted.

e) The use of razor wire is not permitted.

f) Fencing shall not be permitted to be constructed within any developed or undeveloped roadway or laneway right-of-way, unless an encroachment agreement has been signed. Removal of such fencing will be at the property owner's expense.

Figure 2 – Fence Height Illustrations

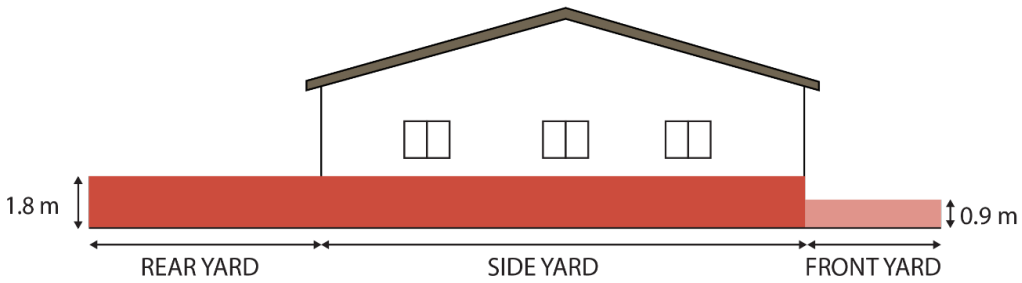


Table 4 – Fence Height Maximums

	Non-Industrial	Industrial
Front Yard	0.9 m	0.9 m
Side Yard	1.8 m	2.4 m
Rear Yard	1.8 m	2.4 m
Within the 'Corner Visibility Triangle' (**Figure 1**)	0.0 m	0.0 m

3.13 LIGHTING

a) Exterior lighting of a site or building may be required as a condition of development and lighting shall be located, oriented and shielded so that it does not:

   i. Illuminate adjacent development,

   i. Adversely affect the use, enjoyment and privacy of any dwelling and its amenity space, or

   ii. Interfere with traffic safety on public roadways.

b) Full cut-off fixtures shall be installed for all exterior lighting.

c) No flickering and flashing lights are permitted.

3.14 AMENITY AREA

a) All multi-unit and apartment dwelling developments shall provide a minimum of 6.0 m^2 of Amenity Area (Private) per unit, exclusive of required front and side yards with no dimension less than 1.5 m.

b) Amenity Area (Private) may include:

   i. A deck or balcony,

   ii. A patio, or at-grade yard, or

   iii. A recessed balcony.

c) All multi-unit and apartment dwelling developments shall provide a minimum of 30.0 m^2 of Amenity Area (Common), which may be provided indoors, outdoors, or a combination thereof.

d) Amenity Area (Common) may include:

   i. A rooftop amenity area, or rooftop garden,

   ii. A balcony or terraced balcony,

   iii. An at grade amenity area, including a common garden area, or

   iv. An indoor amenity such as a swimming pool, fitness room, common room, or play area complete with equipment.

e) An Amenity Area at ground level must have screening at least 1.2 m in height, to the satisfaction of the Development Officer.

3.15 OUTDOOR DISPLAY AND STORAGE

a) Outdoor storage areas shall not be permitted within the front or side setback.

b) The Development Authority may impose conditions related to screening, buffering or landscaping of any outdoor display areas.

c) Outdoor storage areas adjacent to a residential parcel shall be effectively screened by an opaque fence of at least 1.8 m in height or other suitable screening to the satisfaction of the Development Authority.

3.16 VEHICLE STORAGE

a) Any motor vehicle parked on a parcel shall align with the *Community Standards Bylaw* and *Traffic Bylaw*, as amended.

b) A maximum of one (1) Recreational Vehicle, not stored in a Garage, may be kept

   i. in the backyard of a Residential District parcel, or

   ii. on the driveway of a Residential District parcel so long as it is 1m from the nearest edge of a public roadway or sidewalk .

   in accordance with the Corner Visibility (s.3.3), regulations.

c) One (1) Recreational Vehicle stored on private property may be temporarily used as a dwelling unit for no longer than seven (7) consecutive days for the purpose of guest accommodation or to provide accommodation while renovations to the principal building are occurring.

3.17 GARBAGE ENCLOSURES

a) In all Districts, garbage areas shall be wholly provided on the same site as the buildings to be served, unless otherwise approved by the Development Authority.

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

c) Any garbage storage or collection area co-existing with any parking or loading area shall be:

   i. Clearly delineated as separate from the parking or loading stalls,

   ii. Located to optimize collection vehicles access, and

   iii. Screened by a fence or landscaping.

3.18 SERVICING

a) All development shall be required to connect to both the municipal water supply and sewer system where the municipal services are, in the opinion of the Development Authority, reasonably available.

b) Where no municipal servicing is reasonably available, the Development Authority may issue a Development Permit for a Permitted or Discretionary Use with the condition that temporary on-site water or sewer services or both may be permitted, provided such services are constructed and installed in compliance with *Alberta Health Services and Alberta Safety Codes Standards*, and that the development must disconnect and remove such on-site servicing and connect with municipal water and sewer when available.

c) The applicant of the Development Permit requesting on-site water and sanitary sewer services shall be required to submit a soils analysis and report demonstrating the suitability of the site for on-site servicing as part of the Development Permit application and prior to development approval.

Landscaping

3.19 RESIDENTIAL LANDSCAPING

a) The Town of Nanton does not regulate landscaping on private-property within Residential Districts.

b) Notwithstanding a), landscaping on private-property is shall not extend into municipally-owned public boulevards.

3.20 NON-RESIDENTIAL LANDSCAPING

c) All portions of a Non-Residential parcels not covered by a building, structure, parking stall or driveway shall be landscaped and maintained to the satisfaction of the Development Authority.

d) In Non-Residential Districts and on parcels with a Dwelling (Multi-Unit) of more than ten (10) units:

   i. A minimum 1.8 m landscaped buffer is required along each public road, and

   ii. A minimum 6.0 m landscaped buffer is required along every boundary adjacent to a Residential District.

e) Landscaping may consist of any or all of the following:

   i. trees, shrubs, lawn, flowers,

   ii. large feature rocks, bark chips, field stone,

iii. berming, terracing, and

iv. other innovative landscaping features,

f) Existing trees should be retained as much as possible.

d) No cottonwood tree of any species or variety shall be planted in the Town.

3.21 LANDSCAPING PLANS

a) In Non-Residential Districts and on parcels with a Dwelling (Multi-Unit) of more than ten (10) units, a Landscaping Plan may be required to the satisfaction of the Development Authority, which includes

i. Name of the project and/or applicant,

ii. Name and/or endorsement stamp of the landscape professional,

iii. North arrow, plan scale and legal and civic addresses,

iv. Location of existing plant materials and indication as to whether they are to be removed or retained,

v. Location of planting beds and identification of bedding material,

vi. Location of trees shown as their typical mature size,

vii. Total number and type of trees proposed to be provided,

viii. Identification of proposed surfacing of parking and storage areas,

ix. A list of any proposed Variances,

x. All other physical features, existing or proposed, including berms, walls, fences, outdoor furniture and decorative paving, and

xi. If landscaping is being proposed within a utility right-of-way the plan must be endorsed by all utility companies that have access to the right-of-way, indicating their approval of the proposed landscaping.

3.22 LANDSCAPING SECURITIES & INSPECTIONS

a) 'Landscaping Plans' (s.3.21) shall be accompanied by a quote from a landscape professional indicating the cost to implement the Landscaping Plan.

b) An irrevocable letter of credit or cash deposit of 100% of the estimated costs to implement the Landscaping Plan will be provided to the Town within thirty (30) days of the Development Permit being issued and will be retained until all landscaping is completed.

c) Upon receipt of a written request from an applicant, an inspection of finished landscaping may be scheduled by the Development Authority.

d) Landscaping inspections shall be:

i. Conducted only during the normal growing season, approximately May 15th through October 15th, and

ii. Performed within thirty (30) days of receipt of the inspection request subject to i. above,

e) Fifty percent (50%) of the Landscaping Securities will be returned when satisfactory completion of the landscaping is confirmed with an inspection by the Development Authority.

f) The remaining Landscaping Securities, unless otherwise drawn upon, shall be fully released once it is confirmed with an inspection by the Development Authority that the landscaping has survived a minimum of two full growing seasons.

g) The Town is permitted to draw upon Landscaping Securities, in the event that the required works are not completed.

Buildings and Structures

3.23 ADDRESSING

The civic address assigned shall be clearly displayed on all houses and business premises.

3.24 BUILDING ORIENTATION

All Principal Buildings shall face the frontage street of a parcel, unless otherwise authorized by the Development Authority.

3.25 INFILL DEVELOPMENT

Infill development shall be in keeping with the scale and character of the surrounding area, having regard to the provisions of the prescribed District, including the following, to the satisfaction of the Development Authority:

a) Front setbacks shall be generally consistent with adjacent parcels,

b) Building height shall be generally consistent with adjacent parcels and shall not vary by more than one storey,

c) The façade of a building should be generally consistent with the look of adjacent buildings, and

d) In Residential Districts, Garage access (front or rear) shall be consistent with adjacent parcels where possible.

3.26 MAINTENANCE AND APPEARANCE

e) The entire site and all buildings at all times shall be maintained in a neat and tidy manner in accordance with the *Community Bylaw*, as amended.

f) A Building's character and appearance may be considered in the review of proposed development, with respect to:

   i. Consistency with the prescribed District,

   ii. Compatibility with nearby Buildings, and

   iii. Compliance to the provisions of any Statutory Plan, which sets out specific guidelines as to the design, character, appearance, or building materials used in a development.

g) Undeveloped sites should be farmed or maintained in their natural state until such time as the site is developed.

h) The Development Authority may regulate the exterior finish of buildings, structures or signs to improve the quality of any proposed development within any District.

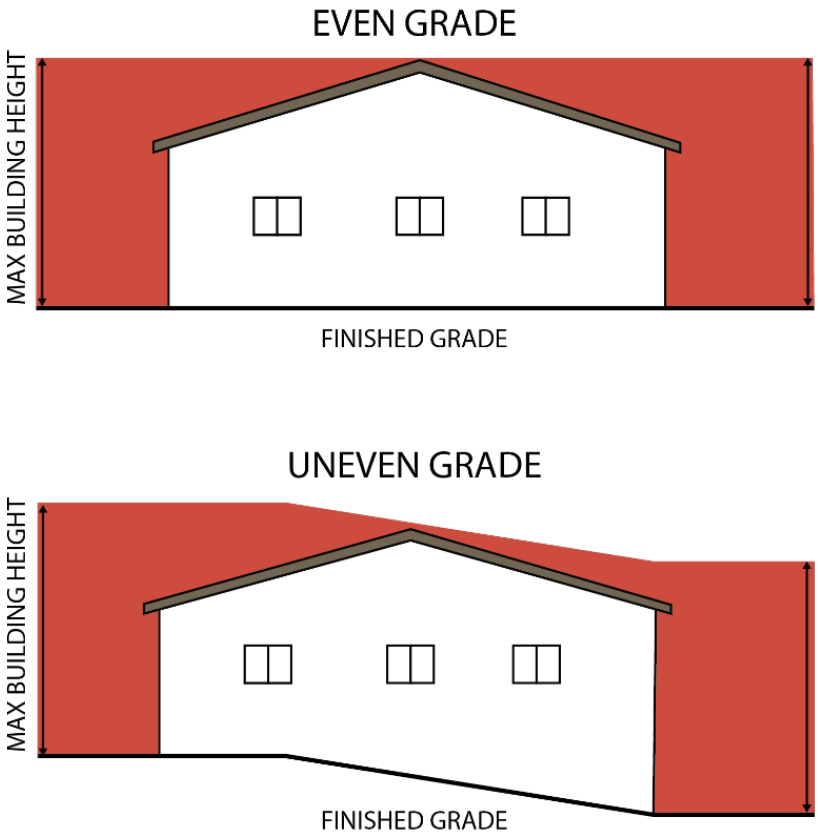
i) If a building is to be located on a parcel with more than one street frontage or on a parcel with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

3.27 BUILDING HEIGHT

a) The base from which to measure the height of a Building or Structure shall be from any point on the finished ground elevation which adjoins an exterior wall as illustrated in **Figure 3**.

b) In determining the highest point of a building, the following structures are not considered part of the building: elevator or mechanical housing, roof stairway entrance, ventilation fans, a steeple, a smokestack, a parapet wall or a flagpole.

Figure 3 – Determining Building Height



3.28 MANUFACTURED HOMES

a) No Manufactured Home, or additions thereto, shall exceed 5.0 m in height,

b) Manufactured Homes shall have CSA certification,

c) Manufactured Homes must be placed on a foundation in accordance with provincial standards,

d) The crawl space between a Manufactured Home and the ground shall be suitably enclosed from view by skirting, or another means satisfactory to the Development Authority, within thirty (30) days of siting,

e) Axles, wheels and trailer hitches shall be removed once a Manufactured Home is sited,

f) A proposed manufactured home community will require an approved Area Structure Plan prior to the acceptance of a Development Permit application for review.

g) The Development Authority may require a security, in alignment with Section 2.25, of a minimum $5000to a maximum value of up to fifty percent (50%) of the assessed value of the building to ensure the conditions of the Development Permit are met.

3.29 MIXED-USE BUILDINGS

a) A Development Permit may include a number of units within a building.

b) A building may be occupied by a combination of one or more of the uses listed in a particular District, each use shall be considered as a separate use, and shall obtain a Development Permit.

c) The minimum size of a Dwelling Unit in a Mixed-Use Building shall be 46.5 m².

d) Dwelling Units shall have at grade access that is separate from the access for commercial premises.

e) A minimum of 4.00 m² of Amenity Area (Private) shall be provided for each Dwelling Unit.

f) No use or operation within a building shall cause air contaminants, visible emissions, particulate emissions of odorous matter or vapor, or create the emission of toxic matter beyond the building that contains it. The handling, storage and disposal or any toxic or hazardous materials or waste shall be in accordance with the regulations of any government authority having jurisdiction.

3.30 ACCESORY BUILDINGS AND STRUCTURES

a) Accessory Building/Structures shall be located at least 1.2 m from the principal building or a parcel line.

b) Accessory Building/Structures shall not be located in the front yard.

d) An Accessory Building/Structure shall not be used as a dwelling or contain a dwelling unit. unless converted into a Secondary Suite (External) in alignment with section 4.16, and the National Building Code - Alberta Edition.

e) Carports attached to a principal dwelling or building shall comply with the provisions for the principal dwelling or building.

3.31 PRIVATE SWIMMING POOLS

Any private swimming pool with a design depth greater than 0.6 m shall be restricted to the side or back yard only and constructed and fenced in accordance with *Safety Codes* requirements.

3.32 NUMBER OF DWELLING UNITS ON A PARCEL

a) No more than one dwelling unit shall be constructed or located or caused to be constructed or located on a parcel except where permitted within a District and specified in a Development Permit.

b) The Development Authority may issue a Development Permit for the construction or location of more than one dwelling unit on a parcel of land if the proposed dwelling units will be:

   i. Contained in a building that, or in buildings each of which, is designed for or divided into two or more dwelling units,

   ii. Located on a parcel of land that is divided into bareland condominium units, or

   iii. A single detached dwelling and a Secondary Suite (Internal) or (External).

3.33 CONDOMINIUM AND BARE LAND CONDOMINIUM PLANS

a) In the event of subdivision by condominium or bare land condominium plan, development shall be treated as a multi-unit complex where development setbacks for the front, rear, and side yards shall be the same as specified in the appropriate Land Use District. Spatial separation between buildings shall also comply with the *National Building Code - Alberta Edition*.

b) The Town's road and utility servicing standards may be relaxed within the boundaries of a proposed development that will be registered by condominium or bare land condominium plan, provided that:

   i. Adequate fire access, legal road access, and municipal servicing are provided and maintained to the satisfaction of the Development Authority, and

   ii. The applicant, heirs and assigns or the condominium corporation assumes all responsibility for the construction, maintenance, repair, and replacement of all such roads and utility services within the condominium plan or bare land condominium plan.

3.34 DECKS

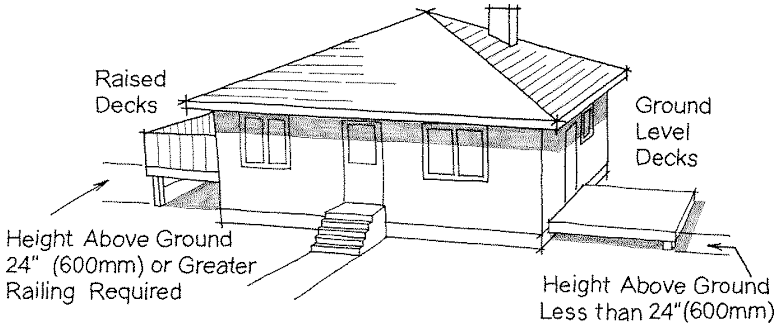
a) A Development Permit is required for the construction of a deck if it will be greater than 0.6 m in height as illustrated in **Figure 4**.

b) All covered decks require a Development Permit.

c) For the purposes of calculating site coverage requirements, where a structure is attached to the principal building, it shall be deemed part of the principal building and subject to principal building requirements.

d) Decks must be located in a manner such as to preserve the privacy of adjacent properties.

