TOWN OF PICTURE BUTTE







LAND USE BYLAW NO. 841-15

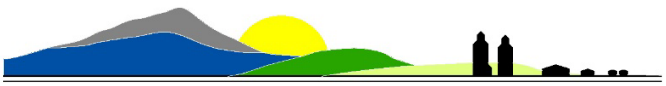




November 2015

Consolidated to Bylaw No. 975-26, May 2026

Prepared by



OLDMAN RIVER REGIONAL SERVICES COMMISSION

TOWN OF PICTURE BUTTE

BYLAW NO. 841-15

BEING a bylaw of the Town of Picture Butte, in the Province of Alberta, to adopt a updated and new Land Use Bylaw;

WHEREAS Section 639 of the Municipal Government Act requires the passage of a Land Use Bylaw;

AND WHEREAS the Council of the Town of Picture Butte wishes to adopt a new Land Use Bylaw for the purposes of:

- updating and establishing standards and processes regarding the use and development of land within the municipality as the present bylaw was originally adopted in 1998;
- incorporating new land use district uses and standards for certain types of uses within the Town, including but not limited to: Secondary Suites, Home Occupations, Manufactured Homes, Ready-to-Move Homes, Multi-unit Housing, Accessory Buildings and Structures, Shipping Containers, Day Care and Day Homes, Signage, Solar and Small Wind Energy Systems;
- expanding and clarifying when a development permit is required and what uses may be exempt;
- expanding the Administrative section of the bylaw, to provide more detail and clear regulations pertaining to processing, public notification, making decisions, and applying conditions to development permit applications;
- amending the existing Land Use District Map to reflect land use designations (zonings);
- complying with the provisions of the South Saskatchewan Regional Plan and Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

AND WHEREAS the land use bylaw is intended to foster orderly growth and development in the Town of Picture Butte;

AND WHEREAS the bylaw is adopted in accordance with section 692 of the Municipal Government Act and the public hearing requirements.

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

1. Bylaw No. 747 being the former Land Use Bylaw, and any amendments thereto, is hereby rescinded.
2. Bylaw No. 841-15 shall come into effect upon third and final reading thereof.
3. Bylaw No. 841-15 is hereby adopted.

READ a **first** time this 13 day of October, 2015.

Wendy Jones
Mayor – Wendy Jones

Chief Administrative Officer – Larry Davidson

READ a **second** time this 9th day of November, 2015.

Wendy Jones
Mayor – Wendy Jones

Chief Administrative Officer – Larry Davidson

READ a **third** time and finally passed this 9th day of November, 2015.

Wendy Jones
Mayor – Wendy Jones

Chief Administrative Officer – Larry Davidson

Town of Picture Butte Land Use Bylaw No. 841-15 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
844-16	"Residential Multi-Unit – R5" to "Direct Control – DC"; Add specific standards for the Direct Control district	Block L, Plan 8774HS	14-Mar-2016
853-16	"Highway Commercial – C-2" to "Residential – R-1"	Lot 5, Block 8, Plan 7810085	26-Sep-2016
868-18	Various text amendments to regulate and clarify the regulations pertaining to extensive agriculture, the keeping of livestock and manure spreading within town limits		28-May 2018
871-18	Various text amendments pertaining to the receiving, processing and notification of development and subdivision applications; Various text amendments regarding Cannabis Production Facilities and Retail Cannabis Stores		23-Jul-2018
882-19	"Residential Multi-Unit – R5" to "Residential – R1"	Lot 11, Block 2, Plan 169JK	13-May-2019
901-20	Various text amendments to allow for, and regulate, fascia signs with electronic display in commercial and industrial land use districts, expand the kinds of signs permitted under category Type 1 to include fascia, projecting, portable and temporary signs.		23-Nov-2020
909-21	"Residential - R1" to "Residential Multi-Unit - R5"	Lot 5, Block 8, Plan 7810085	8-Feb-2021
910-21	Delete Accessory building and structures as a discretionary use and include only as a permitted use in all land use districts without the size specifications.		8-March-2021
911-21	Remove manure application and grazing of livestock within the Urban Reserve Land Use District.		26-April-2021
918-21	"Rural Urban Fringe – RUF" to "Industrial -1"	Lot 1, Block 1, Plan 1411186	14-June-2021
931-22	Amend "Temporary shipping container" from all applicable land use districts from Discretionary Use Type B to Permitted Use. Amend Part 3 Development Not Requiring a Development Permit to add "Temporary shipping Container" with specific parameters. Amend Part 4 Standards of Development to add specific standards applicable to "Temporary shipping container".		23-Jan-2023
932-23	"Residential – R1" to "Residential Multi-unit R5"	Lot 21, Block 5, Plan 1141FM	27-Feb-2023
936-23	"Rural Urban Fringe – RUF" to "Industrial – I"	Portion of NW 2-11-21-W4M	12-June-2023
943-24	"Urban Reserve – UR" to "Residential Multi-unit – R5"	Lot 2, Block 3, Plan 2311035	26-Feb-2024
947-24	"Residential – R1" to "Residential Multi-unit R5"	Lot 8, Block 2, Plan 169JK	13-May-2024
952-24	Amend Part 2 Manufactured Home - R2 Land Use District to allow manufactured homes with approved manufactured home parks on a single title to be Permitted use. Amend Section 2 Eligible Homes Amend definition of Manufactured home park.		28-Oct-2024

Bylaw No.	Amendment Description	Legal Description	Passed
955-25	Amend Part 2 Large Lot Residential - R3 to move "Home Occupations A" from Discretionary Uses Type A to Permitted Uses, and add "Home Occupations B" to Discretionary Uses Type A		14-Apr-2025
956-25	No Zoning to “Direct Control – DC” Addition of Direct Control Standards for Bylaw No. 956-25	Portion of Lot 1, Block 26, Plan 2412188 and Area B, Plan 2412187	14-Apr-2025
962-25	“Residential – R1” to “Residential Multi-unit – R5”	Plan 8310807, Lot 1, excepting thereout that portion of said lot which lies east of the production northerly of the west boundary of Lot 2 as shown on said plan	28-Jun-2025
966-25	“Retail Commercial – C1” to “Direct Control – DC” Addition of specific land use district standards.	Lots 1-3, Block 2, Plan 6764DI	3-Nov-2025
971-26	“No Zoning” to “Industrial – I”	Lot 7, Block 7, Plan 2610311, Formerly Plan No. 2610310 Showing survey for Road Closure	13-Apr-2026
975-26	Allow Secondary Suites located within detached garages in the Residential – R1 land use district to be permitted on lots without lane access.		11-May-2026

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PART 1

ADMINISTRATION

TOWN OF PICTURE BUTTE
LAND USE BYLAW NO. 841-15

BYLAW NO. 841-15 OF THE TOWN OF PICTURE BUTTE IS FOR THE PURPOSE OF ADOPTING THE LAND USE BYLAW IN ACCORDANCE WITH THE *MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA 2000, CHAPTER M-26, AS AMENDED (MGA*).

WHEREAS the Council of the Town of Picture Butte intends to foster orderly growth and development within the town; and

WHEREAS the *Municipal Government Act* allows municipalities to implement land use controls through a Land Use Bylaw;

NOW THEREFORE the Council of the Town of Picture Butte hereby enacts the following:

PART 1

ADMINISTRATION

1. TITLE

This Bylaw may be cited as the Town of Picture Butte Land Use Bylaw No. 841-15.

2. DATE OF COMMENCEMENT

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

3. REPEAL OF FORMER LAND USE BYLAW

Bylaw No. 747 as amended, being the current Land Use Bylaw of the Town of Picture Butte, is repealed upon third and final reading of this Bylaw.

4. AMENDMENTS TO THE BYLAW

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

(2) The public may make application to Council to amend this Bylaw in accordance with the procedures outlined in Section 50 of this Bylaw.

5. SEVERABILITY

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

6. COMPLIANCE WITH THE LAND USE BYLAW

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

(2) Notwithstanding Section 6(1), while a development permit may not be required pursuant to Part 3, development shall comply with all regulations of this Bylaw.

7. COMPLIANCE WITH OTHER LEGISLATION

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

8. RULES OF INTERPRETATION

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

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

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

9. DEFINITIONS

See Part 6 – Definitions.

10. APPLICATION FEES

(1) Application fees are prescribed by Council under a separate bylaw. Refer to Appendix A.

(2) Refund or adjustment of prescribed fees requires the approval of Council.

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

11. APPENDICES

Appendices A through D attached hereto are for information purposes only and do not form part of this Bylaw.

12. METRIC MEASUREMENTS AND STANDARDS

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

APPROVING AUTHORITIES

13. DEVELOPMENT AUTHORITY

(1) The Development Authority is established by separate bylaw pursuant to section 624 the *MGA* and for the purposes of the Town of Picture Butte Land Use Bylaw, is the Development Officer and the Municipal Planning Commission.

(2) Council shall decide upon development applications within any Direct Control district, unless specifically delegated by bylaw to the Municipal Planning Commission or the Development Officer, or another designate(s).

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

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

- (a) Municipal Planning Commission,
- (b) Chief Administrative Officer,
- (c) Chief Administrative Officer designate, or
- (d) a designate(s) in accordance with the *MGA*.

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

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

- (a) in the Town of Picture Butte Development Authority or Municipal Planning Commission Bylaw,
- (b) in this Bylaw,
- (c) in the *Municipal Government Act*,
- (d) where applicable, by resolution of Council.

(7) Unless otherwise required by the context, words used to refer to the Development Authority in this Bylaw are to include both the Development Officer and the Municipal Planning Commission.

14. DEVELOPMENT OFFICER – POWERS AND DUTIES

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

(2) The Development Officer is responsible for:

(a) receiving, processing, deciding upon and referring applications for a development permit in accordance with this Bylaw and determining whether a development permit application is complete in accordance with Section 25 of Part 1;

(b) may decide upon or refer applications to the Municipal Planning Commission in accordance with Sections 28-32 of this Bylaw;

(c) maintaining a register of all applications together with their disposition and other relevant details;

(d) shall consider and decide on applications for a development permit for permitted uses that comply with this Land Use Bylaw;

(e) except as provided in Sections (2)(f), (g) and (h), may consider and decide on applications for a development permit for:

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

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

(iii) discretionary uses identified under "Discretionary Uses, Type B – Development Officer" that request one limited variance of a measurable standard not to exceed 10 percent;

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

(v) temporary uses in accordance with Part 1, Section 32;

(vi) landscaping;

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

(viii) demolition;

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

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

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

(i) shall notify adjacent landowners and any persons who are likely to be affected by a proposed development in accordance with Part 1, Section 35 of this Bylaw;

(j) shall receive, review, and refer any applications to amend this Bylaw to Council;

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

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

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

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

15. MUNICIPAL PLANNING COMMISSION – POWERS AND DUTIES

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

(2) For the purpose of section 624 of the *MGA*, the Municipal Planning Commission shall be the Subdivision and Development Authority.

(3) The Municipal Planning Commission may perform only such powers and duties as are specified:

(a) the *MGA*,

(b) in the Town of Picture Butte Development Authority and Municipal Planning Commission Bylaws,

(c) in this Bylaw, or

(d) by resolution of Council.

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

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

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

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

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

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

(5) The Municipal Planning Commission discretion to granting a variance or relaxation of a bylaw standard is limited to 25 percent of the requirement unless the Municipal Planning Commission determines a case of undue hardship is present and the authority and consideration for both the *MGA* and Section 30(4) of the bylaw has been applied.

16. SUBDIVISION AUTHORITY

(1) In accordance with this Bylaw and the Subdivision and Development Authority Bylaw, the Municipal Planning Commission shall be the Subdivision Authority for considering and deciding upon subdivision applications.

(2) Council for the Town of Picture Butte may act as the Subdivision and Development Authority if the Municipal Planning Commission refers subdivision applications to it for a decision.

(3) The Subdivision Authority may delegate, through the municipality's Subdivision Authority Bylaw, this Bylaw, or by resolution of Council, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:

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

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

17. SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)

The Subdivision and Development Appeal Board (SDAB) is established by separate bylaw pursuant section 627 of the *MGA*, and may exercise such powers and duties as are specified in this Bylaw, the *MGA* and the Subdivision and Development Appeal Board.

LAND USE DISTRICTS AND DEVELOPMENT IN GENERAL

18. LAND USE DISTRICTS

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

(2) The one or more uses of land or buildings that are:

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

(b) discretionary uses in each district, with or without conditions, or both;

are described in Part 2.

(3) A land use not listed as a permitted or discretionary use is prohibited.

(4) A land use not listed as a permitted or discretionary use but which is reasonably similar in character and purpose to a permitted or discretionary use in that district may be deemed a similar use by the Development Authority.

19. DEVELOPMENT IN MUNICIPALITY GENERALLY

(1) A person who develops land or a building in the municipality shall comply with the standards of development specified in Part 4 in addition to complying with the use or uses prescribed in Part 2 and any conditions attached to a development permit if one is required.

(2) A person who develops land or a building in the municipality is also responsible for ascertaining, obtaining, and complying with the requirements of any federal, provincial or other municipal legislation.

20. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Development that does not require a development permit is specified in Part 3.

21. NON-CONFORMING USES AND BUILDINGS

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

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

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

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

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

(a) to make it a conforming building; or

(b) as the Development Officer considers necessary for the routine maintenance of the building, in accordance with the variance powers provided for in section 643(5)(c) of the *MGA*. Routine maintenance of the building may include the replacement of windows and doors, and adding attached uncovered steps or decks less than 9.3 m² (100. sq. ft.) in area.

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

(7) Questions regarding the interpretation and application of Sections 3-6 of this Part shall, if necessary, be referred to the MPC for interpretation and a decision.

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

(9) Where a proposed lot contains different dimensions than those prescribed within the land use district in effect, or will result in an existing or future building not conforming with the height or setback requirements prescribed within the district in effect, it may be approved where, in the opinion of the Development Officer or Municipal Planning Commission, the noncompliance with the district regulations is:

(a) minor in nature;

(b) consistent with the general character of the area;

(c) does not interfere with the use, enjoyment or value of the neighbouring properties; and

(d) the permit issued indicates a waiver has been granted.

22. NUMBER OF DWELLINGS ON A LOT

(1) Subject to Sections 22(2) and 22(3), no person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel.

(2) The Municipal Planning Commission may issue a development permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if the second or additional dwelling unit:

(a) if a use allowing more than one dwelling unit is listed in the applicable district, such as secondary suite;

(b) is contained in a building that, or in buildings each of which, is designed for or divided into two or more dwelling units;

(c) is a manufacture home forming part of a park for manufactured home units; or

(d) is a building, as defined in the *Condominium Property Act*, that is the subject of a condominium plan to be registered in a land titles office under that *Act*.

(3) The Municipal Planning Commission may, in a development permit, exempt any person or land from the operation of Section 22(1) if:

(a) the dwelling is temporary in nature,

(b) the permit has an expiry time,

(c) the dwelling will be removed at the expiry of the permit.