Figure 4 – Decks



3.35 MITIGATION OF IMPACTS FROM NOISE, ODOR, VIBRATION AND AIR QUALITY

a) Where, in the opinion of the Development Authority, a development has the potential to create negative impacts on adjacent uses or nearby residential development in the form of noise, odor, vibration or air quality, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

b) A mitigation plan may be attached as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts pursuant to subsection a) above.

Parking and Loading

3.36 GENERAL PROVISIONS

a) All off-street parking spaces, loading spaces, manoeuvring aisles, parking pads, and driveways shall be surfaced within twelve (12) months from completion of the development and thereafter maintained to the satisfaction of the Development Authority. The Development Authority may require that parking areas or portions thereof be hard surfaced.

b) Adequate curbs, concrete bumpers or fences shall be provided to the satisfaction of the Development Authority.

c) At least 10% of the required number of parking spaces per site, to a maximum of ten (10) and a minimum of one (1), shall be Barrier-free parking spaces intended for use by mobility-reduced persons.

d) Barrier Free parking spaces shall:

i. be designed as a 2.4 m wide parking stall adjacent to a 2.4 m wide access aisle where the access aisle is demarcated to indicate no parking,

ii. Be located closest to the entrance of the building for which they are intended,

iii. Have a firm, slip-resistant and level surface,

iv. Have a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance, and

v. Be clearly identifiable in accordance with *Safety Codes*.

h) Where there are two or more adjacent Barrier Free parking stalls, the 2.4 m wide access aisle may be shared between spaces.

e) Each small-car, Barrier Free and loading space shall be identified by a sign and, if the surface is paved, by pavement markings, to the satisfaction of the Development Authority.

f) Storage of trailers, boats, recreation vehicles and similar property shall not extend over public road right-of-way, including sidewalks.

g) The development of new parking lots, or the expansion of existing parking lots, requires a Development Permit unless included in a Development Permit for an associated development.

i) A Parking Space required by this Bylaw shall be located:

i. On the same parcel as the use or building for which it is required,

ii. On a parcel within 150.0 m of the building or use, if, in the Development Authority's opinion, it is impractical to provide parking on the same parcel as the building or use, or

iii. Meet the requirements of Section 3.43 for 'Shared Parking'.

j) 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.

3.37 NUMBER OF STALLS

a) The minimum number of parking spaces required for each Use is outlined below in **Table 5**.

b) The number of spaces shall be calculated on the basis of gross floor area.

c) Where a Use is not listed, the number of spaces shall be determined by the Development Authority, having regard for similar uses and the estimated parking demand of the proposed use,

d) Where a calculation does not yield a whole number, the required number of spaces shall be rounded up to the next whole number.

e) For multiple-use sites, parking requirements shall be based on the combined parking required for each individual use, except where a provision for 'Shared Parking' (s. 3.44) is approved by the Development Authority.

f) When a building is enlarged, altered, or a change in the use occurs, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. Any parking spaces that may have been removed due to the enlargement or alteration shall be replaced.

Table 5 – Parking Minimums

USE	MINIMUM REQUIRED PARKING SPACES
Accessory Structures and Uses	As required by the Development Authority
Alcohol Production	1 space/100m^2
Animal Services (Major) (Minor)	1 space/35m^2
Arts and Crafts Studio	1 space/45m^2
Auction Facility	1 space/65m^2
Automotive (Sales and Service)	1 space/100m^2
Automotive (Service)	1 space/45m^2
Bed and Breakfast	1 space per guest room
Boarding House	1 space per sleeping unit
Bulk Fuel Station	1 space/100m^2
Campground	1 space/pad plus 1 space/10 pads for visitor parking
Cannabis Production Facility	1 space/100m^2
Car Wash	3 spaces/bay for queuing

Care Facility (Child) (Clinic)	1 space/50m^2
Care Facility (Large Group) (Small Group) (Medical)	1 space/75 m^2 plus employee parking determined by the Development Authority
Cemetery and Interment Services	As required by the Development Authority
Drive-Through Business Automotive (Service) with drive-in bays Establishment (Eating) with drive through window Financial Institution with drive-through ATM All other	 Use requirement plus 2 spaces for queuing Use requirement plus 5 spaces per order board for queuing Use requirement plus 5 spaces per atm for queuing As required by the Development Authority
Dwelling (Live-Work, Manufactured Home, Duplex/Semi, Single Detached)	2 spaces per dwelling unit
Dwelling (Multi-Unit)	1.5 spaces/unit plus visitor parking determined by the Development Authority
Establishment (Adult)	1 space/50m^2
Establishment (Eating and Drinking)	5 spaces/100m^2
Establishment (Entertainment)	3 spaces/100m^2
Financial Institution	1 space/40 m^2
Funeral Home	3 spaces/100m^2
Gas Station	1 space/30 m^2
Government Services	As required by the Development Authority
Greenhouse	1 space /75 m^2
Heavy Vehicle and Equipment Sales and Service	1 space/75 m^2
Home-Based Business Type One (HBB1)	N/A
Home-Based Business Type Two (HBB2)	1 space
Hotel/Motel	1 space/unit plus 3 spaces for employee parking
Industrial (Light)	1 space/75 m^2
Industrial (Medium) (Heavy) (Logistics)	1 space/125 m^2
Intensive Horticultural Operation	1 space/75 m^2
Market	As required by the Development Authority
Market Garden	1 space /75 m^2
Mixed-Use Development	As required by the Development Authority
Office	1 space/50 m^2
Parks and Playgrounds	N/A
Recreation (Culture and Tourism) (Indoor)	1 space/25 m^2
Recreation (Outdoor)	As required by the Development Authority
Recycling Facility	1 space/40 m^2
Religious Assembly	1 space/50 m^2
Retail (Cannabis)	1 space/30 m^2
Retail (General) (Large)	1 space/75 m^2
Retail (Shopping Centre) (Small)	1 space/50 m^2
School	As required by the Development Authority in discussion with the applicable School Board
School (Commercial)	1 space/30 m^2
Secondary Suite (External) (Internal)	1 space/unit
Show Home	The same as the type of Dwelling
Surveillance Suite	1 space/unit
Transportation Service	As required by the Development Authority
Truck Stop	As required by the Development Authority

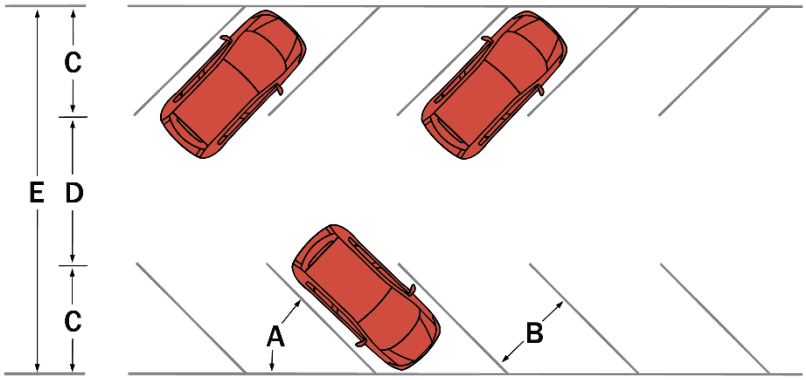
3.38 PARKING SPACE DIMENSIONS

Parking space dimensions for the purposes of this Bylaw are outlined below in **Table 6** and illustrated in **Figure 5**.

Table 6 – Parking Space Dimensions

A: Parking Angle	B: Stall Width	C: Stall Depth	D: Aisle Width
Degrees	m	m	m
0	2.4	6.7	3.7
30	2.7	5.5	3.5
45	2.6	6.1	3.9
60	2.6	6.4	5.5
90	2.9	5.6	7.3

Figure 5 – Angle Parking Dimensions



3.39 DESIGN OF PARKING AREAS

a) A parking/loading space required by this Bylaw shall be designed so that it:
   i. Is reasonably accessible to the vehicles for which it is intended,
   ii. Provides safe and efficient vehicle circulation,
   iii. Has an aesthetically pleasing appearance from public roadways,
   iv. Permits adequate drainage, snow removal, and maintenance, and
   v. Is satisfactory to the Development Authority in size, shape, location and construction.

b) 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.

c) Parking space 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.

d) Unless approved by the Development Authority, parking spaces for Dwelling (Multi-Unit) should not be located in the front yard.

e) The Development Authority may require that the parking spaces for any use, other than for a dwelling with four (4) or fewer dwelling units, be provided in a parking lot which has limited access to a street.

f) Where an off-street parking lot includes forty (40) or more at grade parking spaces, the parking spaces shall be arranged within smaller cells and defined by landscaping.

g) Off-street parking areas shall have minimum 1.0 m buffer between the outside edge of the parking stall and a public roadway.

h) Off-street parking spaces adjacent to a public roadway shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

i) Off-street parking areas shall be landscaped in a manner satisfactory to the Development Authority.

j) 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.

k) In Residential Districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 6.1 m in width.

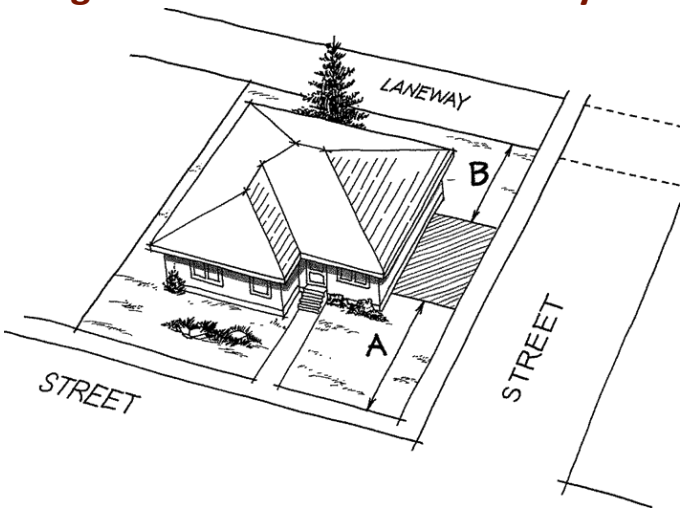
l) Only one driveway per parcel shall be permitted for single unit residential developments, including manufactured homes.

m) Driveways shall be a minimum of 3.0 m and a maximum of 6.1 m in width, unless otherwise approved by the Development Authority on the basis of merit.

n) Side-parcel driveways shall be a minimum of 3.0 m from the entrance to a lane (see "B" in **Figure 6**) and 4.6 m from the intersection of two public roadways (see "A" in **Figure 6**).

o) Driveways, parking pads or hard surfaced areas (e.g. paving stones, sidewalks) that cover more than twenty-five percent (25%) of the total parcel area require a Development Permit.

Figure 6 – Side-Parcel Driveways



3.40 ENTRANCES AND EXITS FOR VEHICLES

a) Every parcel shall have at least one access point from a public roadway.

b) Vehicle entrances and exits for Non-Residential Districts, Non-dwelling uses in Mixed-Use Districts, and on parcels with Multi-Unit Dwellings of more than ten (10) units shall be located at least 9.0 m from an intersection of two (2) or more roads (including highways).

c) The design, number and location of entrances and exits for vehicles shall be approved by the Development Authority based upon the site layout, potential traffic generation and public road facilities.

d) The Development Authority may require that entrances and exits for vehicles be separate, one-directional, and/or adequately signed.

e) Where a curb exists, installation of a driveway may require the removal of the curb for the width of the driveway and shall be constructed per *Town Standards*.

3.41 DEFICIENT PARKING OR LOADING SPACES

a) Where a development is deficient in parking or loading spaces:

   i. A variance in accordance with Section 2.19 may be requested by the applicant, or

   ii. The Development Authority may require the applicant to provide off-street parking on an alternate site.

b) When a building is enlarged, or its use is changed or intensified, resulting in deficient parking or loading spaces the increased parking shall be limited to the requirements for the intensification.

3.42 PAYMENT IN LIEU OF PROVIDING OFF-STREET PARKING

a) The option of payment in lieu of providing off-street parking spaces shall apply to Commercial Districts only and shall be subject to the following:

   i. At the option of the Development Officer a developer may, subject to the approval of Council, pay the Town such amount of money on such terms as Council considers reasonable in return for the equivalent public parking space to be provided by the Town elsewhere in the District,

   ii. A fund to be known as the "Off-Street Parking Fund" is hereby established,

   iii. Any money received by the Town in lieu of providing off-street parking spaces shall be paid into the "Off-Street Parking Fund", and such money shall be used for the development of off-street parking facilities in the land use district from which the funds are derived, and

   iv. The amount of money to be paid into the "Off-Street Parking Fund" shall be a per stall charge, based on the costs involved in the land acquisition, facility construction and facility maintenance. The number of stalls to be used in the calculation of a per stall charge shall be based on the parking requirements listed in **Table 5**.

3.43 SHARED PARKING

a) Where a variance is requested based upon the proposed sharing of parking spaces between two or more uses, the Development Authority may consider the following criteria:

   i. The uses which are proposed to share parking spaces are located in proximity to each other and no more than 100.0 m from the site of the parking spaces,

   ii. The hours of operation and parking demand the uses which are proposed to share parking spaces are sufficiently different so as to not require use of the parking spaces at the same time, and

   iii. The uses which are proposed to share parking spaces are expected to remain in place and the sharing of parking spaces is expected to continue.

b) A waiver of the required number of parking spaces which is granted by the Development Authority is not necessarily transferable to another use of the same parcel.

c) A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record. Where such off-site parking is approved, a caveat shall be registered against the parcel to guarantee the continuous use of the site for parking.

3.44 LOADING SPACE REQUIREMENTS

a) Loading spaces shall be provided and maintained by the Owner in accordance with the requirements of the Bylaw.

b) Loading spaces shall be provided entirely within the property of the development being served.

c) One (1) loading space per loading door shall be provided for all developments with a loading door unless otherwise required by the Development Authority.

d) Loading Spaces Shall:

i. Have minimum dimensions of 3.1 m in width and 9.1 m in length,

ii. Have an overhead clearance of 3.9 m,

iii. Be hard surfaced if the access is from a street or lane which is hard surfaced, and

iv. Be designed and located such that no backing and turning movements of vehicles cause interference with convenient and safe pedestrian movement, traffic flow, or parking on the adjoining or abutting streets or lanes.

e) The Development Authority may require additional loading areas or doors if necessary.

f) Each loading area shall provide a doorway into the building sufficient to meet the needs of the use within the building.

g) 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.

3.45 BICYCLE PARKING

a) Onsite bike racks shall be provided by the applicant of any Dwelling (Multi-Unit) or development within the Community Services (S-COM) District.

b) Bicycle racks shall be provided entirely on the same site as the development in proximity to main or side building entrances.

c) Bicycle racks shall be separated from vehicle parking by a physical barrier or a minimum 1.5 m of open space.

d) Bicycle racks capable of accommodating the number of bicycles that is equivalent to at least 5% of the minimum number of parking spaces (but in no case less than four bicycles) shall be provided and located to the satisfaction of the Development Authority.

e) Bicycle racks shall:

i. Be constructed of industrial-grade metals with a smooth painted surface to prevent rusting and, as much as reasonably possible, scratching of bicycle frames,

ii. Be securely affixed to the finished grade, and

iii. Have two points of contact between the bicycle and the rack to allow a wheel and frame to be locked to the rack.

Signage

3.46 GENERAL PROVISIONS

a) A sign shall be located entirely within the subject parcel, unless prior written approval granting permission for the sign to overhang another property is submitted to the Town by the affected property owner.

b) No permanent sign shall be located or constructed within, or encroach onto or over a right-of-way or easement without an encroachment agreement.

c) No sign shall be located on municipal property buildings or structures, except for signs approved by the Town or other order of government.

d) A sign shall not be attached to a public bench, tree, light standard, utility pole or any other publicly owned structure or building without prior written authorization from the Development Authority.

e) Trees and shrubs shall not be removed or damaged to construct a sign, to make a sign more visible, or to change copy on a sign.

f) In all cases signs or their structure shall not be located within 3.0 m of overhead power and service lines.

g) The source of light for all sign illumination shall be steady and suitably shielded.

h) The Town shall not be held liable for any injury, loss or damage suffered by any person or corporate body which is caused by any sign located in the Town whether or not the sign is in accordance with the requirements of this bylaw.

i) The quality, aesthetic appearance and finishing of a sign should have regard for the scale and architectural character of the site and the land use characteristics of surrounding development.

j) In reviewing Development Permit applications for signage in the Mixed-Use Downtown (M-DWT) District, MPC shall utilize the Mainstreet Programme Sign Guidelines to inform their decision.

a) When a sign cannot be clearly categorized as one of the sign types as defined in this Bylaw, the Development Authority shall determine the sign type and all applicable controls.

3.47 SIGN MAINTENANCE & REMOVAL

a) Signs shall be maintained in a neat and safe manner.

b) Signs that, at the discretion of the Development Authority, are considered damaged, illegible, unsafe or no longer relevant shall be repaired or removed.

c) Signs for business without a valid business license, or where the business is no longer in that location shall be removed.

d) Where a temporary or portable sign contravenes this Bylaw, a designated Municipal Enforcement Officer may, without notice, remove and impound the sign if it is located on lands under the control of the Town of Nanton or the Town of Nanton has the consent of the registered owner of the land where the sign is located.

e) The owner of an impounded sign may claim the sign within 30 days by payment of the impoundment fee described in *Fees and Rates Bylaw*, as amended.