23. SUITABILITY OF SITES

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

(a) does not have safe legal and physical access to a maintained road in accordance with municipal requirements or those of Alberta Transportation if within 300 metres of a provincial highway;

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

(c) is situated on an unstable slope;

(d) consists of unconsolidated material unsuitable for building;

(e) does not comply with the requirements of the Provincial Land Use Policies, *Alberta Land Stewardship Act,* Regional Plan, Subdivision and Development Regulation or any applicable Statutory Plans;

(f) is situated over an active or abandoned coal mine or oil and gas well or pipeline;

(g) is located within a floodplain;

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

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

(j) does not meet the lot size and/or setback requirements or any other applicable standards or requirements of this Land Use Bylaw;

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

(2) Nothing in this section shall prevent the Development Officer, Subdivision Authority, or Municipal Planning Commission, as applicable, from approving a lot for subdivision or issuing a development permit if the relevant authority is 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.

24. DEVELOPMENT AGREEMENTS

(1) The Development Authority or Subdivision Authority may require as a condition of approving a subdivision or issuing a development permit that the applicant enter into a development agreement with the municipality in accordance with the *MGA*.

(2) Where a development is proposed in any land use district which would require servicing beyond that which the municipality would normally supply, the Development Officer or Municipal Planning Commission shall recommend to Council that a development agreement, establishing the responsibilities of each of the involved parties, be entered into by the developer(s) and the municipality as a condition of approval.

(3) The Development Authority may require the applicant to submit a type of legal financial security (e.g. money, security bond, an irrevocable letter of credit, etc.) in a form and amount acceptable to the municipality guaranteeing the terms of the development agreement will be carried out by the developer.

DEVELOPMENT PERMIT RULES AND PROCEDURES

25. DEVELOPMENT PERMIT APPLICATIONS

(1) Except as provided in Part 3, no person shall commence a development unless he has been issued a development permit in respect of the proposed development.

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

(a) a completed application in Appendix B;

(b) the fee prescribed in Appendix A; and

(c) such other information as may be required by the Development Officer or Municipal Planning Commission including:

(i) a site plan indicating:

- legal description and the location of existing and proposed development, including location and dimension of eaves, in relation to the lot boundaries;
- dimensions clearly illustrated;
- all property lines and easements;

(ii) floor plans, elevations and sections at a minimum scale of 1:200 or such other scale as required by the Development Officer or Municipal Planning Commission; and

(iii) studies of projected traffic volumes, utilities, landscaping, urban design, parking, environmental impact assessment, slope, soil or any other information as required by the Development Officer or Municipal Planning Commission.

(3) An application for a development permit must be made by the owner of the land on which the development is proposed or, with the consent of the owner, by any other person.

(4) The Development Officer may request a current title documenting ownership.

(5) The Designated Officer may request a Surveyor's Sketch to verify locations of buildings or improvements.

26. 40-DAY TIME EXTENSIONS

For an application involving a waiver to exceed 10 percent, a discretionary use, or where an application is to be referred to the Municipal Planning Commission for a decision, the municipality may ask that the applicant, if they are in agreement, to enter into a 40-day decision Time Extension agreement as part of the application, where it is apparent that the Municipal Planning Commission may not be able to meet within the *MGA* prescribed 40-day period for a decision.

27. INCOMPLETE APPLICATIONS

(1) The Development Officer or the Municipal Planning Commission may refuse to accept a development permit application where the information required by Part 1, Section 25 (Development Permit Application) is incomplete or where, in its opinion, the quality of the material supplied is inadequate to properly evaluate the application.

(2) A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 25 for a development permit, determine whether the application is complete.

(3) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.

(4) The time period referred to in Section 27(2) may be extended by an agreement in writing between the applicant and the Development Officer.

(5) If the Development Officer does not make a determination referred to in Section 27(2) above within the time required under Section 27(2) or 27(4), the application is deemed to be complete.

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

(7) If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 25. A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.

(8) If the Development Officer determines that the information and documents submitted under Section 27(7) above are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.

(9) If the required documents and information under Section 27(7) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under Section 27(7), the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.

(10) Despite issuance of a Notice of Completeness under Section 27(6) or 27(8), the Development Authority or Municipal Planning Commission 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.

28. PROCESSING PERMITTED USE APPLICATIONS

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

(a) issue a development permit with or without conditions, including the provision of a development agreement pursuant to the *MGA*; or

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

(2) Upon the receipt of a completed application for a development permit for a permitted use which would require a waiver, the Development Officer shall evaluate the application, and:

(a) if a minor waiver is required, may waive the applicable standard and issue a development permit with or without conditions, provided the waiver does not exceed 10 percent of any measurable standard specified in the bylaw; or

(b) if the waiver required exceeds the 10 percent of any measurable standard in the bylaw, the designated officer shall refer the application to the Municipal Planning Commission for a decision.

(3) The Development Officer or Municipal Planning Commission may place any of the following conditions on a development permit for a permitted use:

(a) requirement to enter into a development agreement, including requirements for oversize improvements;

(b) pay any applicable off-site levy or redevelopment levy;

(c) provide a geotechnical investigation to ensure that the site is suitable in terms of topography, soil characteristics, slope stability, soil analysis, flooding subsistence, erosion and sanitary sewage servicing;

(d) require the alteration of 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;

(e) any measures to ensure compliance with the requirements of this Land Use Bylaw, its standards of development, or any other statutory plan adopted by the Town of Picture Butte;

(f) provide easements and encroachment agreements;

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

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

(i) to provide security to ensure the terms of the permit approval under this section are carried out (e.g. bond, letter of credit) which will be returned upon completion of the work to the satisfaction of the Town;

(j) stipulate time periods specifying completion of development;

(k) any measures to ensure compliance with applicable provincial legislation.

29. PROCESSING DISCRETIONARY USE APPLICATIONS

(1) Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall:

(a) for a Type A use – send the application to the Municipal Planning Commission for a decision;

(b) for a Type B use – either make a decision on the application, or refer the application to the Municipal Planning Commission for a decision.

(2) Upon receipt of an application under Section 29(1), the Development Officer acting on behalf of the Municipal Planning Commission shall notify or cause to be notified the owners of the land likely to be affected by the issue of a development permit in accordance with Section 33, a minimum of five days before the meeting to consider the application is held.

(3) After consideration of any response to the notifications of persons likely to be affected, including Lethbridge County, government departments and referral agencies as applicable, and determining compatibility and suitability of the proposed use, and any other relevant matters, the Development Authority may:

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

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

(4) The Municipal Planning Commission, or Development Officer for Type B uses, may place any of the conditions stipulated in Section 28(3) on a development permit for a discretionary use in any land use district, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of a development with other existing and approved uses in the area.

30. PROCESSING APPLICATIONS REQUIRING WAIVERS

(1) Upon receipt of a completed application for a development permit for a development that does not comply with this Bylaw, but in respect of which the Development Officer is requested by the applicant to exercise discretion under Section 29(1)(a), the Development Officer shall send the application to the Municipal Planning Commission.

(2) Upon receipt of an application under Section 29(1), and if the Municipal Planning Commission is prepared to exercise its discretion under Section 30(4), the Development Officer acting on behalf of the Municipal Planning Commission shall notify or cause to be notified the owners of land likely to be affected by the issue of a development permit in accordance with Section 33.

(3) Where the Municipal Planning Commission is requested to exercise its discretion under Section 30(4), its discretion to granting a variance or relaxation of a bylaw standard is limited to 25 percent of the requirement unless the Municipal Planning Commission determines a case of undue hardship is present and the authority and consideration for both the *MGA* and Section 30(4) of the bylaw has been applied.

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

(a) the proposed development would not:

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

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

and

(b) the proposed development conforms with the use prescribed for that land or building in Part 2.

31. SIMILAR USE APPLICATIONS

(1) The Municipal Planning Commission may approve a proposed development not allowed in a land use district if, in the opinion of the Municipal Planning Commission, the proposed development is similar in character and purpose to a permitted or discretionary use that is allowed in that district.