3.48 DEVELOPMENT PERMIT FOR A SIGN

a) No sign may be erected or affixed unless a Development Permit has been issued, excluding 'Signs Not Requiring a Development Permit' (s.3.51),

b) Notwithstanding a), The Development Authority may issue a Development Permit for a sign as part of the approval of the building to which the sign pertains, provided the Development Permit application indicates that there is to be a sign that all information requirements for a sign are met.

c) Any signs that rotate, employ animation, or digital copy require approval of the MPC.

d) As part of an application for a Development Permit for a sign, the applicant shall provide a drawing of the proposed sign drawn of sufficient size and scale to facilitate an adequate review by the Development Authority, showing:

   i. The proposed dimensions of the sign including the height,

   ii. The proposed information to be displayed and the size of letters or numbers to be shown on the sign,

   iii. The proposed location of the sign in relation to the property lines, parking, and buildings and the dimensions of the building and/or the property upon which it is to be situated,

   iv. In the case of a sign that is to be attached to and project from a fence, wall, or window more than 0.4 m, the extent of the projection from the fence, wall, or window,

   v. The type of illumination, animation, or changeable copy, if any, and details with respect to the proposed luminosity intensity and interval,

   vi. The distance of the proposed sign from any traffic control device located within 25.0 m of the proposed sign; the distance from any street intersection located within 25.0 m of the proposed sign,

   vii. The type of construction and finish to be utilized, including the colour and design scheme and material specifications,

viii. The method of supporting or attaching the sign, including structural and footing details,

ix. In the case of a freestanding sign, an elevation plan showing the height of the sign in relationship to the height of the principal building taking into account the gradient of the site,

x. In the case of a freestanding sign in a Non-Residential District, the location of all landscaping, and

xi. The location(s) and sizes of existing utilities, both underground and overhead, all easements and utility rights-of-way shown and labelled, and other relevant encumbrances.

e) An application for a Development Permit for a sign shall also be accompanied by:

i. The name and address of the lawful sign owner.

ii. A letter of authorization from the affected registered property or building owner(s) if the applicant is not the registered owner or building owner.

f) The applicant shall provide such other information as may be reasonably required by the Development Authority. This information may include an engineering report to be provided by a Professional Engineer for a large or complex sign as determined by the Development Authority.

3.49 PROHIBITED SIGNS

a) The following signs are prohibited in Nanton:

i. Billboards,

ii. Roof Signs,

iii. Any Sign that flashes, or emits sound, and

iv. Any sign that obstructs the vision of traffic or conflicts with the general character of the surrounding streetscape, in the opinion of the Development Authority.

b) Third-Party Advertising is not permitted in any District, except where allowed as a 'Community Identification Sign' (s.3.55) or a 'Portable Sign' (s.3.56).

c) Signs that employ animation, or digital copy are not permitted in any Residential District.

d) Vehicles shall not be used as a structure for a sign.

3.50 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

The following signs shall not require a Development Permit, if in the opinion of the Development Authority they comply with the regulations of this Bylaw and any other applicable policy or legislation.

a) A sign identifying a political campaign provided that:

i. The sign is removed within five (5) days following the election to which it relates,

ii. The sign does not interfere with the safe and orderly movement of pedestrians or vehicles, or restrict the sight lines for pedestrians or motorists,

iii. The sign is not attached to road signs or other municipal structures.

iv. The sign does not exceed 0.9 m2 in area, 1.2 m in height, and is self supporting,

v. The sign is not posted for more than 60 days, and

vi. The sign is a minimum of 3.0 m from any road access and a minimum of 4.6 m from any intersection.

b) A sign identifying a development, construction, or demolition for which approval has been granted provided that:

i. The sign does not exceed 3.0 m^2 in sign area, and

ii. The sign is removed within 14 days of completion of the project.

c) A Banner, provided that:

i. The banner is not permanently anchored,

ii. The banner is not displayed longer than 30 days, and

iii. The banner does not exceed 2.5 m in height.

d) Any sign used for Municipal, Provincial, or Federal purposes whether on public or private property, including informational, directional or wayfinding signage.

e) A sign identifying the name and address of a building and/or the occupants of a building, provided that the sign area does not exceed 0.4 m^2.

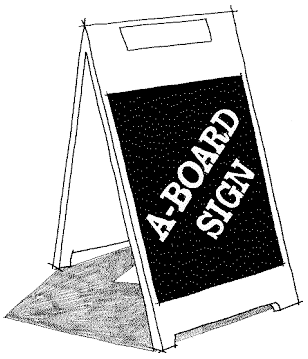
f) An entrance or exit sign used for the purpose of directing traffic, provided that:

i. The sign does not display any advertising message, other than a business logo,

ii. The sign area does not exceed 0.9 m^2, and

iii. The sign height does not exceed 1.2 m.

g) In the Mixed-Use Downtown (M-DWT), Mixed-Use Transition (M-TRN), and Community Services (S-COM) Districts, one A-board sign per business is allowed subject that:



i. The sign does not exceed 0.6 m in width and 1 m in height,

ii. The sign does not impede the safe movement of pedestrian traffic or block a fire exit or doorways,

iii. The sign is removed at the end of the business day,

iv. The sign is not illuminated,

v. The sign is located on the parcel, or within the adjacent public frontage, and

vi. The sign contains messaging related to the business, event, or promotion.

h) A real estate sign, provided that the sign is removed within thirty (30) days of the building or parcel being sold, leased, or rented.

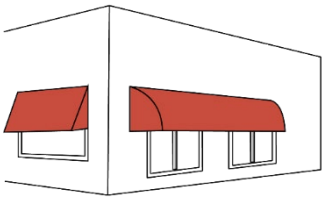
e) Any sign associated with an approved Special Event permit or as exempted in a Special Event policy.

i) Architectural signs as defined in this bylaw.

j) A window sign in a non-residential district.

3.51 AWNING SIGNS

Means a sign attached to a non-retractable structure completely enclosed overhead, which is intended to be used for business identification and protection against the weather and which is not supported independently of any other building structure, adhering to the following requirements:



District	Residential	Prohibited
	Mixed	Discretionary
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
Maximum Sign Dimensions	• Shall not exceed 50% of the awning or canopy structure.	
Standards	• In Commercial Districts (not including C-HWY), and Special Districts, one (1) awning sign fronting each street bounding the property is allowed per site or per building on a site. • In Industrial Districts, and in C-HWY, two (2) awning signs fronting each street bounding the property are allowed per site or per building on a site. • Awning signs may be either a business or an identification sign. • Shall be constructed of durable, waterproof, colourfast material. • Shall be attached to the building or structure to which it refers. • Should not project more than 1.2 m over municipal property. • Should be no closer than 0.9 m to the curb. • Shall have a minimum clearance of 2.4 m from grade. • An awning sign or any physical supports for the sign shall not extend beyond the lateral or vertical dimensions of the canopy or its apron.	

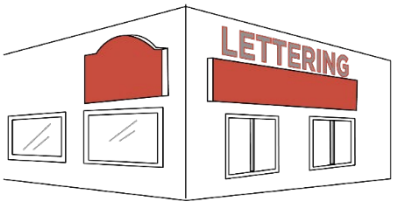
3.52 DIGITAL SIGNS

Means any sign or portion of a sign that has digital copy, adhering to the following requirements:

District	Residential	Prohibited
	Mixed	Prohibited
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Prohibited
Maximum Sign Dimensions	• 2.5m^2 sign area	
Standards	• Should be 50.0 m away from a Residential District, or 100.0 m when positioned in the direction of a Residential District. • The display should be static with no motion pictures, scrolling, flashing or emission of intermittent light, animation, or movement in or between displays and the change between displays must be immediate. • The level of lighting at all times shall be to the satisfaction of the Development Authority. • Fascia Digital Signs must be located on the elevation where the primary building access is located. • Freestanding Digital Signs, abutting an intersection shall be setback at least 15.0 m from the edge of the road right-of-way perpendicular to oncoming traffic. • In the event of a malfunction, the digital sign must be turned off.	

3.53 FASCIA SIGNS

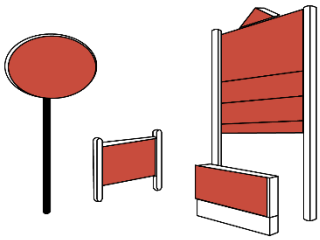
Means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m from the building, adhering to the following requirements:



District	Residential	Prohibited (except where noted below)
	Mixed	Discretionary
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Maximum Sign Dimensions		• Shall not exceed 20% of the area of the wall on which they are placed. • Shall not exceed a maximum coverage size of 9.3 m^2 for large walls in excess of 22.86 m in length. • Display of text, including a business name or commercial message, within a mural shall not exceed 10% coverage of the wall surface area, up to a maximum coverage size of 9.3 m^2.
Standards		• In Commercial Districts (not including C-HWY), and Special Districts, one (1) fascia sign fronting each street bounding the property is allowed per site or per building on a site. • In Industrial Districts, and in C-HWY, two (2) fascia signs fronting each street bounding the property are allowed per site or per building on a site. • In Residential Districts, a fascia sign shall only be permitted to advertise a 'Bed and Breakfast' (s.4.3). • Fascia signs shall: i. be painted on or safely and securely attached to the building. ii. not project more than 0.3 m from the face of a building. iii. not project above the top of the vertical face of the wall to which they are attached. • Fascia signs should be located on the business frontage • Whenever there is a band of several fascia signs, they should be of a consistent size and located near the same level as other similar signage on the premises and adjacent buildings. **Murals** • No more than one mural shall be allowed per building unless specifically authorized by the MPC. • The mural must be a painting or other decorative work (artistic rendering/scene) and no mural shall be created to solely display a commercial message or depiction. • The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Development Authority.

3.54 FREESTANDING SIGNS

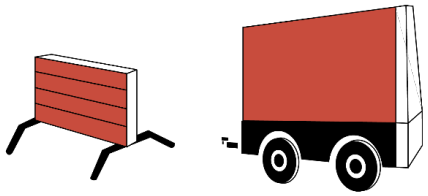
Means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure, adhering to the following requirements:



District	Residential	Discretionary
	Mixed	Discretionary
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
Maximum Sign Dimensions		• Residential, 1.0 m^2 sign area • Residential, 1.21 m sign height • Non-Residential, 6.0 m height with a minimum clearance of 3.0 m from grade • Non-Residential, 6.0 m^2 sign area
Standards		• Development Permits for freestanding signs in all Residential or Special districts require the approval of the MPC. • In Residential Districts, freestanding signs shall not be permitted except the following purposes: i. Community identification, ii. Approved multi-unit residential development projects, iii. Institutional projects or uses, or iv. Advertisements for a 'Bed and Breakfast' (s.4.3) • In Commercial Districts (not including C-HWY), and Special Districts, one (1) freestanding sign fronting each street bounding the property is allowed per site or per building on a site. • In Industrial Districts and in C-HWY, two (2) freestanding signs fronting each street bounding the property are allowed per site or per building on a site. • Where there are multiple freestanding signs on the same side of a roadway, there should be a 30.0 m separation distance between signs. • Freestanding signs shall be a minimum of 1.5 m from any property line. **Community Identification Signs** • Community Identification Sign's require the approval of the MPC. • Advertising space within Community Identification Sign structures does not require a permit. • The total sign area for a Community Identification Sign shall not exceed 40.0 m2. • All Community Identification Signs shall be located on town-owned or town-sponsored sign structures.

3.55 PORTABLE SIGNS

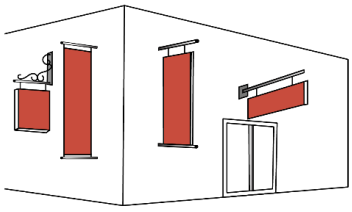
Means any sign or advertising device that can be carried or transported from one site to another, adhering to the following requirements:



District	Residential	Prohibited
	Mixed	Prohibited
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Maximum Sign Dimensions	• 3.71 m² sign area • 2.5 m sign height	
Standards	• Only one (1) portable sign will be permitted on a property at one time. • There shall be a minimum distance of 15.0 m between any two portable signs. • Portable signs shall not be permitted within 15.0 m of a site which contains residential development. • A Development Permit issued for a portable sign will be valid for a period of no longer than 180 days. • Requests for longer time periods shall be made to the MPC. • Once the permit has expired for a portable sign at a location address, re-application for another temporary sign on the same site shall not occur until 30 days has elapsed from the expiration of the previously approved permit or 30 days from the date at which the temporary sign is removed, whichever is the later of the two dates. • Portable signs shall not use animation or digital copy. • All portable signs are restricted to the parcel for which a Development Permit has been issued. • At the discretion of the MPC portable signs may contain Third-Party Advertising. • The Development Authority may require the posting of a security, in alignment with Section 2.25, to ensure compliance with any and all conditions of approval and the removal of the sign on or before the date of expiry of the permit.	

3.56 PROJECTING SIGNS

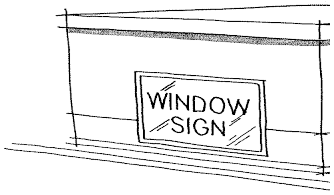
Means a sign which projects at a 90° angle from a structure or a building face, adhering to the following requirements:



District	Residential	Prohibited
	Mixed	Discretionary
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Maximum Sign Dimensions	• Sign height shall not exceed the lesser of: a) The height of the eave line or roof line, or b) 6.1 m.	
Standards	• One (1) projecting sign fronting each street bounding the property is allowed per site or per building on a site. • Projecting signs shall not project more than 0.9 m from a building. • Projecting signs shall have a minimum vertical clearance of 2.4 m from grade. • Shall not project more than 1.0 m above the height of the principal building. • Shall have a maximum space between the supporting structure and the sign of 0.6 m. • Shall not project into lanes. • Projecting signs shall be placed: a) At right angles to the building face to which they will be attached, or b) In the case of corner sites, placed at equal angles to the building faces that form the corner.	

3.57 WINDOW SIGNS

Means a sign permanently attached and located within a building so as to be visible through a window or door outside of the building.



District	Residential	Discretionary
	Mixed	Permitted
	Commercial	Permitted
	Industrial	Permitted
	Special	Permitted
Maximum Sign Dimensions	• Residential, 0.37 m^2 sign area • Non-residential, shall not exceed 50% of the subject window area	
Standards	• In any residential district, a maximum of one window sign per parcel may be allowed at the discretion of the Development Authority. • In non-residential districts, a permanent window sign painted on, attached to or installed on a window does not require a Development Permit in accordance with Section 3.51.	

4

SECTION FOUR
Specific Uses and Activities

This section outlines specific regulations that apply to particular types of development within Town.

4.1 SPECIFIC USE REQUIREMENTS

a) The Development Permit requirements outlined for specific uses in this section are over and above the development permit application requirements stated within 'Development Permit Applications' (s.2.6).

b) The Development Authority shall have regard to these requirements in addition to the requirements of 'Development Permit Applications' (s.2.6).

4.2 ANTENNA SYSTEMS

General Requirements

a) Unless excluded under Section 6 *of CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems*, an Antenna System shall be reviewed by the Development Authority to ensure concurrence with the Bylaw.

Site Requirements

b) The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines, and a minimum distance of 3.0 m from any other structure on the parcel on which the system is located.

Development Permit Requirements

c) A Development Permit application will respond to the above noted requirements and shall include the following:

   i. Any feedback from Transport Canada based on the submission of the Aeronautical Obstruction Clearance form including aeronautical obstruction marking requirements,

   i. Any feedback from NAV CANADA based on the submission of the Land-use Proposal Submission form,

   ii. A Site Plan showing:

      a. the location and dimensions of the system tower including the locations of any anchors,

      b. all existing buildings, structures on the parcel,

c. all distances from the system tower and any anchors to property lines

d. all distances between the system tower and other buildings or structures on the parcel, and

e. such other considerations as the Development Authority may deem to be relevant.

4.3 BED AND BREAKFAST

General Requirements

a) A Bed and Breakfast shall not create a nuisance by way of noise, parking or traffic generation.

b) A Bed and Breakfast shall be an incidental and subordinate use to the principal dwelling.

Site Requirements

c) Alterations to the principal building shall not be made, unless approved by the Development Authority and Safety Officer.

d) A Bed and Breakfast shall not provide for more than three (3) guest rooms in addition to the family of the owner.

e) A kitchen shall not be included in any guest room.

f) One (1) off-street parking space per guest room may be required, however on street parking may be provided at the discretion of the Development Authority.

g) One (1) Fascia Sign or Freestanding Sign up to a maximum of 0.37 m² in size is allowed at the discretion of the Development Authority.

Development Permit Requirements

h) A Development Permit application will respond to the above noted requirements, any health regulations and any Provincial requirements.

4.4 RETAIL (CANNABIS)

General Requirements

a) The business must obtain and maintain a current Town of Nanton business license.