(2) Upon referral of the application by the Development Officer, the Municipal Planning Commission shall rule whether or not the proposed use is either similar to a permitted or discretionary use in the land use district in which it is proposed, and:

(a) if the use is deemed similar to a permitted or discretionary use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use and a development permit may be issued with or without conditions after consideration of any responses to the notifications of persons likely to be affected by the development;

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

32. TEMPORARY USE APPLICATIONS

(1) The Development Officer or Municipal Planning Commission for a permitted, discretionary, or similar use, may issue a temporary development permit for a period not to exceed one year for uses that are:

(a) determined to be temporary in nature; or

(b) for uses that may have impacts to adjacent land uses whereby a permit for a temporary period of time may have merit to ensure the development does not negatively impact the surrounding land uses.

(c) If another part or section of the bylaw stipulates a specific maximum time period for a use different than the one year, then that period shall apply.

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

(a) it shall be a condition of every temporary development permit that the Town of Picture Butte shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period and the applicant or developer is responsible for any costs involved in the removal of any development at the expiration of the permitted period;

(b) the Development Authority may require the applicant to submit a security bond or irrevocable letter of credit guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

(3) Permits issued under Section 32(1)(b) above may apply for a non-temporary (permanent) development permit at the expiration of the temporary permit.

(4) Notification of persons likely to be affected, including Lethbridge County, government departments and referral agencies shall be in accordance with Section 33.

33. NOTIFICATION FOR DEVELOPMENT APPLICATIONS

(1) Upon receipt of an application under Sections 28 (if a waiver is required), 29 and 30, the Development Officer shall notify the persons likely to be affected by the issuing of a development permit by:

(a) sending notice of the application to adjacent land owners; or

(b) placing an advertisement in the local newspaper circulating within the municipality, or and at their discretion;

(c) placing a notice on the property in a prominent place; or

any combination of the above, at least five days prior to the meeting date of the Municipal Planning Commission.

(2) In all cases, notification shall:

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

(b) state the place and time where the Municipal Planning Commission will meet to consider the application, and state that written or oral submissions on the application will be received at this time.

(3) After considering any response to the notifications to persons likely to be affected by the development, the Municipal Planning Commission may issue a development permit with or without conditions, or may refuse to issue a permit.

34. CONDITIONS

In addition to the conditions that the Development Officer or Municipal Planning Commission may impose on a development permit under Part 4, the Development Officer and the Municipal Planning Commission may impose such conditions for permitted or discretionary uses, respectively, as is considered necessary to ensure that this Bylaw and the municipal development plan are complied with.

35. DEVELOPMENT PERMIT NOTIFICATION

(1) A decision of the Development Authority on an application for a development permit must be issued in writing in accordance with Section 35(3) below.

(2) Upon the approval of the application and the issue of a development permit, the Development Authority shall immediately notify or cause to be notified, any persons likely to be affected or who have the right to appeal the decision of the Development Authority in accordance with the procedure in Section 46. The following notification processes shall be used:

Permitted Use Permits

(3) Upon issuance of a development permit for a permitted use that complies with this Bylaw, the Development Authority shall:

(a) send to the applicant a letter by regular postal mail, or send by electronic means, or both, or by any other method as may be agreed to between the applicant and Development Authority, a written notice of decision; and

(b) notify the public by either:

(i) posting a copy of the decision in a prominent place in the Town Office for at least 14 days, or

(ii) publishing a notice of the decision in a newspaper circulated within the municipality, or

(iii) any combination of the above.

All Other Permits

(4) Upon the issue or refusal of a development permit for a use under Section 28, 29 (discretionary use), 30 (if a waiver is required), 31 (similar use) and 32 (temporary uses), the Development Officer shall immediately:

(a) send a letter by regular postal mail, or send by electronic means, or both, or by any other method as may be agreed to between the applicant and Development Authority, a written notice of decision to the applicant; and

(b) notify all persons likely to be affected by the development by either:

(i) mailing a copy of the decision to those persons, departments and agencies, or

(ii) place an advertisement in the local newspaper circulating within the municipality, and/or at his discretion,

(iii) place a notice on the property in a prominent place; or

(iv) any combination of the above.

Issuance of Decision and Timeframes

(5) Upon issuance of a decision, the Development Officer will give or send a copy of the written decision, which includes the date on which the decision was made, to the applicant on the same day the decision is made.

For the purposes of Section 35(5), the "date on which the decision was made" means:

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

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

whichever occurs later.

36. COMMENCEMENT OF DEVELOPMENT

(1) Notwithstanding the issue of a development permit, no development authorized by the issue of a permit shall commence:

(a) until at least 21 days after the date on which the decision was made to issue the permit;

(b) if an appeal is made, until the appeal is decided upon.

This does not apply to a development permit for a permitted use issued without conditions.

(2) Unless a development is suspended or cancelled, a development permit remains in effect for 12 months from the date of its issue.

(3) The validity of a development permit may be extended for up to 18 months from the date of its issue:

(a) by the Municipal Planning Commission for discretionary uses, or

(b) by the Development Officer for permitted uses.

37. PERMIT COMMENCEMENT

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

(2) If a development has not commenced within the time period specified in Section 37(1), the validity of a development permit may be extended for up to six additional months by the Development Authority.

(3) 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.

(4) When any use has been discontinued for a period of 18 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued. This section does not apply to non-conforming uses which are regulated under section 643 of the *MGA*. See also Section 21 - Non-conforming Buildings and Uses of this Bylaw.

(5) The Development Officer or the Municipal Planning Commission may place conditions on a development permit approval that stipulate a timeframe for the completion of a development.

38. DEEMED REFUSAL

In accordance with section 684 of the *MGA*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer or Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the completed application by the Development Officer and a Time Extension Agreement has not been entered into.

39. PERMIT TRANSFERABILITY

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

(2) When any use has been discontinued for a period of 18 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

40. REAPPLICATION

(1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or, on appeal, by the Subdivision and Development Appeal Board, another application for a development:

(a) on the same lot, and

(b) for the same or similar use,

may not be accepted for at least six months after the date of refusal.

(2) If an application was refused solely because it did not comply with this Bylaw, or was refused as an incomplete application under Section 27, another application on the same lot for the same or similar use may be accepted before the time period referred to in Section 40(1) provided the application has been modified to comply with this Bylaw. All applicable fees shall apply.

41. SUSPENSION OF A DEVELOPMENT PERMIT

(1) If, after a development permit has been issued, the Development Officer or Municipal Planning Commission becomes aware that:

(a) the application for the development permit contained a serious misrepresentation; or

(b) facts concerning the application on the development, that were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or

(c) a development permit was issued in error;

the Development Officer or Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it.

(2) If a development permit is suspended, the applicant may appeal to the Subdivision and Development Appeal Board which may:

(a) reinstate the development permit; or

(b) cancel the development permit, if the Development Officer or Municipal Planning Commission, as the case may be, would not have issued the development permit if the facts subsequently disclosed had been known during consideration of the application.

ENFORCEMENT PROCESS

42. NOTICE OF VIOLATION

Where the Development Officer or Municipal Planning Commission finds that a development or use of land or buildings is not in accordance with the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this Bylaw, the Development Officer may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention. Such notice shall state the following:

(a) nature of the violation,

(b) corrective measures required to comply, and

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

43. STOP ORDERS

(1) The Development Officer or Municipal Planning Commission is authorized to issue an Order under section 645 of the *MGA* if a development, land use of a building is not in accordance with the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or in this Bylaw.

(2) A person who receives notice pursuant to Section 43(1) may appeal the order to the Subdivision and Development Appeal Board in accordance with the *MGA*.

44. ENFORCEMENT OF STOP ORDERS

(1) Pursuant to section 646 of the *MGA*, if a person fails or refuses to comply with an order directed to the person under section 645 or an order of a subdivision and development appeal board under section 687, the Development Officer may, in accordance with section 542, enter on the land or building and take any action necessary to carry out the order.

(2) The Town may register a caveat under the *Land Titles Act* in respect of an order referred to in Section 44(1) against the certificate of title for the land that is subject of an order.