Site Requirements

b) The property line of a parcel containing a Retail (Cannabis) use shall not be permitted within 50 m of:

i. A public school,

ii. A provincial health care facility, or

iii. Designated parks and playgrounds.

c) The specified separation distances as described in subsection c) above are reciprocal and also apply to those described uses (e.g. public school, provincial health care facility) applying for Development Permit locating in proximity of an established Retail (Cannabis) use.

Development Permit Requirements

d) A Development Permit application will respond to the above noted requirements and

i. Prior to applying for a Development Permit for-Retail (Cannabis), the applicant is required to apply to the Alberta Gaming Liquor and Cannabis (AGLC) for a determination of eligibility to obtain a license and submit verification of the AGLC eligibility as part of the Development Permit application.

4.5 CANNABIS PRODUCTION FACILITY

General Requirements

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

b) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

c) 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.

Site Requirements

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

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

f) The development must not be within 75.0 m of a residential or a public institutional district, measured from the building foundation containing the use to the nearest property line of a parcel designated as a residential or a public institutional district.

Development Permit Requirements

g) A Development Permit application will respond to the above noted requirements.

4.6 CAR WASH

General Requirements

a) Points of access and egress shall be located to the satisfaction of the Development Authority.

Site Requirements

b) The site area shall contain a queue for a minimum of two (2) vehicles prior to their entry into any part of the cleaning process for which they are bound and queue requirement for one (1) vehicle behind the part of the building in which the cleaning process takes place.

c) The site and all improvements thereon shall be maintained in a clean and tidy condition, free from rubbish and debris.

d) All parts of the site to which vehicles may have access shall be hard-surfaced and drained to the satisfaction of the Development Authority.

e) Receptacles for the purpose of disposing of rubbish, debris and other waste material shall be provided as required by the Development Authority.

Development Permit Requirements

f) A Development Permit application will respond to the above noted requirements.

4.7 SURVEILLANCE SUITES

General Requirements

a) A Surveillance Suite shall be clearly subordinate to and compatible with the principal use.

b) No more than one (1) Surveillance Suite shall be located on a parcel.

c) Where a surveillance suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

d) A Surveillance Suite may be located in a Dwelling (Manufactured Home), but shall not be located in a Recreational Vehicle.

e) Where a surveillance suite is a Dwelling (Manufactured Home) unit, the following shall apply:

i. The unit shall have a CSA certification or equivalent, proof of which shall accompany the development permit application,

ii. The unit shall be secured and skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.

Site Requirements

f) The minimum and maximum floor area of any detached surveillance suite shall be 50 m^2 and 100 m^2 respectively.

g) A minimum of one (1) dedicated off-street parking stall shall be provided.

Development Permit Requirements

h) A Development Permit application shall respond to the above noted requirements and further set out:

i. The appearance of the Surveillance Suite, and

ii. The screening, storage, collection, and disposal of solid waste.

i) An applicant is required to submit the following in support of a Development Permit:

i. A Site Plan illustrating the location of the Surveillance Suite.

4.8 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

General Requirements

a) The demolition or removal of a Building is allowed in all Districts.

Site Requirements

b) None.

Development Permit Requirements

c) Prior to the Demolition or removal of a Building, a Development Permit must be approved by the Development Authority.

d) Notwithstanding c), a Development Permit is not required where:

i. The demolition or removal of a Building is a result of a Development for which a Development Permit has already been approved and issued, and/or

ii. The building that is being demolished or removed does not require a Development Permit as noted in 'Development Not Requiring a Development Permit' (s.2.2).

iii. A Building Permit shall be required, as per the *Safety Codes Act*, for the Demolition or removal of any Building.

4.9 DRIVE-THROUGH BUSINESS

General Requirements

a) The owner or operator of a drive-through shall at all times maintain the parcel, its buildings and structures in a clean, neat, tidy, and attractive condition, free from rubbish and debris.

Site Requirements

b) A minimum of two (2) vehicle-queuing spaces must be provided for each pump lane or service bay for Automotive (Service) with drive-through facilities.

c) The site for drive-in eating establishments must have a minimum of five (5) vehicle queuing spaces per order board or ordering window provided in the drive through aisle for the purpose of queuing vehicles.

d) If outdoor speakers are provided, they shall be a minimum 20.0 m from the property boundary of a parcel designated as a residential district and separated from a residential district by a building, sound fence, or landscaping to the satisfaction of the Development Authority.

e) Exits and entrances shall be as approved by the Development Authority, and circulation within the parcel shall be directional and adequately signed.

f) Areas required for parking or circulation of vehicles shall be hard surfaced to the satisfaction of the Development Authority.

g) Front, side, and rear yards abutting on parking or circulation areas shall be landscaped to the satisfaction of the Development Authority.

Development Permit Requirements

h) A Development Permit application shall respond to the above noted requirements.

i) An applicant is required to submit a Site Plan illustrating how motor vehicles will enter and exit the Drive-Through and not obstruct adjacent sidewalks, streets or lanes.

j) An applicant may be required to submit a Traffic Impact Assessment.

4.10 EXCAVATION, STRIPPING & GRADING

General Requirements

a) Excavation, Stripping and Grading activities are considered a Discretionary Use in all Districts.

Site Requirements

b) None.

Development Permit Requirements

c) A Development Permit application shall respond to the above noted requirements and further provide:

i. A description of the excavation, stripping or grading operation proposed,

ii. A plan showing the location of the area of the operation relative to site boundaries and depth of excavation or the quantity of topsoil to be removed,

iii. A detailed timing and phasing program covering the length of the proposed operation,

iv. A plan showing the final site conditions following completion of the operation and any land reclamation proposals where applicable, and

v. A description of the measures to be taken for the prevention or lessening of dust and other nuisances during and after the operation.

d) The Development Authority may require a security, in alignment with Section 2.25, up to the value of the estimated cost of all or any proposed work/activities, including final grading and landscaping, to ensure that same is carried out with reasonable diligence.

4.11 GAS STATION

General Requirements

a) None.

Site Requirements

b) All parts of the site to which vehicles have access shall be hard surfaced and drained to the satisfaction of the Development Authority.

c) The layout shall be so designed that vehicles may be served and bulk fuel may be delivered without any obstruction of the public.

d) No part of a Gas Station building or any pump island shall be within 6.0 m of front, side or rear property lines.

e) Above ground fuel storage tanks shall be placed in accordance with the *Safety Codes Act* and any other applicable regulations in this Bylaw.

Development Permit Requirements

f) A Development Permit application shall respond to the above noted requirements and follow provincial site guidelines.

4.12 HOME-BASED BUSINESS TYPE ONE (HBB1)

General Requirements

a) HBB1 Development is ancillary to the residential use of a principal dwelling and is not allowable in an otherwise unoccupied dwelling.

b) No activity may be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the parcel, by reason of traffic, parking, noise, or odours, etc.

c) Automotive (Service) shall not qualify as HBB1.

d) Non-Resident employees are not allowed.

e) Goods, equipment or materials which are not a fire or health hazard may be stored on the site provided the storage of such is contained entirely within the dwelling or a garage.

f) The use or handling of materials or equipment related to a HBB1 shall not extend outside the period from 7:00 a.m. to 9:00 p.m. on weekdays

g) A maximum of one (1) customer, including any business-related visitors, may be at the premises at any one time.

Site Requirements

h) No physical changes to the external appearance of the residential property shall be allowed as a result of the establishment of a HBB1.

i) No signs related to an HBB1 are allowed on site.

j) Only one (1) commercial vehicle of a maximum of one (1) ton capacity related to a HBB1 shall be allowed.

Development Permit Requirements

k) HBB1 does not require a Development Permit, in alignment with Section 2.2, so long as the above noted requirements are adhered to.

4.13 HOME-BASED BUSINESS TYPE TWO (HBB2)

General Requirements

a) HBB2 Development is ancillary to the residential use of a principal dwelling and is not allowable in an otherwise unoccupied dwelling.

b) No activity may be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the parcel, by reason of traffic, parking, noise, or odours, etc.

c) One (1) non-resident employee is allowed at any one time.

d) Goods, equipment or materials which are not a fire or health hazard may be stored on the site provided the storage of such is contained entirely within the dwelling unit or garage.

e) One (1) accessory building or structure may be constructed solely for the purpose of storing goods required for an activity or operation for which a HBB2 permit has been approved.

f) The use or handling of materials or equipment related to a HBB2 shall not extend outside the period from 7:00 a.m. to 9:00 p.m. on any day.

g) A maximum of two (2) customers, including any business-related visitors, may be at the premises at any one time.

h) Notwithstanding g) up to six (6) children may be at the premises at any one time if the HBB2 is a day home.

Site Requirements

i) No physical changes to the external appearance of the residential property shall be allowed as a result of the establishment of a HBB2.

j) One (1) Window Sign is allowed at the discretion of the Development Authority.

k) Only one (1) commercial vehicle of a maximum of one (1) ton capacity related to a HBB2 shall be allowed.

Development Permit Requirements

l) A Development Permit for a HBB2 shall only be valid for the address identified at the time of approval.

m) A Development Permit application will respond to the above noted requirements and any other information deemed necessary by the Development Authority.

n) The Development Permit for an HBB2 is non-transferable should ownership of a property change.

o) The Development Authority will require proof of consent from the building manager or registered owner or those home occupations proposed to be operated in multi-unit building and/or rental dwellings.

4.14 LIVE-WORK UNIT

General Requirements

a) The non-residential portion of live-work units shall be limited to the Permitted and Discretionary Uses in the appropriate District.

Site Requirements

b) The minimum size of a dwelling unit shall be 65 m^2.

Development Permit Requirements

c) A Development Permit application will respond to the above noted requirements.

4.15 MOVED-IN BUILDINGS

General Requirements

a) No person shall relocate any building, make changes in location of a building, or move a building unless and until they have obtained a Development Permit from the Development Authority.

b) The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular District.

c) The Development Officer or safety codes officer may inspect the proposed building, at the developer's expense, prior to relocation.

Site Requirements

d) The quality of the completed building shall be at least equal to or better than the quality of the other buildings in the area and shall comply with any applicable architectural guidelines.

e) Non-permanent structures such as garden sheds and moved-in storage sheds shall be located only in rear yards and side yards.

Development Permit Requirements

f) A Development Permit application will respond to the above noted requirements and further provide:

   i. Recent colour photographs of all elevations of the moved-in building.

g) The requirements of the building shall be established by the Development Authority at the time of approval of the application and shall form a part of the conditions of the development permit.

h) A limit of the time of completion and full compliance with all stipulated requirements shall be established by the Development Authority at the time of the approval of the application.

i) The Development Officer may require a security of $5,000 for moved-in buildings, in alignment with Section 2.25,.

j) The building shall comply with all provincial and municipal health and fire regulations prior to occupancy and the release of the security.

k) A report by a building inspector regarding each application shall be filed before any such application shall be considered by the Development Authority.

4.16 SECONDARY SUITE (EXTERNAL)

General Requirements

a) In developing a Secondary Suite (External), the owner shall comply with all relevant requirements of the *National Building Code - Alberta Edition*. The issuance of a Development Permit does not relieve the applicant of the requirement to comply with the *National Building Code - Alberta Edition.*

b) The number of Secondary Suites on a given parcel is regulated in each applicable District.

Site Requirements

c) A minimum of one (1) off-street parking space shall be provided for the exclusive use of the Secondary Suite (External).

d) If parking space is provided in the required front yard, a minimum of 30% of the front yard must remain as landscaped area.

e) A Secondary Suite (External) must have full utility services through service connections from the principal residence.

f) A Secondary Suite (External) shall:

   i. Be located in a rear or side yard,

   ii. Meet side yard setback requirements for the principal building,

   iii. Meet the rear yard setback requirements for an accessory building,

   iv. Not exceed 15% of the parcel coverage or 80 m^2, whichever is less, and

   v. Be architecturally compatible with the principal dwelling unit.

g) Consideration should be given to privacy for the suite, the principal dwelling unit, and dwelling unit(s) on adjacent properties through the placement of windows, decks and balconies.

h) A Secondary Suite (External) must be located a minimum of 4.0 m from the principal dwelling.

Development Permit Requirements

i) A Development Permit application will respond to the above noted requirements and further provide:

   i. A Floor Plan,

   ii. Elevations for the Secondary Suite (front, side and rear),

   iii. A Site Plan detailing amenity space for the unit, and any landscaping or screening, and

   iv. Colour photographs of the existing site and surrounding area.

j) The Development Authority shall consider the following matters as part of the decision-making process for an application for a Secondary Suite (External):

   i. The potential effect of the development on the privacy of adjacent properties,

   ii. The on-site and neighbourhood impact on parking and traffic, and

   iii. The compatibility of the use in relation to the siting, grade elevations, height, building types and materials characteristic of surrounding development.

4.17 SECONDARY SUITES (INTERNAL)

General Requirements

a) In developing a Secondary Suite (Internal), the owner shall comply with all relevant requirements of the National Building Code - Alberta Edition. The issuance of a Development Permit does not relieve the applicant of the requirement to comply with the National Building Code - Alberta Edition.

b) The number of Secondary Suites (Internal) on a given parcel is regulated in each Residential and Mixed-Use District.

c) The number of Secondary Suites on a given parcel is regulated in each applicable District.

Site Requirements

d) A minimum of one (1) off-street parking space shall be provided for the exclusive use of the Secondary Suite (Internal).

e) If parking space is provided in the required front yard, a minimum 30% of the front yard must remain as landscaped area.

f) Secondary Suites (Internal) must have full utility services through service connections from the principal residence.

g) A Secondary Suite (Internal) shall not exceed 40% of the gross floor area of the principal building, including upper floors and basement combined or 80 m^2, whichever is less.

h) The Secondary Suite (Internal) must have a separate access either through a dedicated entryway from the exterior of the dwelling or through a separate entrance within a common landing, which shall be located at the side or rear of the principal dwelling

Development Permit Requirements

i) A Development Permit application will respond to the above noted requirements and further provide:

   i. A Floor Plan.

j) The Development Authority shall consider the following matters as part of the decision-making process for an application for a Secondary Suite (Internal).

   ii. The potential effect of the development on the privacy of adjacent properties, and

   iii. The on-site and neighbourhood impact on parking and traffic.

4.18 SOLAR COLLECTOR (ROOF/WALL)

General Requirements

a) The Solar Collector (Roof/Wall) shall be located on the roof or wall of a building.

Site Requirements

b) Within the Residential Districts:

   i. A solar collector located on a roof with a pitch of less than 4:12 must not extend beyond the outermost edge of the roof, but may:

      a. Project a maximum of 0.5 m from the surface of the roof when the solar collector is located 5.0 m or less from a side property line, measured directly from any point along the side property line, and

      b. Where the solar collector is located more than 5.0 m from a side property line, may project a maximum of 1.3 m from the surface of the roof.

   ii. A solar collector located on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof, and must not extend beyond the outermost edge of the roof.

c) Within Non-Residential Districts:

   i. A solar collector located on a roof with a pitch of less than 4:12 may project a maximum of 2.0 m from the surface of the roof, and must be located at least 1.0 m inward from the outermost edge of the roof.

   ii. A solar collector located on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof, and must not extend beyond the outermost edge of the roof.

d) A Solar Collector (Roof/Wall) located on a pitched roof shall not project vertically beyond the height of any existing roofline or any roof peak.

e) In all instances, the maximum distance by which a Solar Collector (Roof/Wall) may project from the surface of the roof is determined by measuring the perpendicular distance between the surface of the roof and the exterior surface of the solar collector.

f) A Solar Collector (Roof/Wall) that is located on a wall may project a maximum of 0.6 m from the surface of that wall.

Development Permit Requirements

g) Solar Collector (Roof/Wall) does not require a Development Permit in alignment with Section 2.2, so long as the above noted requirements are adhered to.

4.19 SOLAR COLLECTOR (FREESTANDING)

General Requirements

a) A Solar Collector (Freestanding) shall be an accessory use to the principal use on a parcel located in a Non-Residential District.

Site Requirements

b) A Solar Collector (Freestanding) shall:

i. Not project vertically beyond the height of any existing roofline or any roof peak of the principal building,

ii. Comply with the setback requirements for accessory buildings of the District,

iii. Only be located in a side yard or rear yard,

iv. Not encroach into the front yard when located in a side yard,

v. Be located and arranged so that,

a. Glare is not directed at an adjacent site and indirect glare does not adversely affect an adjacent site, and

b. Traffic safety is not adversely affected, and

vi. not be located adjacent to a Residential District.

Development Permit Requirements

c) A Development Permit application for a Solar Collector (Freestanding) shall respond to the above noted requirements.

4.20 SMALL WIND ENERGY SYSTEMS

General Requirements

a) Any proposed Small Wind Energy Conversion System (SWECS) shall align with the Alberta *Micro-Generation Regulation*, as amended.

b) The sound produced by the SWECS under normal operating conditions, as measured at the property line shall not exceed 60 dBA or 6 dBA over the background noise, whichever is greater.

c) When decommissioning a SWECS the applicant or registered owner shall submit documentation to the Development Authority demonstrating that the system has been disconnected from any electrical utilities.

Site Requirements

d) A maximum of one (1) SWECS may be located on a parcel within Districts where listed as a use.

e) The SWECS shall be setback from all property lines a distance equal to the height of the system.

f) The blade clearance of any SWECS shall not be less than 4.6 m above grade.

g) Any guy wires associated with a SWECS shall be accommodated entirely within the parcel and must be clearly visible from grade to a height of 1.8 m.

h) The SWECS shall not display advertising or other marketing.

Development Permit Requirements

i) Prior to the installation of a SWECS the applicant shall obtain:

j) A-Development Permit application for a proposed SWECS respond to the above noted requirements and further provide:

   i. Documentation proving all relevant federal and provincial permits and permissions, notably *Alberta Utilities Commission* approval.

   ii. An electrical permit, and if applicable, a Building Permit,

   iii. A site plan indicating the exact location of the SWECS on the parcel and all buildings and structures, registered easements or rights-of-way, and any overhead utilities, dimensioned to the property lines and drawn to a satisfactory scale,

   iv. Engineered plans, prepared by a professional engineer, for SWECS that are mounted or attached to any building demonstrating that the building can support the SWECS, and

k) The Development Authority may require as a condition of approval that any SWECS be surrounded by a security fence with a lockable gate not less than 1.8 m in height.

4.21 SHIPPING CONTAINERS

General Requirements

a) Shipping Containers shall only be allowed in Districts where listed as a use. Shipping Containers are prohibited in all other Districts.

b) There shall be a legal primary use on the property where a Shipping Container is proposed.

c) Shipping Containers are permitted to be used for storage only and shall not be used as a dwelling, a building, or as construction material.

Site Requirements

d) A maximum of two (2) Shipping Containers shall be located on a parcel within Districts where listed as a use.

e) A Shipping Container may only be permitted in the rear yard, side yard, or side yard (corner).

f) A Shipping Container shall not display advertising, company logos, names or other marketing without an approved Development Permit.

g) The Development Authority may require that:

   i. A Shipping Container be screened from view or landscaped to make it aesthetically pleasing,

   i. Any Shipping Container be sandblasted and painted a neutral or complementary colour to match the existing building(s) on the property, and/or

   ii. The exterior of the Shipping Container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.

h) Notwithstanding subsection a), a Shipping Container may be placed temporarily on a construction site for the period of construction, in any District where the Shipping Container is needed in connection with construction of a development for which a Development Permit has been issued.

Development Permit Requirements

i) A Development Permit application for a Shipping Container shall respond to the above noted requirements, and further provide:

   i. The applicable application fee, and

   ii. A minimum of two recent colour photographs of each container (one end view and one side view).

4.22 TEMPORARY DEVELOPMENT

General Requirements

a) Notwithstanding any provisions of this Bylaw, the Development Authority may conditionally approve a development on a temporary basis in any District provided that the use, building, or structure is listed as either a Permitted or Discretionary Use in the relevant District.

b) The Development Authority may approve a Temporary Development Permit if, in their opinion, the use would not unduly interfere with the amenities of the surrounding neighbourhood, or materially interfere with or affect the use and enjoyment of neighbouring parcels.

Site Requirements

c) Any temporary buildings or structures shall not be placed on permanent foundations.

Development Permit Requirements

d) When considering an application for a Temporary Development Permit, the Development Authority shall have regard to the location and its proximity to residential properties, traffic access and parking, and the availability of utility services.

e) The Development Authority may issue a Temporary Development Permit for a period of not more than one (1) year.

f) After the expiration of the Temporary Development Permit, the applicant shall:

   i. Cease or remove the use or development, or

   ii. Make written application to the Development Authority for renewal of the permit setting forth the reasons therefore, not later than sixty (60) days prior to the day on which the Development Permit will cease to be in effect. There shall be no obligation to approve it on the basis that the previous permit had been issued.

g) The Development Authority may require a security, in alignment with Section 2.25, of a minimum $5000to a maximum value of up to fifty percent (50%) of the assessed value of the development to ensure the conditions of the Development Permit are met.

h) The Town shall not be liable for any costs involved in the cessation or removal of any use or development upon the expiry of the permit.

4.23 SHOW HOMES

General Requirements

a) The construction of or use of a new, unoccupied dwelling unit for the purpose of a show home for the sale or marketing of other dwelling units by a builder or developer within a subdivision or development may be approved as a temporary use in all Residential Districts and the Commercial Districts.

b) There shall be a sign posted at the show home identifying it as such.

c) The advertised hours that the show home is open to the public shall not be earlier than 9:00 a.m. or later than 9:00 p.m.

d) Conditions of the permit do not limit the private showing by appointment of the show home at any time.

Site Requirements

e) A dwelling occupied as a residence shall not be used as a show home, sales office or as a facility to demonstrate a builder's construction quality or methods.

f) The show home shall not be open to the public for viewing until the road accessing the show home is developed to municipal standards.

Development Permit Requirements

g) A Development Permit application shall respond to the above noted requirements.

4.24 ALCOHOL PRODUCTION

General Requirements

a) Alcohol Production shall not generate odour, dust, waste or delivery traffic in excess of that which is characteristic of the District in which it is located.

b) The developer or applicant may be requested to provide a water and wastewater use analysis to determine peak water demand and whether effluent discharged complies with municipal sewer regulations and wastewater treatment plant capabilities.

Site Requirements

c) There shall be no outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business.

d) Any public entrances, outdoor public spaces and outdoor private hospitality areas shall not be located next to an abutting residential use.

Development Permit Requirements

e) A Development Permit application will respond to the above noted requirements.

f) The developer or applicant shall provide copies of all approved Alberta Gaming Liquor and Cannabis licenses as a condition of the Development Permit.

SECTION FIVE
Land Use Districts

5

This section outlines specific regulation that applies to the Town's Land Use Districts.

5.1 LAND USE DISTRICT MAP

a) Districts are described in the short form on the Land Use District Map, within **Schedule A** of this Bylaw.

b) District boundaries are delineated on the Land Use District Map. Where the precise location of the boundary is uncertain, the following rules apply:

   i. Where a boundary follows a street, lane, stream or canal it shall follow the centreline thereof,

   ii. Where a boundary generally follows a parcel line, it shall follow the parcel line,

   iii. Where specific dimensions are noted on the Land Use District Map, those dimensions shall be followed, and

   iv. Where there is doubt or dispute concerning the exact location of the boundary of a District, Council shall determine the location of the boundary according to the direction of this Bylaw.

c) Boundaries shall not be altered except by an amendment to this Bylaw.

d) Council shall maintain a list of amendments to the boundaries on the Land Use District Map and update the local GIS database to reflect amendments.

5.2 IMPACT OF SUBDIVISION

a) Where a property boundary is adjusted by subdivision, or by the inclusion of closed road or other land not previously assigned a land use class, the Land Use District boundary follows the new property boundary.

b) Where parcels with different Land Use Districts are proposed for consolidation, a Land Use Redesignation shall be carried out prior to consolidation in accordance with Section 1.24,

5.3 LAND USE DISTRICT CONVERSION

Districts in the Bylaw have been amended as follows:

	LAND USE BYLAW 1246/13		LAND USE BYLAW 1389/24
--	New	R-LRG	Residential, Large Lot District
R1	Single Detached Residential	R-GEN	Residential, General District
R2	Two-Unit Residential	R-GEN	Residential, General District
R3	Multiple Residential	R-GEN	Residential, General District
R4	Manufactured Home Residential	R-NAR	Residential, Narrow Lot District
R5	Residential Mixed Use	M-TRN	Mixed-Use Transition District
C1	Retail/General Commercial	M-DWT	Mixed-Use Downtown District
C2	Highway Commercial	C-HWY	Commercial, Highway District
C3	Neighbourhood Commercial	M-TRN	Mixed-Use Transition District
IN	Industrial	I-LHT	Industrial, Light District
--	New	I-HVY	Industrial, Heavy District
--	New	S-ASL	Special, Agricultural Society Lands District
PI	Public Institutional	S-COM	Special, Community Services District
AT	Agricultural Transition	S-FUD	Special, Future Urban Development District
--	New	S-NOS	Special, Natural Open Space District
DC	Direct Control	DC	Direct Control

DC Direct Control Districts

5.4 GENERAL REGULATIONS

a) Direct Control Districts provide for development that, due to unique characteristics, innovative ideas, or unusual site constraints, require specific regulations unavailable in other Districts.

b) Land uses and development regulations within a Direct Control District shall be at the discretion of Council.

c) Direct Control Districts must not be used:

   i. In substitution of any other Land Use District in this Bylaw that could be used to achieve the same result either with or without relaxations of this Bylaw, or

   ii. To regulate matters that are regulated by subdivision or Development Permit approval conditions.

d) Where a parcel is designated Direct Control, the guidelines approved by Council at the time of such designation shall continue to apply, notwithstanding any requirement of this Bylaw to the contrary.

5.5 DIRECT CONTROL DISTRICT APPLICATIONS

a) Application requirements for the submission of a Direct Control District include:

   i. All information required for an Application to Amend the Bylaw (s. 1.23),

   ii. A written statement indicating why, in the applicant's opinion, a Direct Control District is necessary and why the same results cannot be achieved through the use of a Land Use District in this Bylaw,

   iii. A list of Permitted and Discretionary Uses proposed for the site,

   iv. Plans and elevations or other documentation, that would help to substantiate the need for the Direct Control District, and

   v. Any other information as may be required by the Development Authority and Council.

R-LRG Residential, Large Lot District

PURPOSE: To accommodate single-detached dwellings with a minimum size requirement on large urban parcels.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Bed and Breakfast	Home-Based Business Type Two (HBB2)
Care Facility (Child)	Secondary Suite (External)
Dwelling (Single Detached)	SWECS
Moved In Dwelling	
Parks and Playgrounds	
Secondary Suite (Internal)	
Solar Collector (Roof/Wall)	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

PARCEL SIZE: 0.2 ha to 0.4 ha

MINIMUM PARCEL WIDTH: 30 m

MINIMUM FLOOR AREA: 93 m^2

MAXIMUM BUILDING HEIGHT: 10 m (Dwelling); 5.5 m (Accessory Building); 10 m (Secondary Suite (External))

MAXIMUM PARCEL COVERAGE: 35%

MAXIMUM DENSITY: One (1) Principal Building and one (1) Secondary Suite (Internal) and one (1) Secondary Suite (External) per parcel.

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
12 m	3 m	5 m	8 m

EXCEPTIONS:

a) The Development Authority may approve parcel widths less than 30 m for parcels located within the Westview ASP, provided they conform to the ASP.

R-GEN Residential, General District

PURPOSE: To accommodate street-oriented single detached and duplex/semi-detached housing forms on standard sized parcels.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Bed and Breakfast	Boarding House
Care Facility (Child)	Dwelling (Duplex/Semi)
Dwelling (Single Detached)	Dwelling (Multi-Unit)
Moved In Dwelling	Home-Based Business Type Two (HBB2)
Parks and Playgrounds	Secondary Suite (External)
Secondary Suite (Internal)	
Show Home	
Solar Collector (Roof/Wall)	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MINIMUM PARCEL DEPTH: 31 m

MINIMUM PARCEL WIDTH: 14 m; 7.6m (per unit for Semi-Detached)

MAXIMUM PARCEL SIZE: 0.2ha

MAXIMUM BUILDING HEIGHT: 10 m (Dwelling); 5.5 m (Accessory Building); 10 m (Secondary Suite (External))

MAXIMUM PARCEL COVERAGE: 40%

MAXIMUM DENSITY: One (1) Principal Building and one (1) Secondary Suite per parcel.

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
6 m	1.5 m*	3 m	6 m

* No side yard is required where a party wall separates two (2) units.

* 3 m on one (1) side of the dwelling, where there is no provision for an attached garage on the front or side of the dwelling and no lane access.

EXCEPTIONS:

a) For the parcel at 1613 26 Avenue:

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Care Facility (Child)	Dwelling (Live-Work)
Dwelling (Single Detached)	Home-Based Business Type Two (HBB2)
Secondary Suite (Internal)	Mixed-Use Development
Solar Collector (Roof/Wall)	Moved-in Building
	Secondary Suite (External)

R-NAR Residential, Narrow Lot District

PURPOSE: To accommodate street oriented single detached, duplex/semi-detached and multi-unit dwellings on narrow parcels.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Bed and Breakfast	Dwelling (Multi-Unit)
Care Facility (Child)	Home-Based Business Type Two (HBB2)
Dwelling (Duplex/Semi)	Secondary Suite (External)
Dwelling (Manufactured Home)	Secondary Suite (Internal)
Dwelling (Single Detached)	
Moved-In Dwelling	
Parks and Playgrounds	
Show Home	
Solar Collector (Roof/Wall)	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MINIMUM PARCEL DEPTH: 31 m

MINIMUM PARCEL WIDTH: 10 m; (7.6 m per unit for semi-detached)

MAXIMUM BUILDING HEIGHT: 10 m (Dwelling); 5.5 m (Accessory Building) ; 10 m (Secondary Suite (External))

MAXIMUM PARCEL COVERAGE: 40%

MAXIMUM DENSITY: One (1) Principal Building and one (1) Secondary Suite per parcel.

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
6 m	1.5 m*	3 m	6 m

* No side yard is required where a party wall separates two (2) units.

* 3 m on one (1) side of the dwelling, where there is no provision for an attached garage on the front or side of the dwelling and no lane access.

ADDITIONAL REQUIREMENTS:

a) Multi-unit dwellings shall be street-oriented.

M-TRN Mixed-Use Transition District

PURPOSE: To accommodate a mix of residential and commercial uses which are compatible with each other and with adjoining uses in a neighbourhood setting.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Care Facility (Child)	Boarding House
Care Facility (Clinic)	Care Facility (Large Group)
Care Facility (Medical)	Care Facility (Small Group)
Dwelling (Live-Work)	Home-Based Business Type Two (HBB2)
Dwelling (Multi-Unit)	Mixed-Use Development
Dwelling (Single Detached)	Religious Assembly
Establishment (Eating and Drinking)	Show Home
Financial Institution	
Office	
Parks and Playgrounds	
Retail (Small)	
School (Commercial)	
Solar Collector (Roof/Wall)	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MINIMUM PARCEL AREA: 0.5 ha

MAXIMUM BUILDING HEIGHT: 15 m (Dwelling); 5.5 m (Accessory Building)

MAXIMUM PARCEL COVERAGE: 50%

MAXIMUM DENSITY: 60 upha

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
3 m	1.5 m *	3 m	6 m

* No side yard is required where a party wall separates two (2) units.

* 3 m on one (1) side of the dwelling, where there is no provision for an attached garage on the front or side of the dwelling.

ADDITIONAL REQUIREMENTS:

a) A Landscaping Plan, in alignment with Section 3.21, that will be required.

b) The minimum landscaped area shall be 25% of the parcel area.

c) The minimum Amenity Area (Private) for each Dwelling (Multi-Unit) is 5.0 m^2 in the form of a patio, balcony, or deck.

EXCEPTIONS:

d) The Development Authority may approve development on an existing registered parcel if the dimensions are less than noted above.

e) For the parcel at 2401 26 Avenue:

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Care Facility (Child)	Boarding House
Care Facility (Clinic)	Care Facility (Large Group)
Care Facility (Medical)	Care Facility (Small Group)
Dwelling (Live-Work)	Home-Based Business Type Two (HBB2)
Dwelling (Multi-Unit)	Mixed-Use Development
Dwelling (Single Detached)	Religious Assembly
Parks and Playgrounds	Show Home
Solar Collector (Roof/Wall)	
Utilities	

M-DWT Mixed-Use Downtown District

PURPOSE: To accommodate a wide range of local and regional commercial uses within the downtown central business area which will be an attractive environment for pedestrians, while providing access for motor vehicles.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Animal Services (Minor)	Alcohol Production
Arts and Crafts Studio	Automotive (Sales and Service)
Care Facility (Child)	Dwelling (Live-Work)
Care Facility (Clinic)	Establishment (Adult)
Care Facility (Medical)	Establishment (Entertainment)
Establishment (Eating and Drinking)	Funeral Home
Financial Institution	Gas Station
Government Services	Hotel/Motel
Market	Mixed-Use Development
Office	Motion Picture Studio
Recreation (Culture and Tourism)	Moved-in Building
Retail (Small)	Parking Facility
Retail (General)	Parks and Playgrounds
Solar Collector (Roof/Wall)	Recreation (Indoor)
Utilities	Retail (Cannabis)
	Retail (Large)
	Shipping Container
	Solar Collector (Freestanding)

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MINIMUM PARCEL WIDTH: 20 m

MINIMUM PARCEL DEPTH: 30 m

MAXIMUM BUILDING HEIGHT: 25 m (Principal Building), 5.5 m (Accessory Building)

MAXIMUM PARCEL COVERAGE: 70%

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
3 m	0 m	3 m	6 m

ADDITIONAL REQUIREMENTS:

a) The Development Authority may impose conditions related to screening, buffering, or landscaping of any outdoor display or sales areas.

b) In addition to the requirements listed above, development shall comply with the following regulations:

   i. New development shall be compatible with the aesthetics of the downtown area, in alignment with 'Infill Development' (s.3.25).

   ii. Seasonal activities such as patios and sales events may be allowed to encroach on public lands within the downtown area at the discretion of the Development Authority subsequent to the provision of a licence of occupation.

EXCEPTIONS:

c) The Development Authority may approve development on an existing registered parcel if the dimensions are less than noted above.

d) Changes of use will not require a variance for insufficient parking.