(3) If a caveat is registered under Section 44(2) the Town may discharge the caveat when the order has been complied with.

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

45. PENALTIES AND RIGHT OF ENTRY

(1) Any person who contravenes any provision of this Bylaw is guilty of an offence in accordance with Part 13, Division 5, Offences and Penalties of the *Municipal Government Act* and is liable to a fine of not more than $10,000 or to imprisonment for not more than one year or to both fine and imprisonment.

(2) In accordance with section 542 of the *MGA*, a designated officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land upon which this Bylaw or *MGA* authorizes anything to be inspected, remedied or enforced or done by a municipality:

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

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

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

(3) If a person refuses to grant consent or refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 542 of the *MGA*, the municipality under the authority of section of the *MGA* may obtain a court order.

46. DEVELOPMENT APPEALS

Any person applying for a development permit or any other person affected by any order, decision or development permit made or issued by the Development Officer or Municipal Planning Commission or any development application deemed refused in accordance with Section 27(9), may appeal such an order or decision or deemed refusal to the Subdivision and Development Appeal Board in accordance with the procedures described in the *MGA*.

47. REFERRALS TO LETHBRIDGE COUNTY

If a proposed development application or amendment to this Bylaw could have an effect on Lethbridge County, the Development Officer shall refer it to Lethbridge County for comment.

48. DEVELOPMENT COMMENCEMENT AND COMPLETION NOTIFICATION

The person to whom a development permit has been issued shall notify the Development Officer:

(a) following the preliminary layout of the site, but prior to the commencement of actual development thereon; and

(b) upon completion of the development.

49. CONTRAVENTION OF BYLAW

Every person who contravenes any provision of this Bylaw is guilty of an offense in accordance with Division 5, Offences and Penalties, of the *MGA*.

LAND USE BYLAW AMENDMENTS

50. AMENDMENTS TO THE LAND USE BYLAW

(1) Any person may initiate amendments to this Bylaw regarding textual amendments or land use redesignations by making an application to the Development Officer.

(2) All applications for amendment shall be submitted using the applicable form and be accompanied by any additional information, as deemed necessary by the Development Officer to process the application, and any applicable fee paid to the municipality as required.

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

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

(5) Council or the Development Officer may refer the application to the Municipal Planning Commission for their recommendation prior to the application being considered by Council.

(6) The application shall be processed in compliance with the requirements of the *MGA*, including the processes for notice of public hearings and the conduct of meetings.

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

(8) Council, at its discretion, may accept another application in respect of Section 50(7) above within six months, if the resubmitted application is to address revisions, requirements or instructions of Council regarding the proposal, and Council is satisfied its instructions have been adhered to.

51. LAND USE REDESIGNATION APPLICATION REQUIREMENTS

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

(a) a completed application form and fee;

(b) a narrative describing the:

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

(ii) consistency with applicable statutory plans;

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

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

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

(vi) any potential impacts on public roads.

The applicant may also be requested to provide the following in support of a redesignation application:

(c) conceptual subdivision design, if applicable;

(d) a geotechnical report prepared by an engineer demonstrating soil stability/suitability if deemed necessary;

(e) an evaluation of surface drainage which may include adjacent properties if deemed necessary; and

(f) any other information deemed necessary by the Designated Officer or Council to properly evaluate the application.

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

(a) redesignating land to another district,

(b) multiple parcels of land are involved,

(c) more than four lots could be created,

(d) several pieces of fragmented land are adjacent to the proposal,

(e) internal public roads would be required,

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

(g) required by Council or the Development Authority.

52. REDESIGNATION CRITERIA

When redesignating land from one land use district to another, Council should consider the following when making a decision:

(a) compliance with applicable standards and provisions of the Land Use Bylaw;

(b) consistency with any adopted statutory plans;

(c) compatibility with adjacent uses;

(d) development potential/suitability of the site;

(e) 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 development;

(f) potential impacts on public roads;

(g) setback distances contained in the Subdivision and Development Regulation;

(h) supply of suitably designated land;

(i) public comment and any applicable review agency comments; and

(j) any other matters deemed pertinent.

SUBDIVISION APPLICATION RULES AND PROCEDURES

53. SUBDIVISION APPLICATIONS

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

(a) an official application, in the manner and form prescribed, clearly and legibly filled out with all the required information and signatures provided as requested on the form;

(b) the applicable fees paid;

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

(d) a (clear and legible) diagram, surveyors sketch or tentative subdivision plan with dimensions and a north arrow, in the manner requested which may include the provision that it be professionally prepared as stipulated;

(e) provincial abandoned gas well information;

(f) any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use;

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

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

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant (Notice of Incompleteness) which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority;

(c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

(3) Notwithstanding Section 53(2), the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

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

54. INCOMPLETE SUBDIVISION APPLICATIONS

(1) The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 53(1) and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

(2) If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 53(2)(b).

(3) The notification provided for in Section 54(2) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the *MGA*.

PART 2

LAND USE DISTRICTS, MAP AND REGULATIONS

PART 2

LAND USE DISTRICTS, MAP AND REGULATIONS

1. The municipality is divided into those districts shown on the Land Use District Map of this Part.

2. Each district shown on the map referred to in Section 1 above shall be known by the following identifying names and symbols:

RESIDENTIAL	– R1
MANUFACTURED HOME	– R2
LARGE LOT RESIDENTIAL	– R3
RESIDENTIAL SMALL LOT	– R4
RESIDENTIAL MULTI-UNIT	– R5
RETAIL COMMERCIAL	– C1
HIGHWAY COMMERCIAL	– C2
INDUSTRIAL	– I
PUBLIC	– P
URBAN RESERVE	– UR
DIRECT CONTROL	– DC

3. Land Use District Map and Regulations (following this page)

RESIDENTIAL – R1

INTENT: To accommodate a variety of types of residential development on serviced lots in an orderly, economical and attractive manner, while excluding potentially incompatible land use.

1. PERMITTED USES

Accessory buildings and structures
Day homes (see Part 4)
Home occupations A (see Part 4)
Signs Type 1 (in accordance with Part 5)
Single-detached dwellings:
- Site built
- Manufactured home 1
- Ready-to-move dwellings (new)

Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

PROHIBITED USES

Shipping containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Bed and breakfast (see Part 4)
Day care facilities (see Part 4)
Home occupations B (see Part 4)
Lodging or boarding houses
Moved-in dwellings and buildings
Parks, playgrounds and open spaces
Portable garages (fabric buildings) and storage structures (see Part 4)
Public and private utilities
Secondary suites (contained within single-detached dwelling)
Secondary suites (detached garage)
Semi-detached dwellings – all types
Small wind energy system – Type A (see Part 4, Section 42)

TYPE B – Development Officer
Accessory buildings and structures, portable garages (see Part 4)
Temporary uses

2. MINIMUM LOT SIZE

Use	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
Single-detached dwelling	15.2	50	30.5	100	464.5	5,000
Semi-detached dwelling	15.2	50	30.5	100	464.5	5,000
Multi-unit dwelling	22.9	75	30.5	100	603.9	6,500
Row dwelling (each unit)	As required by the MPC				232.3	2,500
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
Single-detached or semi-detached dwelling	6.1	20	1.5	5	7.6	25
Multi-unit dwelling	7.6	25	1.5	5	7.6	25

Row dwelling	6.1	20	1.5	5	7.6	25
All other uses	As required by the Municipal Planning Commission					

4. SIDE AND REAR YARD STANDARDS

(1) **Accessory Buildings**

(a) Permanent accessory buildings in excess of 9.3 m^2 (100 sq. ft.), other than garages accessed from a lane, shall not be less than 0.9 metre (3 ft.) from a side or rear lot line, and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(b) An accessory building or structure less than 18.58 m^2 (200 sq. ft.) on a non-permanent foundation may be setback not less than 0.6 metre (2 ft.) provided that eaves are not less than 0.3 metre (1 ft.) from any property line.