C-HWY Commercial, Highway District

PURPOSE: To accommodate regional commercial services with high visibility and convenient access to designated highways for the benefit of the traveling public.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Animal Services (Minor)	Alcohol Production
Automotive (Sales and Service)	Car Wash
Automotive (Service)	Drive-through Business
Care Facility (Child)	Establishment (Adult)
Establishment (Eating and Drinking)	Greenhouse
Establishment (Entertainment)	Moved-in Building
Financial Institution	Recreation (Outdoor)
Gas Station	Recycling Facility
Government Services	Retail (Cannabis)
Hotel/Motel	Shipping Container
Market	Solar Collector (Freestanding)
Office	
Parks and Playgrounds	
Recreation (Culture and Tourism)	
Recreation (Indoor)	
Retail (Small)	
Retail (General)	
Retail (Large)	
Solar Collector (Roof/Wall)	
Truck Stop	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MINIMUM PARCEL WIDTH: 30 m

MINIMUM PARCEL DEPTH: 45 m

MAXIMUM BUILDING HEIGHT: 25 m (Principal Building), 5.5 m (Accessory Building)

MAXIMUM PARCEL COVERAGE: 50%

MINIMUM SETBACKS:

Front Yard	Side Yard	Side yard (Corner)	Rear Yard
8 m*	5 m	5 m	6 m

*The front and side (corner) setbacks shall not preclude the use of a portion of the setback area for walks, driveways, or freestanding signs.

ADDITIONAL REQUIREMENTS:

a) The Development Authority may impose conditions related to screening, buffering, or landscaping of any outdoor display or sales areas.

EXCEPTIONS:

b) The Development Authority may approve development on an existing registered parcel if the dimensions are less than noted above.

I-LHT Industrial, Light District

PURPOSE: To accommodate a variety of industrial activities that are primarily carried out within an enclosed building and no significant nuisance factor is created or apparent outside the enclosed building.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Animal Services (Minor)	Alcohol Production
Animal Services (Major)	Auction Facility
Automotive (Sales and Service)	Bulk Fuel Station
Automotive (Service)	Establishment (Adult)
Establishment (Eating and Drinking)	Funeral Home
Establishment (Entertainment)	Grain Elevator/Seed Cleaning
Industrial (Light)	Industrial (Medium)
Industrial (Logistics)	Intensive Horticultural Operation
Market	Motion Picture Studio
Office	Moved-in Building
Parks and Playgrounds	Recreation (Outdoor)
Recreation (Indoor)	Retail (Cannabis)
Recycling Facility	Retail (Large)
Retail (Small)	Retail (Shopping Centre)
Retail (General)	Solar Collector (Freestanding)
School (Commercial)	Surveillance Suite
Shipping Container	SWECS
Solar Collector (Roof/Wall)	
Transportation Service	
Truck Stop	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MAXIMUM LOT SIZE: As required by the Development Authority

MAXIMUM BUILDING HEIGHT: 11 m

MAXIMUM PARCEL COVERAGE: 60%

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner or adjacent to Residential)	Rear Yard
6 m*	3 m	6 m*	8 m

*The front and side (corner) setbacks shall not preclude the use of a portion of the setback area for walks, driveways, or freestanding signs.

ADDITIONAL REQUIREMENTS:

a) On-site screening and landscaping plans may be required at the discretion of the Development Authority.

I-HVY Industrial, Heavy District

PURPOSE: To accommodate industrial activities that may have an affect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards or dangerous goods.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Alcohol Production	Cannabis Production Facility
Auction Facility	Intensive Horticultural Operation
Bulk Fuel Station	Retail (Cannabis)
Funeral Home	SWECS
Establishment (Adult)	
Establishment (Eating and Drinking)	
Establishment (Entertainment)	
Industrial (Light)	
Industrial (Medium)	
Industrial (Heavy)	
Recycling Facility	
Retail (General)	
Retail (Small)	
Shipping Container	
Solar Collector (Freestanding)	
Solar Collector (Roof/Wall)	
Surveillance Suite	
Transportation Service	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MAXIMUM LOT SIZE: As required by the Development Authority

MAXIMUM BUILDING HEIGHT: As required by the Development Authority

MAXIMUM PARCEL COVERAGE: 60%

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
9 m*	9 m	6 m*	9 m

*The front and side (corner) setbacks shall not preclude the use of a portion of the setback area for walks, driveways, or freestanding signs.

ADDITIONAL REQUIREMENTS:

a) On-site screening and landscaping plans may be required at the discretion of the Development Authority.

S-ASL Agricultural Society Lands District

Purpose: To accommodate the development of the Agricultural Society Lands in alignment with the Bylaw.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Agricultural Society Grounds	Campground
Community Garden	Parking Facility
Government Services	Recreation (Culture and Tourism)
Parks and Playgrounds	Market
Recreation (Indoor)	Moved-in Building
Recreation (Outdoor)	Solar Collector (Freestanding)
Shipping Container	
Solar Collector (Roof/Wall)	
Utilities	
Urban Agriculture	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MAXIMUM LOT SIZE: As required by the Development Authority

MAXIMUM BUILDING HEIGHT: As required by the Development Authority

MAXIMUM PARCEL COVERAGE: 50%

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
6 m*	9 m	3 m*	6 m

*The front and side (corner) setbacks shall not preclude the use of a portion of the setback area for walks, driveways, or freestanding signs.

ADDITIONAL REQUIREMENTS:

a) Landscaping plans may be required at the discretion of the Development Authority.

b) Lands dedicated as Municipal Reserve shall be restricted to uses defined in the MGA.

S-COM Community Services District

Purpose: To accommodate the development of publicly or privately owned institutions or community services, including lands dedicated as Municipal Reserve for active and passive recreational and leisure pursuits.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Care Facility (Child)	Campground
Care Facility (Clinic)	Parking Facility
Care Facility (Large Group)	Recreation (Culture and Tourism)
Care Facility (Small Group)	Recreation (Indoor)
Care Facility (Medical)	Recreation (Outdoor)
Cemetery and Interment Services	Market
Community Garden	Moved-in Building
Funeral Home	Solar Collector (Freestanding)
Government Services	
Parks and Playgrounds	
Religious Assembly	
School	
Shipping Container	
Solar Collector (Roof/Wall)	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MAXIMUM LOT SIZE: As required by the Development Authority

MAXIMUM BUILDING HEIGHT: As required by the Development Authority

MAXIMUM PARCEL COVERAGE: 50%

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
6 m*	9 m	3 m*	6 m

*The front and side (corner) setbacks shall not preclude the use of a portion of the setback area for walks, driveways, or freestanding signs.

ADDITIONAL REQUIREMENTS:

a) Landscaping plans may be required at the discretion of the Development Authority.

b) Lands dedicated as Municipal Reserve shall be restricted to uses defined in the MGA.

S-FUD Future Urban Development District

PURPOSE: To provide an interim Land Use District for non-urbanized parcels within the Town and to prevent incompatible or premature development and subdivision until the lands are determined to be suitable for orderly urban development.

PERMITTED USES:	DISCRETIONARY USES:
Accessory Building/Structure	Accessory Use
Care Facility (Child)	Dwelling (Manufactured Home)
Community Garden	Home-Based Business Type Two (HBB2)
Dwelling (Single Detached)	Market Garden
Extensive Agriculture	Moved-in Building
Intensive Horticultural Operations	Moved-in Dwelling
Parks and Playgrounds	Solar Collector (Freestanding)
Shipping Container	
Solar Collector (Roof/Wall)	
Utilities	

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

MINIMUM PARCEL SIZE FOR EXTENSIVE AGRICULTURE: 4 ha

MAXIMUM PARCEL SIZE FOR ALL OTHER USES: 0.2 ha

MINIMUM PARCEL WIDTH: 30 m

MAXIMUM BUILDING HEIGHT: 10 m (Principal Building), 5.5 m (Accessory Building)

MAXIMUM PARCEL COVERAGE: As required by the Development Authority

MINIMUM SETBACKS:

Front Yard	Side Yard	Side Yard (Corner)	Rear Yard
6 m	1.5 m	3 m	6 m

ADDITIONAL REQUIREMENTS:

a) The Development Authority shall ensure that proposed development does not compromise the orderly subdivision or subsequent development of lands within the Town.

b) The Development Authority may require the preparation and adoption of a comprehensive plan or Area Structure Plan prior to approval of a Development Permit application.

S-NOS Natural Open Space District

PURPOSE: To protect environmentally sensitive areas by restricting development and providing access to the public in a manner that preserves the area in accordance with the MGA.

PERMITTED USES:	DISCRETIONARY USES:
Parks (excluding Playgrounds)	Accessory Building/Structure
	Utilities

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

ADDITIONAL REQUIREMENTS:

a) All parcel and development regulations shall be at the discretion of the Development Authority and shall proceed in a manner to minimize impacts on the natural environment.

SECTION SIX
Glossary

6

This section provides definitions for terms used within the Land Use Bylaw.

Please note, definitions pertaining to specific uses are **HIGHLIGHTED** below:

ABUTTING – means immediately contiguous to or physically touching, and when used in respect of a parcel, means that the two abutting parcels share a property line.

ACCESSORY BUILDING/STRUCTURE – means any building or structure that is physically separate from the principal building on the parcel on which both are located, and the use of which is subordinate and incidental to that of the principal building. Typical accessory building/structures include, but are not limited to, sheds, standalone garages and shelters, swimming pools, tall flagpoles, and satellite dishes, but shall not include quonsets, quonset-style buildings, or Secondary Suites (External).

ACCESSORY USE – means a use of land or buildings which is incidental or subordinate to the principal use of the same parcel, or building**.**

ADDITION – means construction that increases the footprint of an existing building or structure. Typically there will be a common connection from the existing building to the addition that includes a foundation of some type beneath the addition.

ADJACENT – means land that is contiguous and abutting if not for an easement, right-of-way, street, or natural feature.

AGRICULTURAL BUILDING – means a building normally associated with and generally essential to the operation of a farm. Such structures shall include, but are not limited to, machine sheds, storage sheds, granaries, grain bins for the storage of on-farm products, silos, repair shop, etc. Farm is a separate use. This use does not include Cannabis Production Facility.

AGRICULTURAL SOCIETY GROUNDS – means land, buildings and livestock related to Ag Society operations within the Nanton Ag Society grounds.

ALCOHOL PRODUCTION – means a development that manufactures beer, wine, spirits or other alcoholic beverages and may include the retail sale of products. This use may be combined with another use such as an Establishment (Eating & Drinking).

ALTERATION – means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a parcel that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

AMENITY AREA (COMMON) – means an area within the boundaries of a development intended for recreational purposes. Typical development includes balconies, landscaped areas, fitness rooms, swimming pools, beaches, and other similar items that are intended for public use.

AMENITY AREA (PRIVATE) – means a balcony, patio, deck, or other similar structure which is attached to and has a private entrance from the interior of a dwelling unit.

ANIMAL SERVICES (MAJOR) – means a use for livestock outpatient care and treatment, boarding, training, or grooming of large animals and includes retail sales of associated products. This includes such uses as animal hospitals, boarding/breeding kennels for both livestock and domestic pets, impounding and quarantining facilities.

ANIMAL SERVICES (MINOR) – means a use for domestic pet outpatient care and treatment, pet training not exceeding ten animals on the premises at any one time, treatment or grooming of animals and includes retail sales of associated products. Temporary boarding of small animals is permitted when associated with a veterinary clinic. Typical Uses include pet grooming salons, animal daycares and domestic pet veterinary clinics.

APPLICANT – means a person who is lawfully entitled to make, and makes, an application for any document, approval or other thing that may be issued, made or done under the authority of this Bylaw.

APPLICATION FORM – means a form provided to an Applicant pursuant to the Bylaw, such as Text Amendment Application Forms, Land Use Redesignation Application Forms and Development Permit Application Forms etc.

ANTENNA SYSTEM – means an antenna and some sort of supporting structure, normally a tower for transmitting or receiving television, radio, telephone, internet or other electronic communications which is regulated by *Innovation, Science and Economic Development Canada.*

AREA REDEVELOPMENT PLAN – means a statutory plan prepared in accordance with Sections 634 and 635 of the MGA.

AREA STRUCTURE PLAN – means a statutory plan prepared in accordance with Section 633 of the MGA.

ARTS AND CRAFTS STUDIO – means development used for the purpose of small scale, on-site, production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, woodworking shops, and sculpture and artist studios.

AUCTION FACILITY – means a development for the auctioning and related temporary storage of goods, equipment, or livestock.

AUTOMOTIVE (SALES AND SERVICE) – means a development used for the sale, lease, or rental of a motor vehicle, recreational vehicle, or recreation equipment and may include a facility for the repair and servicing of automobiles and recreational vehicles. Typical development includes a car, recreational vehicle or motorcycle dealership, not including, or Heavy Vehicle and Equipment Sales and Service.

AUTOMOTIVE (SERVICE) – means a development used for the service and repair of a motor vehicle, recreation vehicle, or recreation equipment or their components. Typical development includes paint and collision repair, and service shops, not including Automotive (Sales and Service), or Heavy Vehicle and Equipment Sales and Service.

BED AND BREAKFAST – means an accessory use carried out in an owner-occupied dwelling where temporary accommodation is provided to non-residents of the dwelling for remuneration, and where meals, if provided for guests, are prepared in the common kitchen of the principal residence.

BOARDING HOUSE – means a private dwelling in which lodgers rent room(s) for one night or even more extended periods of weeks or months. The common parts of the house, such as bathroom(s), kitchen, and living areas, are maintained by the private owner. Meals, laundry or cleaning may be provided as part of the lodging agreement.

BUILDING – means any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING – COMMON TERMS

a) **ATTACHED GARAGE** – means a building, or portion of a building, designed and used primarily for the storage of motor vehicles that is attached to the principal building by sharing a common wall which usually has an interconnecting door. For the purpose of calculating yard setbacks and site coverage requirements, an attached garage is deemed to be part of the principal building.

b) **AWNING** – means a cloth like or lightweight shelter projecting from a building.

c) **BALCONY** – a horizontal platform attached to a building above the first storey.

d) **BASEMENT** – means the space within a building which is below the first storey and is partially or completely below grade.

e) **BAY WINDOW** – means a window that projects outward from the façade of a building but does not include an opening that is intended to give access to a building

f) **CANOPY** – means a non-retractable solid projection extending from the wall of the building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, moldings, architraves and pediments, but includes the structure known as the theatre marquee.

g) **CANTILEVER** – means a long projecting beam or girder fixed at only one end.

h) **CARPORT** – means a partially enclosed structure or part of a principal building intended for the shelter of vehicle(s) with at least forty percent (40%) of the total perimeter open and unobstructed.

i) **COVERED DECK** – means a flat-floored, generally unenclosed, roofed structure adjoining a principal building or built as a structural part of it with a height greater than 0.6 m. A Covered Deck shall be included in site coverage calculations.

j) **DRIVEWAY** – means a vehicle access route on the parcel which provides access to the driving surface.

k) **EAVE** – means the overhang or extension of a roof line beyond the vertical wall of a building.

l) **FOUNDATION** – means the supporting base structure of a building.

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

n) **PARAPET** – means the extension of a false front wall above a roof line.

o) **PATIO** – means an uncovered open platform or area situated directly on the ground.

p) **PROJECTION** – means a portion of a building which extends horizontally beyond the foundation of the building but is not constructed on the building's foundation. Projections may include eaves, canopies, awnings, cornices, balconies, and uncovered decks.

q) **UNCOVERED DECK** – means an accessory structure consisting of a paved, wooden, or other hard-surfaced area generally adjoining a principal building intended for outdoor living space that is 0.6 m or greater above grade.

BUILDING COVERAGE – means that portion of a parcel upon which a covered building is located, as measured from a point at grade directly below the outside surface of the exterior walls of the building at the first storey floor level, including any projections less than 2.4 m above grade.

BUILDING ENVELOPE – means the space created on a parcel within which a building may be constructed once the setback requirements for a specific Land Use District have been considered.

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

BUILDING INSPECTOR – means the person or persons hired to be the chief building inspector or building inspectors in and for the Town of Nanton.

BUILDING PERMIT – means a permit issued pursuant to the *Safety Codes Act* authorizing commencement of a use, occupancy, relocation, construction, or demolition of any building.

BUILDING WIDTH, MINIMUM – means the minimum horizontal distance of the building's living space measured parallel to the shortest exterior wall of the building and perpendicular to the longest exterior wall of the building and excludes porches, decks, patios, balconies, carports, garages, unheated storage space, porte-cochere, and other similar architectural features.

BULK FUEL STATION – means a development for storing and distributing petroleum products in bulk quantities and includes supplementary tanker vehicle storage. Key-lock pumps and retail fuel sales may be incorporated as an accessory use.

BUSINESS – means:

a) A commercial, merchandising, or industrial activity or undertaking,

b) A profession, trade, occupation, calling or employment, or

c) An activity providing goods and services, whether or not for profit and however organized or formed, including a co-operative or association of persons.

BYLAW – means the Land Use Bylaw of the Town of Nanton.

CAMPGROUND – means development for the purpose of seasonal occupancy by holiday trailers, recreation vehicles, tents, and similar equipment and which may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodations for the operator.

CANNABIS PRODUCTION FACILITY – means a development where cannabis is grown, processed, packaged, tested, destroyed, stored, or loaded for shipping, but does not include Retail (Cannabis).

CAR WASH – means development for the cleaning of motor vehicles on a commercial basis.

CARE FACILITY (CHILD) – means a use where care, maintenance, or supervision is provided for seven (7) or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours. Typical development includes child-care centres, day cares, nurseries, and after-school or baby-sitting programs.

CARE FACILITY (CLINIC) – means a use where medical and health care services are provided on an outpatient basis only. Typical development includes medical and dental offices, health care clinics, pre-natal clinics, occupational health and safety offices, chiropractic and naturopathic services and counseling services.

CARE FACILITY (LARGE GROUP) – means a use that is recognized, authorized, licensed or certified by a public authority intended to provide room and board for more than six residents, exclusive of staff, and family members residing onsite where individuals who are in need of supervision reside on a temporary or long-term basis in a group setting where twenty-four (24) hour personal care or support may be provided. Typical development includes senior homes, large boarding homes, large group homes, and large long-term special needs care facilities.

CARE FACILITY (MEDICAL) – means a use that is authorized by the applicable Provincial authority where medical treatment for the sick, injured or infirm occurs, including out-patient services and accessory staff dwellings. Typical development includes hospitals, sanitariums, isolation facilities, nursing homes, hospices, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

CARE FACILITY (SMALL GROUP) – means a residential care facility which is recognized, authorized, licensed or certified by a public authority such as a social care facility intended to provide room and board for six residents or less, exclusive of staff or family members residing in the home, where residents are in need of supervision reside on a temporary or long-term basis in a group setting and 24-hour personal care or support may be provided. The residential character of the Dwelling shall be primary; with the occupants living together as a single housekeeping unit and using shared cooking facilities. Typical uses include small boarding homes, small group homes and small long-term special needs facilities.

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

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

CHANGE OF USE – means the conversion of land or building, or portion thereof from one land use activity to another, including the intensification of a use, in accordance with the Permitted or Discretionary Uses as listed in each Land Use District.

CHATTEL – means any item of tangible, personal property other than land, buildings, and other things annexed to land.

COMMON WALL – means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one (1) party but jointly used by two (2) parties, one or both of whom is entitled to such use by prior arrangement.

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

COMPATIBLE – means the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean "same as". Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing developments.

CONDOMINIUM – means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners in accordance with the provisions of the *Condominium Property Act, Revised Statutes of Alberta 2000, Chapter C-22*, as amended.

CONDOMINIUM PLAN – means a plan of survey registered at a Land Titles Office prepared in accordance with the provisions of the *Condominium Property Act, Revised Statutes of Alberta 2000, Chapter C-22*, as amended.

CONSTRUCT – means to build, rebuild, or relocate and without limiting the generality of the word, also includes: any preliminary operation such as excavation, filling or draining; altering an existing building or structure by addition, enlargement, extension, or other structural change; and any work which requires a Building Permit.

COUNCIL – means Council of the Town of Nanton.

DEFERRED SERVICING AGREEMENT – means an agreement made in accordance with Sections 650 or 655 of the MGA, between the municipality and applicant for the provision of services to serve the development, whereby the municipality may agree to have the applicant delay or defer the requirements to provide or construct those services at a later date (as defined in the agreement); or, to require the applicant to tie-in to major municipal infrastructure at any time in the future whereby it may be installed to or past the property line of the parcel or development project, when the services were not initially installed or available in the location of where the development occurred.

DEMOLITION – means the pulling down, tearing down or razing of a building or structure.

DENSITY – means the number of dwelling units on a parcel expressed in units per net hectare or units per parcel.

DESIGNATED OFFICER(S) – means those persons designated by bylaw under Section 210 of MGA and for purposes of the Bylaw are the Development Officer, Community Peace Officer, Bylaw Enforcement Officer, and Town's CAO or their Designate.

DEVELOPMENT – means:

a) An excavation or stockpile and the creation of either of them,

b) A building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land,

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

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

DEVELOPMENT AGREEMENT – means a contractual agreement, made in accordance with Sections 650 and 655 of the MGA, between the Town and an applicant regarding the apportionment of costs arising from the construction or servicing of a development.

DEVELOPMENT AUTHORITY – means the body established by bylaw to act as the Development Authority in accordance with Section 623(b) of the MGA.

DEVELOPMENT COMMENCEMENT – means the moment construction is started on site (i.e., excavation) or the land use has begun for the purposes of the Development Permit application.

DEVELOPMENT COMPLETION – means the moment the required Building/Development Permit conditions and requirements have been met for the purposes of the Development Permit application, except for ongoing conditions.

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

DEVELOPMENT PERMIT – means a permit issued with or without conditions pursuant to this bylaw authorizing a development. A Development Permit does not constitute a Building Permit.

DEVELOPMENT, TEMPORARY – means development involving a use and/or a building maintained or operated for a time period specified by a temporary Development Permit, issued under the provisions of this Bylaw.

DIRECT CONTROL DISTRICT – means a District in the Land Use Bylaw which details guidelines established by Council for control over the use and development of an area pursuant to the provisions of the MGA.

DISTRICT – means an area of land designated by this Bylaw in which Permitted and/or Discretionary Uses and development regulations are prescribed.

DOUBLE FRONTAGE LOT – means a parcel of land, other than a corner parcel, that abuts two (2) or more public roads.

DRIVE-THROUGH BUSINESS – means an establishment where food is prepared and served on the premise for sale to the public and includes car attendant or drive-through pick-up service.

DWELLING OR DWELLING UNIT – means a building or portion thereof consisting of one or more rooms which is intended to be used as a permanent residence for one or more individuals, containing cooking, sleeping and sanitary facilities only for that unit.

DWELLING (DUPLEX/SEMI) – means a dwelling containing two (2) dwelling units having the dwelling area of one located above the dwelling area of the other each with a private entry or a dwelling containing not more than two (2) side-by-side dwelling units sharing a common wall, which may be subdivided along the common wall.

DWELLING (LIVE-WORK) – unit means a development that shall include a detached dwelling unit as the principal use and may contain an accessory commercial establishment.

DWELLING (MANUFACTURED HOME) – means a dwelling that is manufactured to be moved from one point to another that is located on a permanent foundation and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A Park Model is not a Dwelling (Manufactured Home).

DWELLING (MULTI-UNIT) – means a dwelling with three (3) or more dwelling units. Typical multi-unit dwellings include Apartments, Row Houses, Town Houses, Stacked-Townhouses, Tri or Four-plexes. Secondary Suites are not permitted in Dwelling (Multi-Unit).

DWELLING (SINGLE DETACHED) – means a dwelling (constructed on site or modular construction) that is supported on a permanent foundation or basement but does not include Dwelling (Manufactured Home).

EASEMENT – means a right to use land generally for access to other property or as a right-of-way for a public utility.

ESTABLISHMENT (ADULT) – means a premise or parts thereof in which products or services are provided which are of a sexual intent and shows or displays nudity with an erotic or sexually explicit intent. Typical uses would include but are not limited to adult mini-theatres, strip clubs or shows and massage parlours.

ESTABLISHMENT (EATING & DRINKING) – means use where food is prepared and alcoholic beverages may be offered for sale to the public for consumption. Typical development includes restaurants, diners, fast food restaurants, takeout only restaurants, bars and pubs.

ESTABLISHMENT (ENTERTAINMENT) – means a use where dramatic, musical or other entertainment is provided indoors or outdoors. Typical development includes bingo halls, billiard parlours, auditoria, cinemas, or casinos but does not include Establishment (Adult).

EXCAVATION – means the process of altering the natural elevation of the ground by grading, cutting, stripping, filling or breaking of ground, but does not include common household gardening and ground care, excavation made for the building of basements, structures, landscaping, or parking for which a Development Permit has been issued, or extensive agriculture. Gravel pit, mineral extraction and any other similar extractive use are not classified as excavation and are a separate use.

EXTENSIVE AGRICULTURE – means the production of crops by expansive cultivation as the principal use of the site. Buildings associated with extensive agriculture are classified as accessory structures. This use does not include agricultural-related industry buildings or uses such as packaging plants, processing plants, agricultural support services or any other similar uses or structures or Cannabis Production Facility.

FENCE – means an accessory structure which may be used to prevent or restrict passage, to provide visual screening or to mark a property line or other boundary.

FLAG LOT – means a parcel of land with a narrow strip providing access to a public street and the bulk of the property containing no frontage.

FLOOD ELEVATION – 1:100 YEAR means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

FLOOD RISK AREA – means the area of land bordering a water course or water body that would be inundated by 1:100 year flood (i.e. a flood that has a one percent (1%) chance of occurring every year) as determined by Alberta Environment in consultation with the Town and may include both flood fringe and floodway.

FLOOR AREA – means the area of all floors in a building, measured within the exterior walls of a building, not including basements, decks, patios, driveways, sidewalks, porches, elevator shafts, stairwells, crawl spaces, mechanical or electrical rooms, garbage and recycling storage, and parking areas.

FLOOR AREA RATIO – means the net floor area divided by the gross parcel area.

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

FRONT OF PROPERTY – means that portion of a parcel that lies between the front face of the principal building and the front property line. In the case of a corner parcel, the front yard is on the same side as the other parcels in the row on the block regardless of the orientation of the principal building.

FUNERAL HOME – means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, and the holding of funeral services.

FULL CUT-OFF FIXTURES – means lighting fixtures that direct light directly down towards the ground (the luminous intensity at or above an angle of 90° above nadir is zero).

GAS STATION – means a development where gasoline and related fuels are sold, typically including a small retail component. This use does not include a Bulk Fuel Station.

GEOTECHNICAL REPORT – means a comprehensive site analysis and report prepared by a qualified and registered professional with The Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA).

GOVERNMENT SERVICES – means a use where municipal, provincial, or federal government services are provided. Typical development includes police stations, fire stations, courthouses, post offices, municipal offices, or social service offices.

GRADE, BUILDING – (as applied to the determination of building height) means the average level of finished ground adjoining the main front wall of a building (not including an attached garage), except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

GRADE, LANDSCAPED – (as applied to the determination of height of balconies, decks and architectural features and landscape structures) means the average level of finished landscaped ground under the four principal corners of the balcony, deck, architectural feature or landscape structure.

GRADING – means the alteration of the grade of a site.

GRAIN ELEVATOR/SEED CLEANING – means a facility for the collection, grading, sorting, storage, and transshipment of grains.

GREENHOUSE – means a building specially designed and used for the commercial growing of vegetables, flowers or other plants for transplanting or sale on site. This use does not include Cannabis Production Facility.

HOME-BASED BUSINESS TYPE ONE (HBB1) – means a use where business is conducted in a principal building with no visits and employees that reside in the principal building. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings, such as private consulting or other office functions.

HOME-BASED BUSINESS TYPE TWO (HBB2) – means a use where business is conducted in a principal building with limited weekly visits and employees that reside in the principal building. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings, such as accounting services, day homes, small engine repair or light fabrication.

HEAVY VEHICLE AND EQUIPMENT SALES AND SERVICE – means a development used for the sale, service and rental of heavy vehicles, machinery, and mechanical equipment for farming, construction, or oilfield operations. Such a facility may include outdoor work areas, parking, and outdoor storage areas. This use does not include Automotive (Sales and Service) or Automotive (Service).

HOTEL/MOTEL – means a use where sleeping accommodation and ancillary services are provided in rooms or suites which may contain facilities for food preparation. This use may incorporate ancillary uses such as an Establishment (Eating and Drinking) or Retail (Small).

INDUSTRIAL (HEAVY) – means a use where industrial activity occurs that may have an effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods, but does not include Cannabis Production Facility. Typical development includes abattoirs, concrete plants, wreckage and salvage yards, waste management facilities, and manufacturing and processing facilities that create a Nuisance.

INDUSTRIAL (LIGHT) – means a use where industrial activities are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside an enclosed building. Any development, even though fully enclosed, where, in the opinion of a Development Authority, there is significant risk of interfering with the amenity of adjacent sites because of the nature of the site, materials or processes, shall not be considered Industrial (Light). Typical development includes laboratories, general contractors and landscaping services, equipment rentals and service, warehouses and warehouse sales of furniture, floor coverings etc.

INDUSTRIAL (LOGISTICS) – means a use where the storage and inter-modal (highway) distribution of goods occurs, resulting in larger traffic volume. Typical development includes shipping/receiving facilities, transshipment and distribution centres.

INDUSTRIAL (MEDIUM) – means a use where all or a portion of the industrial activity is carried on outdoors, without any significant nuisance such as noise, appearance, or odour, extending beyond the boundaries of the site. Any development where the risk of interfering with the amenity of adjacent or nearby sites, because of the nature of the site, materials or processes, cannot be successfully mitigated shall be considered Industrial (Heavy). Typical development includes storage, construction, maintenance, and manufacturing or processing facilities that do not pose a Nuisance.

INTENSIVE HORTICULTURAL OPERATIONS – means a use of land or buildings for the high yield production of specialty crops and may include on-site sales. This use includes greenhouses, nurseries, hydroponics, tree, mushroom and sod farms, but does not include Cannabis Production Facility.

INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (ISDAB) – means the Chinook Intermunicipal Subdivision and Development Appeal Board established by the *Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw, as amended.*

LANDSCAPING – means the modification, beautification and enhancement of a site or development, excluding all areas used for driveways and parking, through the use of the following elements:

a) Natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass, flowers and other ground cover or materials,

b) Hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt, or

c) Landscaping in ways that reduce or eliminate the need for watering and irrigation, also known as xeriscaping.

LANE – means a public thoroughfare, which provides a secondary means of access to a parcel(s).

LIVESTOCK – means all domesticated animals kept for use on a farm or raised for sale or profit and includes horses, cattle, swine, donkeys, mules, oxen, poultry, birds, sheep, goats or other animals as determined by the Town.

MAINTENANCE – means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

MANUFACTURED HOME COMMUNITY – means a comprehensively planned residential development intended for the placement of manufactured homes on sites or pads. Such a community may also include amenity areas or facilities for the use of the community's residents.

MARKET – means a development indoors or outdoors which provides to vendors, stalls or other similarly restricted areas for the demonstration of products and services, disposal and sale of goods, wares or merchandise to the public, at a single location or premises. Typical development includes Farmers Markets, Flea Markets, Craft Shows or Trade Fairs.

MARKET GARDEN – means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

MINIMUM STANDARDS – means those minimum requirements relating to parcel area, floor area, yards, landscaping design, character and appearance of buildings, etc. for the Permitted Uses of land or buildings or the Discretionary Uses of land or buildings, or both, listed in this Bylaw and, where these are not specified, as determined by the Municipal Planning Commission for a Discretionary Use.

MIXED-USE DEVELOPMENT – means a parcel of land or a building or structures developed for two or more different uses such as residential, office, manufacturing, retail, public, or entertainment.

MOTION PICTURE STUDIO – means a use where motion pictures are filmed, either within a building or outdoors on a constructed set.

MOVED-IN BUILDING – means a previously used non-residential building, which is removed from a site, and then transported and re-established on another site.

MOVED-IN DWELLING – means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site.

MUNICIPAL DEVELOPMENT PLAN – means a Statutory Plan, adopted by Bylaw in accordance with Section 632 of the MGA.

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

MUNICIPAL PLANNING COMMISSION (MPC) – means the Town of Nanton Municipal Planning Commission established by Council pursuant to the *Municipal Planning Commission Bylaw and the* MGA.

MURAL – means a picture, scene, graphic, or diagram displayed on the exterior wall of a building for the primary purpose of decoration or artistic expression and is not created to solely display messaging to market an event, business, or promotion.

NON-COMPLIANCE – means a development constructed, or use undertaken after the adoption of the current Land Use Bylaw and does not comply with the current Land Use Bylaw.

NON-CONFORMING BUILDING – means a building:

a) That is lawfully constructed or lawfully under construction at the date of a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and

b) That on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

NON-CONFORMING USE – means a lawful specific use:

a) Being made of land or a building or intended to be made of a building lawfully under construction, at the date of a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and

b) That on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw.

NON-SERVICED – means in respect to a parcel that neither a municipal water system nor a municipal sewage system services it.

NUISANCE – means any use, prevailing condition or activity which has a detrimental effect on living or working condition, in the opinion of the Development Authority.

OCCUPANCY PERMIT – means a permit issued by the municipality that authorizes the right to occupy or use a building or structure for its intended use.

OFF-SITE LEVY – means a levy imposed pursuant to *Off-Site Levy Bylaw*"

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

OFF-STREET LOADING SPACE – means an open area, not exceeding 9.1 m in width, located in the rear yard space, designed expressly for the parking of haulage vehicles while loading or unloading.

OFF-STREET PARKING – means a parcel or portion thereof, excluding a public roadway which is used or intended to be used as a parking area for motor vehicles.

OUTDOOR DISPLAY – means the temporary display of goods, products or materials, typically not in a fixed position and which are removed or sold off during a short period of time.

PARCEL – means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office and includes a bare land unit created under a condominium plan.

PARCEL AREA – means the area contained within the boundaries of a parcel as shown on a plan of subdivision or as described in a certificate of title.