(c) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(d) An accessory building or structure shall be setback a minimum 1.2 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

(2) An attached carport may be permitted in a side yard, but shall not be less than 1.5 metres (5 ft.) from a side lot line and shall not be enclosed on more than two sides (including the side of the principal building), or on three sides to a maximum of 0.9 metre (3 ft.) above grade.

(3) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building itself, except on an irregular-shaped lot in which case one corner of the structure may be less than 1.5 metres (5 ft.) from the side lot line, to no less than 1.2 metres (4 ft.), and provided that two-thirds of the building is not less than 1.5 metres (5 ft.) from the side lot line.

(4) The side yard provision does not limit the building of a semi-detached dwelling or row dwelling where each dwelling is on a separate lot.

(5) Garages accessed from a lane shall be a minimum of 1.5 metres (5 ft.) from a lane.

(6) To obtain a development permit approval for a rear yard garage or carport on laneless lots or on lots where there is no access to a lane, there shall be a minimum 3.0 metre (10 ft.) side yard setback between the principal building and one side yard property line and the other side yard shall be at 1.5 metres (5 ft.).

(7) Temporary shipping containers must be sited on the lot to meet the required accessory structure setbacks.

(8) **Projections Over Yards**

The portions of, and attachments to, a principal building which may project over a minimum yard area:

(a) a cornice, a belt course, a sill, a canopy or eave which projects over a yard a distance not exceeding one-half of the width of the smallest yard required for the site;

(b) unenclosed steps with or without a landing if they do not project more than 2.5 metres (8 ft.) where they are above the surface of the yard;

(c) cantilevers projecting from a building into a side yard must meet the required side yard setbacks as stipulated;

(d) wheel chair ramps;

(e) unenclosed porches up to 2.0 metres (6.5 ft.) into a required front yard;

(f) unenclosed decks up to 3.0 metres (9.8 ft.) into a required rear yard setback provided it does not exceed 50 percent of the width of the dwelling.

5. MAXIMUM SITE COVERAGE

Principal and accessory buildings – 35%
Accessory buildings – 10%

6. MINIMUM FLOOR AREA

Single-detached dwellings – 74.3 m^2 (800 sq. ft.)
Semi-detached dwellings – 65.0 m^2 (700 sq. ft.) per unit
Multi-unit dwellings – 55.7 m^2 (600 sq. ft.) per unit
All other uses – As required by the Municipal Planning Commission

7. MAXIMUM BUILDING HEIGHT

Principal buildings – 10.1 m (33 ft.)
Accessory buildings – 4.6 m (15 ft.)

8. ACCESSORY BUILDINGS AND STRUCTURES



The following regulations are applicable to accessory buildings and structures:

(1) **Maximum Height –** No accessory building shall exceed 4.6 metres (15 ft.) in height.

(2) The first accessory building, which is 9.3 m^2 (100. sq. ft.) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit.

(3) The Development Authority may limit the number of accessory buildings on a lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

(6) **Minimum Yard Setback Requirements** – see Section 4 above.

(7) A detached garage with an approved secondary suite is allowed to a maximum height of 7.5 m (24.6 ft.).

9. DECKS AND AMENITY SPACES

(1) A development permit is required for the construction of any deck 0.6 metre (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(2) A development permit is required for the construction of any deck that is covered or enclosed (roof or walls), regardless of the height.

(3) A development permit is required for the construction of a deck if it will be attached to a principal building.

(4) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks. Decks are part of the overall maximum site or lot coverage.

(5) Decks not attached to a building that are not 0.6 metre (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

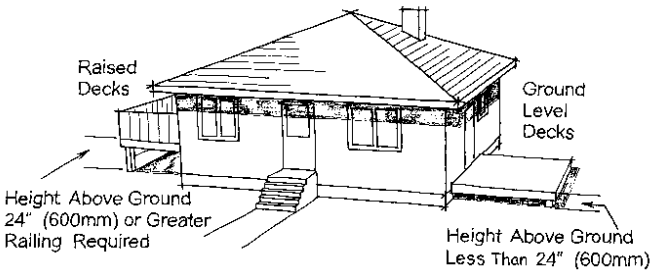
(6) Each dwelling unit shall provide an outdoor private amenity space not less than 7.5 metres (80 sq. ft.), with no dimension less than 1.5 metres (5 ft.), in the form of a balcony, deck or patio. A privacy wall/screen, or other suitable form of screening, may be required and used to provide partial screening of the private amenity area and shall be no greater than 2.44 metres (8 ft.) above the finished floor elevation of a balcony, deck or patio. The orientation and design of a private amenity space shall be such that the privacy of the adjacent dwellings is preserved.

(7) For the purpose of applying these standards of the bylaw:

(a) A **deck** means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building.

(b) A **raised deck** means a horizontal structure with a surface height 0.6 metre (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.

(c) A **ground level deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.6 metre (2 ft.) above grade and is typically attached to a dwelling.



(d) A ground level patio means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

(e) Privacy walls/screens associated with decks 0.6 metre (2 ft.) or greater in height require a development permit. If the privacy wall/screen structure is included with a development application made for a deck, then a separate development permit application is not required.

(f) A privacy wall/screen shall be no greater than 2.44 metres (8 ft.) above the finished deck floor elevation (finished board on top of joist or stone patio surface) of a balcony, deck or patio.

(g) A privacy wall/screen shall be restricted to side and rear yards only, and to the width of the balcony, deck or patio.

(h) The Development Authority may stipulate the type of material and colour of finish for the privacy wall/screen as a condition on a development permit approval.

10. HIGHER DENSITY RESIDENTIAL

When dealing with proposals for higher density residential development in existing developed neighbourhoods, the following shall be considered:

(a) compatibility with the general height, building design and nature of existing houses;

(b) adequate off-street parking;

(c) suitable landscaping and on-site amenities such as playground equipment, etc.;

(d) adequacy and proximity of community facilities such as schools, shopping, recreational facilities and open space;

(e) ability of the site to provide for some outdoor amenity space for residents;

(f) the ability of municipal utilities to accommodate the proposed density of development; and

(g) possible impact on future land uses and the street system.

11. GENERAL SECONDARY SUITE STANDARDS

These standards shall apply to all secondary suites (detached garage, contained within single-detached dwelling) unless otherwise noted. The general land use provisions for the district shall also apply unless otherwise noted.

(1) A secondary suite shall be restricted to a lot occupied by a single-detached dwelling. A secondary suite is prohibited from being constructed within or in conjunction with a duplex, semi-detached dwelling, multi-attached dwelling or apartment housing.

(2) A maximum of one secondary suite is permitted on any single-detached dwelling lot in the R-1 district.

(3) A secondary suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.

(4) The Development Authority may limit the number of bedrooms in a secondary suite but in no case shall the number of bedrooms exceed three.

(5) One on-site parking space shall be provided for each secondary suite with less than three bedrooms. Secondary suites with three bedrooms shall provide two on-site parking spaces. These requirements are in addition to the parking requirements for the principal dwelling.

(6) All secondary suites developed after December 31, 2006, shall comply with all Alberta Building Code requirements, including separate heating/ventilation systems for each dwelling unit. Pre-existing suites developed prior to December 31, 2006, must meet the requirements of the Alberta Fire Code.

(7) Accessory structures shall not be used as a dwelling unless it is an approved additional secondary suite unit.

(8) An outdoor private amenity space not less than 7.5 m^2 (80 sq. ft.), with no dimension less than 1.5 metres (5 ft.), must be provided in the form of a balcony, deck or patio. A privacy wall/screen, or other suitable form of screening, shall be used to provide partial screening of the private amenity area and shall be no greater than 2.44 metres (8 ft.) above the finished floor elevation of a balcony, deck or patio. The orientation and design of a private amenity space shall be such that the privacy of the principal dwelling, the secondary suite and adjacent dwellings is preserved.

(9) The Development Authority may require that landscaping be required as a condition of development permit if it shall serve to provide privacy between the principal dwelling, the secondary suite and adjacent dwellings, or to enhance the quality of the proposed development.

(10) A secondary suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

(11) A secondary suite shall have utility connections through the principal single-detached dwelling. The Development Authority may refuse an application for a secondary suite if it is evident that there is not capacity for the utility demands resulting from a secondary suite.

12. SECONDARY SUITES (DETACHED GARAGE) STANDARDS

(1) For a suite above a detached garage, the maximum height to roof peak of the garage shall be 7.5 metres (24.6 ft.).

(2) A secondary suite (detached garage) shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.

(3) In no instance shall two separate accessory buildings be developed on a single site where one is a detached garage and the other contains a secondary suite above another detached garage.

(4) A secondary suite (detached garage) shall only be permitted on lots with lanes. The Municipal Planning Commission may consider a secondary suite (detached garage) on a lot without a lane where it is satisfied that:

(a) the proposed lot size is sufficient to support the secondary suite (detached garage);

(b) vehicle access and driveway design provides safe and functional access within minimizing impacts on traffic flow, pedestrians, and the streetscape;

(c) sufficient on-site parking can be provided without parking waivers; and,

(d) the development remains subordinate to the principal dwelling.

(5) A secondary suite shall not be located within a garage unless a single-detached dwelling is already erected on the site.

(6) A secondary suite (detached garage) shall remain accessory to and subordinate to the single-detached dwelling and shall not exceed 72.8 m^2 (784 sq. ft.), and have a minimum floor area of 29.73 m^2 (320 sq. ft.). Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.

(7) The maximum lot coverage of a secondary suite (detached garage) shall be limited to the area as stipulated for an accessory building for the applicable land use district.

(8) A secondary suite in conjunction with a detached garage shall be located a minimum of 3.05 metres (10 ft.) from the principal dwelling unit and 1.5 metres (5 ft.) from a side or rear property line.

(9) A secondary suite (detached garage) shall be located on the upper floor of the garage and the main (grade) floor shall be restricted for garage/accessory use. The building must be utilized as a functional garage/accessory building for purposes incidental to the single unit dwelling with a functional overhead garage door installed and cannot be used for additional living space.

(10) A secondary suite (detached garage) may only be approved if it is verified that it can be constructed on a foundation of strip footings and concrete walls, concrete piers set below frost level, or other suitable foundation in accordance with the Alberta Building Code.

13. SECONDARY SUITES (CONTAINED WITH A SINGLE-DETACHED DWELLING) STANDARDS

(1) A secondary suite (contained within a single-detached dwelling) shall be developed in a manner that the exterior of the principal dwelling shall appear as a single-detached dwelling.

(2) A secondary suite (contained with a single-detached dwelling) shall remain accessory to and subordinate to the single-detached dwelling and shall not exceed the floor area of the principal dwelling and shall have a minimum floor area of 29.73 m^2 (320 sq. ft.).

(3) A secondary suite (contained with a single-detached dwelling) shall have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or from the exterior of the structure.

(4) A secondary suite (contained within a single-detached dwelling) shall not be developed within a principal dwelling containing a Home Occupation B unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited, adequate parking is provided, and amenities of the neighbourhood are not negatively affected.

14. STANDARDS OF DEVELOPMENT – See Part 4.

15. LANDSCAPING AND SCREENING – See Part 4, Section 11.

16. OFF-STREET PARKING REQUIREMENTS – See Part 4, Section 20.

17. HOME OCCUPATIONS – See Part 4, Section 31.

18. SIGNS – See Part 5.

MANUFACTURED HOME – R2

INTENT: To provide areas suitable for the location of comprehensively planned manufactured home communities (subdivided lots) or parks (leased plots) which provide for high quality developments that complement adjacent uses.

1. PERMITTED USES

Accessory buildings and structures
Manufactured home 1
Manufactured home 2
– both double-wide and single-wide on an unsubdivided leased plot within approved Manufactured home parks (single title)
Public utilities
Signs Type 1 (in accordance with Part 5)
Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

DISCRETIONARY USES

TYPE A
Accessory uses
Day homes
Home occupations A and B
Maintenance/utility uses
Manufactured home additions
Manufactured home parks (single title)
Manufactured home 2
– both double-wide and single-wide
Park maintenance/storage uses
Parks and playgrounds
Portable garages (fabric buildings) and storage structures
Private utilities
Small wind energy system – Type A (see Part 4, Section 42)

TYPE B – Development Officer
Accessory buildings and structures, portable garages (see Part 4)
Temporary uses

PROHIBITED USES

Park model trailer
Shipping containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

2. ELIGIBLE HOMES

(1) New factory-built manufactured homes.

(2) Used factory-built manufactured homes, no older than 10 years, in a state of good condition or repair to the satisfaction of the Municipal Planning Commission.

(3) Used factory-built manufactured homes to be located on an unsubdivided leased plot within approved Manufactured home parks (single title) that meet the age requirement in subsection (2) shall be processed as a permitted use. Any manufactured home to be located on an unsubdivided leased plot within approved Manufactured home parks (single title) requesting a waiver to the dwelling's age shall be processed as a Discretionary Use Tyle B.

(4) Manufactured homes shall be CSA (Canadian Standards Association) certified.

(5) Any application for a development permit to locate a used manufactured home on a manufactured home lot shall include ~~a~~ recent colour photographs of the manufactured home.

(6) A Safety Codes inspection (at the expense of the applicant) of a used manufactured home proposed to be located on a manufactured home lot may be required by the Municipal Planning Commission in order to determine if such a home is suitable.

(7) A development permit may be denied at the discretion of the Municipal Planning Commission if the Municipal Planning Commission is of the opinion that the manufactured home is in a state of poor disrepair, unsuitable, or older than 10 years of age.

(8) If required by the Development authority, all manufactured dwellings may be required to be registered with the Provincial Personal Property Registration. The CSA model number, serial number, and Alberta Personal Property Registration number shall be provided at the time of submission of a development permit application and are required to be registered with the town.

3. MINIMUM LOT SIZE

(1) Subdivision – Freehold (Fee-simple) Title

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Manufactured homes (includes both single and double wide)	15.0	50	30.5	100	464.5	5,000
All other uses	As required by the Municipal Planning Commission					

(2) Leased (unsubdivided lot) Size – Leased Plots

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Manufactured homes (both)	11.0	36.1	28.0	91.9	300.0	3229.3
All other uses	As required by the Municipal Planning Commission					

4. MINIMUM SETBACK REQUIREMENTS

(1) Subdivision – Freehold/Fee-simple Lots

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	6.1	20	1.5	5	3.0	10
All other uses	As required by the Municipal Planning Commission					

(2) Unsubdivided – Leased Plots

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Manufactured homes (both)	3.7	12.1	1@1.2 1@3.0	4 10	3.0	10
All other uses	As required by the Municipal Planning Commission					

5. SIDE AND REAR YARD STANDARDS

(1) **Accessory Buildings**

(a) Permanent accessory buildings in excess of 9.3 m^2 (100 sq. ft.), other than rear entry garages, shall not be less than 0.9 metre (3 ft.) from a side or rear lot line, and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(b) An accessory building or structure less than 18.58 m^2 (200 sq. ft.) on a non-permanent foundation may be setback not less than 0.6 metre (2 ft.) provided that eaves are not less than 0.3 metre (1 ft.) from any property line.

(c) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(d) Accessory buildings in excess of 9.3 m^2 (100 sq. ft.) shall be at least 1.2 metres (4 ft.) from the principal building.