PARCEL COVERAGE – means the percentage of parcel area covered by buildings and structures 0.6 m above finished grade including any covered projections. Parcel coverage does not include uncovered swimming pools or Uncovered Decks, patios, driveways less than 0.6 m above finished grade.

PARCEL DEPTH – means the length of a line joining the mid-points of the front property line and the rear property line.

PARCEL FRONTAGE – means the length of a street boundary measured along the front line of a parcel.

PARCEL WIDTH – means the distance between the side property lines of a parcel measured at a right angle to the mid-point of the shortest side property line.

PARCEL, DOUBLE FRONTING – means a parcel which abuts two (2) non-intersecting streets (excluding lanes).

PARCEL, INTERIOR – means a parcel which is bounded by only one (1) street.

PARCEL, LANELESS – means a parcel that is not bounded wholly or partially by a lane.

PARTIALLY SERVICED PARCEL – means a parcel that is provided water or sewer serviced by either:

a) A municipal water line or a municipal sewer line, or

b) An incorporated organization or co-operative, recognized by the municipality, that is operating a provincially approved water or sewer system.

PARKING FACILITY – means development to accommodate vehicular parking, either outdoors or in a building.

PARKING SPACE – means an area for the parking of a single motor vehicle.

PARKS AND PLAYGROUNDS – means a use where active or passive public recreational activities occur and includes supplementary uses such as picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms. Typical development includes tot lots, band shells, and playgrounds.

PLAN OF SUBDIVISION – means a plan of survey prepared in accordance with the relevant provisions of the

Land Titles Act for the purpose of effecting subdivision.

PRINCIPAL BUILDING – means a building which comprises the principal use of the site.

PRINCIPAL USE – means the main purpose, in the opinion of the Development Authority, for which a parcel is used.

PROPERTY LINE – means the legally defined limit of any parcel, shown on a legal plan of survey.

PROPERTY LINE, FLANKING SIDE – means in the case of a corner parcel, the longest property line that abuts a public street.

PROPERTY LINE, FRONT – means the property line that abuts a public street or on a corner parcel, the shortest property line that adjoins a public street or as assigned by the Development Authority.

PROPERTY LINE, REAR – means the property line opposite the front property line.

PROPERTY LINE, SIDE – means the property line that connects the front and rear property line.

PROVINCIAL LAND USE POLICIES – means policies established by order of the Lieutenant Governor pursuant to Section 622 of the MGA.

PUBLIC OPEN SPACE – means land, which is not in private ownership and is open to use by the public.

REAL PROPERTY REPORT (RPR) – means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries prepared by a registered Alberta Land Surveyor.

RECREATION (CULTURE & TOURISM) – means a use where public or private cultural or tourism recreation occurs. Typical development includes tourist information centres, libraries, museums, art galleries, or other cultural facilities, but does not include Recreation (Indoor) nor Establishment (Entertainment).

RECREATION (INDOOR) – means a use where sports or recreation occurs within an enclosed building. Typical development includes recreation centres, community halls, public swimming pools, curling rinks and arenas, private clubs or lodges, health or fitness clubs, or private facilities such as bowling alleys, arcades, indoor mini golf courses, or racquet courts, but does not include Government Services.

RECREATION (OUTDOOR) – means a use where outdoor recreation occurs. Typical development includes outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, , go-cart tracks, miniature golf, and golf courses.

RECREATIONAL VEHICLE (RV) – means a vehicle or trailer that is designed for recreational or travel purposes and includes but is not limited to motor homes, travel trailers, fifth wheel travel trailers, tent trailers, toy haulers, boats, campers whether located on a truck or other vehicle or not, and a trailer used to transport any of the above, but does not include personal watercraft, snow mobiles, all-terrain vehicles, hunting buggies, and other small scale recreational vehicles.

RECYCLING FACILITY – means a development for the purchasing, receiving and temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond boundaries of the site. This use may involve supplementary production of by-products or materials and includes bottle, can, and paper recycling depots.

REDESIGNATION – means the conversion of land from one Land Use District to another.

REGISTERED OWNER – means:

a) In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

b) In the case of any other land:

   i. The purchase of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land, and any assignee f the purchaser's interest that is the subject of a caveat registered against the Certificate of Title; or

   ii. In the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

RESERVE, ENVIRONMENTAL (ER) – means the land designated as Environmental Reserve per the MGA.

RESERVE, MUNICIPAL (MR) – means the land designated as Municipal Reserve per the MGA.

RESERVE, SCHOOL (SR) – means the land designated as School Reserve per the MGA.

RELIGIOUS ASSEMBLY – means a use where public meetings, worship and related religious or social activities occur, and includes accessory rectories, manses, meeting rooms and classrooms. Typical development includes churches, chapels, temples, mosques, synagogues, and convents.

RESIDENTIAL CONVERSION – means a development in a Residential District that involves the conversion, but does not substantially change the general residential appearance, of a Dwelling (Single-Detached) for Office or Retail (Small) use.

RETAIL (CANNABIS) – means a development for the retail sale of cannabis and cannabis accessories. This use does not include Cannabis Production Facility.

RETAIL (GENERAL) – means a use where goods and services are sold in a building with a gross floor area between 1,000.0 - 4,000.0 m^2. Typical development includes a clothing store, pharmacy, or grocery store.

RETAIL (LARGE) – means a use where goods and services are sold in a building with a gross floor area larger than 4,000.0 m^2. Typical development includes 'big box' or building supplies retailers.

RETAIL (SHOPPING CENTRE) – means a use where commercial establishments are grouped on a site planned, developed, and managed as a single unit with on-site parking provided. Typical development includes a strip mall, power centre or shopping mall.

RETAIL (SMALL) – means a use where goods and/or services are sold in a building with a gross floor area less than 1,000.0 m^2. Typical development includes a liquor store or convenience store or personal services such as hairdressers/salons, massage clinics, laundromats, dry cleaners, tailors, or photography studios.

RETAINING WALL – means a wall for holding in place, a mass of earth or the like, as at the edge of a terrace or excavation.

RIGHT-OF-WAY – means an area of land not on a parcel that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines).

PUBLIC ROAD – means a right-of-way maintained by the Town and is open to the public for the purpose of vehicular traffic.

SAFETY CODES – means a code, regulations, standard, or body of rules regulating things such as building, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access in accordance with the *Safety Codes Act, RSA 2000, Chapter S-1*, as amended.

SCHOOL – means a facility of instruction that is regulated under a School Board.

SCHOOL (COMMERCIAL) – means development providing training and instruction in a specific trade, skill or service and may incorporate services and retail sales related to the instruction function as accessory uses. Typical uses may include, but are not limited to, secretarial, business, hairdressing, beauty culture, dancing or music schools.

SCREENING – means the use of landscaping, a fence, wall, berm, or hedge to visually separate areas or uses.

SECONDARY SUITE (EXTERNAL) – means a separate, detached secondary Dwelling Unit located on the same site and serviced by the same utilities as the Principal Dwelling.

SECONDARY SUITE (INTERNAL) – means a secondary Dwelling Unit located within the Principal Dwelling.

SERVICED – means that approved development uses municipal water and sewer services, including treatment, where such services have been installed and are operating in accordance with municipal requirements.

SETBACK – means the minimum distance required between a property line of a parcel and the nearest part of any building, structure, development, excavation or use on the parcel and is measured at a right angle to the parcel line.

SETBACK AREA – means the area of a parcel between the property lines and lines parallel to the property lines at a distance equivalent to the minimum depth from each respective property line as required by the District.

SHIPPING CONTAINER – also known as a C-Container, sea cargo container, sea can or cargo container, means a standardized re-sealable moveable transportation box for freight handling and storage, typically constructed of aluminum or steel.

SHOW HOME – means the use of an unoccupied dwelling as a sales office and or to demonstrate housing product.

SIDEWALK – means a pathway or right-of-way for pedestrian traffic.

SIGN – means any object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify, communicate, display, direct or attract attention to an object, matter, thing, person, institution, organization, business, product, service, event or location by any means.

SIGN – COMMON TERMS

a) **ABANDONED SIGN** – means a sign which advertises or identifies an activity, business, owner, product, lessee or service which no longer exists or a sign for which no legal owner can be found.

b) **A-BOARD SIGN** – means a self-supporting A-shaped sign or sandwich board which is set upon the ground and has no external supporting structure.

c) **ANIMATION** – means a projection style where action or motion is used to project sign content, including lighting changes, special effects or pictures, but does not include changeable content.

d) **ARCHITECTURAL SIGN** – means the names of buildings, dates of erection, monumental citations, commemorative tablets, and other similar signage that is a permanent historical dedication of the building and does not promote any particular business or use within the building.

e) **AWNING SIGN** – means a sign attached to a non-retractable structure completely enclosed overhead, which is intended to be used for business identification and protection against the weather and which is not supported independently of any other building structure.

f) **BALLOON SIGN** – means any temporary inflatable device used or employed as a sign that is anchored to the ground or to a building or structure.

g) **BANNER** – means a temporary sign that is made of lightweight material intended to be secured to the flat surface of a building or structure, at the top and the bottom on all corners, excluding official flags and emblems.

h) **BILLBOARD SIGN** – means a freestanding sign with and area greater than 6.0m^2 intended primarily for third-party advertising.

i) **BUILDING FACE** – means any exterior wall of a Building.

j) **CHANGEABLE COPY** – means sign content which can be changed either digitally or manually.

k) **CONSTRUCTION SIGN** – means a temporary sign which is placed on a site to advertise items such as the provision of labour, services, materials or financing on a construction project.

l) **COPY** – means the letters, graphics or characters that make up the message on the sign face.

m) **DIGITAL COPY** – means any sign or portion of a sign that has electronically controlled changeable copy.

n) **DIRECTIONAL AND INFORMATION SIGN** – means a sign the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.

o) **FASCIA SIGN** – means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

p) **FREESTANDING SIGN** – means a sign supported independently of a building, wall, or other structure by way of columns, uprights, braces, masts, or poles mounted in or upon grade.

q) **LUMINOSITY** – means the measurement of brightness.

r) **PORTABLE SIGN** – means a temporary sign that is not permanently affixed to a building, structure, or the ground. This sign type includes a portable reader board with or without changeable copy.

s) **PROJECTING SIGN** – means a sign which projects, more than 0.3 m horizontally from a structure or building face. This sign type does not include awning or fascia signs.

t) **ROOF SIGN** – means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

u) **ROTATING SIGN** – means a sign or portion of a sign which moves in a revolving manner.

v) **SIGN AREA** – means:

   i. the area derived using the overall width and the overall height of the sign face excluding any structural support not used as part of the display to convey information.

   ii. in the case of a double-faced sign, only one side of the sign would be used to calculate the sign area.

   iii. in the case of signs painted, marked, or inscribed on a fence, window, or exterior wall of a building, the area derived using the overall width and the overall height of the displayed information.

w) **SIGN HEIGHT** – means the vertical distance measured from the highest point of the sign or sign structure to the finished grade.

x) **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.

y) **TEMPORARY SIGN** – means any sign intended to be displayed for a short period of time, including balloon signs, developer marketing signs, land use classification signs, construction signs, political signs, banners, or any other sign that is not permanently attached to a building, structure or the ground.

z) **THIRD-PARTY ADVERTISING** – means advertising on a sign for a service, product or activity conducted, sold, or offered at a location other than the premises on which the sign is located.

aa) **WINDOW SIGN** – means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.

SITE – means the land contained in a single Certificate of Title and consisting of one or more parcels or a parcel where none of the parcels or other portion of land may be issued a separate Certificate of Title unless a subdivision enabling that separation has been approved by a Subdivision Authority.

SITE PLAN – means a plan drawn to scale illustrating the proposed and existing development prepared in accordance with the requirements of this bylaw.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS) – means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, which has a limited generation capacity to be used primarily for the applicant's own use.

SOLAR COLLECTOR (FREESTANDING) – means a non-reflective accessory structure not attached to a building, used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.

SOLAR COLLECTOR (ROOF/WALL) – means a non-reflective accessory structure attached to a building, used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.

SPECIAL EVENT – means a periodic cultural, recreational, celebratory, or educational event including an exhibition, show, display, concert, festival, race, competition, public entertainment, parade, carnival or circus held for profit or otherwise, and includes any other organized public amusement, whether free or for a fee.

STATUTORY PLAN – means a Municipal Development Plan, an Area Structure Plan, an Area Redevelopment Plan or an Intermunicipal Development Plan as defined in the MGA.

STOCKPILE – means an accumulation materials or raw materials, including snow dumps, stored outdoors in a pile.

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

STOREY – means the space within a building which is between the surface of any floor and the floor surface or the ceiling immediately above it, excluding a basement.

STREET – means:

a) Any public road, including the boulevards, sidewalks and improvements, but excluding a lane, bridge or walkway, or

b) A private condominium roadway.

STRUCTURE – means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, and poster panels.

SUBDIVISION – means the division of a parcel into one or more smaller parcels by a plan of subdivision or other instrument, overseen by the Subdivision Authority.

SUBDIVISION AND DEVELOPMENT REGULATION – means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the MGA.

SUBDIVISION AUTHORITY – means the Town of Nanton Subdivision Authority established by the *Subdivision and Development Authority Bylaw*.

SUBSIDENCE – means a localized downward settling or sinking of a land surface.

SURVEILLANCE SUITE – means a dwelling unit or sleeping unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to the principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and security.

TEMPORARY DEVELOPMENT – means a development for which a Development Permit has been issued for a limited time period.

TENTATIVE PLAN OF SUBDIVISION – means the plan designed by an Alberta Land Surveyor for the purpose of subdividing land. The Tentative Plan of Subdivision depicts road rights-of-way, reserve lots, public utility lots, and private lots that will be created should the plan receive approval by the municipality and be endorsed with Land Titles. Minor components of a Tentative Plan of Subdivision can be modified or adjusted prior to registration based on record drawings and documentation.

TOWN – means the Corporation of the Town of Nanton or the land lying within the corporate limits of the Town.

TRANSPORTATION SERVICE – means development involving the use of one or more vehicles to transport people, mail, currency, documents, packages, and articles for compensation. Typical uses include a mobile catering service, the rental or lease of vans and trucks, taxi service, limousine or bus service and may include limited storage and repair of the vehicles used.

TRUCK STOP – means a building, premise or land in which or upon which a business, service or industry involved in the maintenance, servicing, storage or report of commercial vehicles is conducted or rendered including the dispensing of fuel products, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include Retail (Small), Establishment (Eating and Drinking), or overnight accommodation facilities solely for the use of truck crews.

UNITS PER HECTARE (UPH) – means the residential density of a Site, calculated as a ratio of the number of Dwellings divided by the Site Area in hectares.

URBAN AGRICULTURE – means cultivating, processing, and distributing food products that may involve limited animal husbandry, agroforestry, beekeeping, or horticulture pursuant to provincial regulations where applicable.

USE – means the purposes for which land or a building is arranged or intended, or for which either land, a building or a structure is, or may be, occupied and maintained.

USE, APPROVED – means a use of land or building or both for which a Development Permit has been issued by the Development Authority or the Subdivision and Development Appeal Board.

USE, DISCRETIONARY – means the use of land or building(s) provided for in the Land Use Bylaw for which a Development Permit may be issued, with or without conditions, at the discretion of the Development Authority.

USE, INTENSITY OF – means the degree or scale of operation of use or activity in relation to the amount of land and buildings associated with the use, vehicular traffic generation resulting thereof, amount of parking facilities required for the particular land use activity, etc.

USE, PERMITTED – means the use of land or buildings in a Land Use District for which a Development Permit must be issued by the Development Authority, with or without conditions, if the proposed development conforms to this Bylaw.

USE, PROHIBITED – means a development that is not listed as Permitted or Discretionary, or is not considered similar within a Land Use District, or is expressly identified as prohibited.

USE, SIMILAR – means a use of land or building(s) for a purpose that is not provided in any district designated in this bylaw, but is deemed by the Development Authority to be similar in character and purpose to another use of land or buildings that is included within the list of uses prescribed for that district.

UTILITIES – means a system or works used to provide services such as potable water, sewage disposal, waste management, storm systems, distribution of gas, or distribution of electric power, as well as the buildings that house the utility and any offices or equipment.

VARIANCE – means a relaxation of a measurable standard of this bylaw.

WATER BODY – means the bed and shore of a lake, lagoon, swamp, marsh, or any other natural body of water, or a reservoir or other man-made surface feature, whether it contains water continuously or intermittently.

WATERCOURSE – means the bed and shore of a river, stream, creek or other natural body of water, or a canal ditch or other man-made surface feature whether it contains water continuously or intermittently.

YARD – means that portion of a parcel not occupied or obstructed by the principal and accessory building(s).

YARD, FRONT – means the area extending across the width of the parcel and situated between the front parcel line and the nearest portion of the building(s).

YARD, REAR – means the area extending across the width of a parcel and situated between the rear parcel line and the nearest portion of the building(s).

YARD, SIDE – means the area extending from the front yard to the rear yard and situated between the side parcel lines and the nearest portion of the building(s).

All other words have the meanings assigned to them by the MGA, as amended, or common dictionary definitions.

SCHEDULE
Land Use Map

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