(2) An attached carport may be permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line and shall not be enclosed on more than two sides (including the side of the principal building) or on three sides to a maximum of 0.9 metre (3 ft.) above grade.

(3) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building itself, except on an irregular-shaped lot in which case one corner of the structure may be less than 1.5 metres (5 ft.) from the side or rear lot line, provided that the overhanging eave shall not be less than 0.5 metre (1.6 ft.) from the side lot line and provided that two-thirds of the building is not less than 1.5 metres (5 ft.) from the side lot line.

(4) Rear entry garages shall be a minimum of 1.5 metres (5 ft.) from a lane.

6. MAXIMUM SITE COVERAGE

Principal building – 35%
Accessory buildings – 10%

7. MINIMUM FLOOR AREA

Single-wide manufactured homes – 65.0 m^2 (700 sq. ft.)
Double-wide manufactured homes – 72.0 m^2 (775 sq. ft.)

8. MAXIMUM BUILDING HEIGHT

Manufactured homes – 6.1 m (20 ft.)
Accessory buildings – 4.6 m (15 ft.)

9. STANDARDS OF DEVELOPMENT – ALSO SEE PART 4.

(1) **Foundations and Basements**

(a) All double-wide manufactured homes shall be placed on permanent concrete or concrete block foundations in conformance with the Alberta Building Code.

(b) A basement for a manufactured home may be permitted, provided access to the basement is housed within an approved enclosure.

(c) The maximum allowable height of the exposed portion of a concrete or block foundation shall not be more than 0.6 metre (2 ft.) above the average finished surface level of the surrounding ground.

(d) All single-wide manufactured homes not placed on permanent foundations of concrete or concrete blocks shall be skirted to the satisfaction of the Municipal Planning Commission.

(2) **Anchoring a Manufactured Home Dwelling**

Every manufactured home dwelling shall be securely anchored in conformity with CSA standards and provincial Safety Codes.

(3) **Decks and Amenity Spaces**

(a) A development permit is required for the construction of any deck 0.6 metre (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(b) A development permit is required for the construction of any deck that is covered or enclosed (roof or walls), regardless of the height.

(c) A development permit is required for the construction of a deck if it will be attached to a principal building.

(d) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks. Decks are part of the overall maximum site or lot coverage.

(e) Decks not attached to a building that are not 0.6 metre (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

(f) Each dwelling unit shall provide an outdoor private amenity space not less than 7.5 metres (80 sq. ft.), with no dimension less than 1.5 metres (5 ft.), in the form of a balcony, deck or patio. A privacy wall/screen, or other suitable form of screening, shall be used to provide partial screening of the private amenity area and shall be no greater than 2.44 metres (8 ft.) above the finished floor elevation of a balcony, deck or patio. The orientation and design of a private amenity space shall be such that the privacy of adjacent dwellings is preserved.

(g) Privacy walls/screens associated with decks 0.6 metre (2 ft.) or greater in height require a development permit. If the privacy wall/screen structure is included with a development application made for a deck, then a separate development permit application is not required.

(h) A privacy wall/screen shall be no greater than 2.44 metres (8 ft.) above the finished deck floor elevation (finished board on top of joist or stone patio surface) of a balcony, deck or patio, and to the width of the structure it is screening.

(i) The Development Authority may stipulate the type of material and colour of finish for the privacy wall/screen as a condition on a development permit approval.

(4) **General Appearance**

In order to maintain the residential character of the development:

(a) The wheels and hitches shall be removed from a mobile home within 90 days after placement of the home on its foundation.

(b) The underside of mobile homes which are not provided with a basement, shall be within 0.6 metre (2 ft.) of the finished grade.

(c) The front yard area of each lot shall be suitably developed and landscaped.

(d) The foundation and skirting shall be in place within 90 days of placement.

(e) Every entrance/exit into a manufactured home must be furnished with a landing and/or set of stairs.

(f) Each manufactured home site shall provide an outdoor private amenity space not less than 7.5 metres (80 sq. ft.), with no dimension less than 1.5 metres (5 ft.), in the form of a balcony, deck or patio. A privacy wall/screen, or other suitable form of screening, shall be used to provide partial screening of the private amenity area and shall be no greater than 2.44 metres (8 ft.) above the finished floor elevation of a balcony, deck or patio. The orientation and design of a private amenity space shall be such that the privacy of the manufactured home and adjacent dwellings is preserved.

(g) Any proposed addition to a manufactured home shall require a development permit. The colours and finish of any addition shall be of a quality, style and design which, in the opinion of the Development Authority, matches or complements the existing building.

10. MANUFACTURED HOME PARK DESIGN CRITERIA AND DEVELOPMENT STANDARDS

(1) **General and Overall Appearance**

The manufactured home park should incorporate detailed aesthetic consideration such as:

(a) substantial landscaping design of the entire park in general and of individual sites in particular;

(b) treatment of communal areas both indoor and outdoor;

(c) imaginative design of lamp standards, litter bins, street signs and things of this nature.

(2) **Integration with Adjoining Residential Uses**

The park design and subsequent placement of manufactured homes on lots should integrate well with adjoining residential development so as not to be obtrusive.

(3) **Density**

The design of the park should be such that the net site density of the park does not exceed 20 units per ha (8 units per acre).

(4) **Open Space Requirements**

A minimum of 10 percent of the manufactured home park area should be developed for recreational and leisure use for the enjoyment of the inhabitants.

(5) **Street Layout and Streetscape**

(a) Grouping or clustering of manufactured homes should provide a mixture of types and aesthetic variety along the streets and spatial relationships between the manufactured homes.

(b) Street furniture such as light standards, signs, telephone booths, litter bins, etc., should, where possible, be of a high quality in design and harmoniously incorporated into the total streetscape.

(c) Angled lots (60 percent) to the road are preferable to allow for easier transport and siting of homes on lots.

(d) The required minimum road width for a manufactured home park, if the road is part of a private condominium plan, must be not less than 9 metres (30 ft.). If the road is part of a municipal public road within an approved manufactured home park, the required minimum road right-of-way width must be not less than 18 metres (59 ft.).

(6) **Plots**

All plots lines shall be permanently established by survey or other appropriate evidence provided by an Alberta Land Surveyor, Professional Engineer or agent thereof for the purpose of ensuring minimum setbacks are adhered to on an ongoing basis.

(7) **Open Space, Recreational Area and Buffer Strip Standards**

(a) **Landscaping Standards**

(i) A substantial number of mature trees and a good variety of shrubbery should be utilized in the landscaping of the park to provide both a park-like atmosphere and proper screening.

(ii) Where a public roadway runs adjacent to the boundary of a manufactured home community without intervening manufactured home sites, a minimum 3.0 metres landscaped strip, to the satisfaction of the Development Authority, shall be provided between the public roadway and the manufactured home community boundary.

(iii) Where parks, playgrounds and other shared amenity facilities are provided in a manufactured home community they shall be substantially landscaped to the satisfaction of the Development Authority.

(b) **Recreation Area and Development**

The 10 percent of the manufactured home park which is dedicated to open space shall include playground equipment to accommodate children's play. This 10 percent area should also provide benches and a walkway for passive recreation.

(8) **Servicing Requirements**

(a) A qualified engineer should be engaged at the expense of the developer to consult with the Town of Picture Butte, and utility companies to arrive at a design for all interior servicing, including roads, drainage, sewer, water, natural gas, telephone, electrical and fire protection.

(b) All on-site servicing should be built to the standards and requirements of the Town of Picture Butte, TransAlta, and private utility providers, which may include ATCO Gas, Shaw and Telus.

(c) Utility easements as may be required shall be provided within the site and reasonable access to these easements shall be granted to the Town of Picture Butte, and utility companies for the installation and maintenance of services.

(9) **Garbage Enclosures**

Garbage enclosures shall be properly screened to the satisfaction of the MPC. Common garbage receptacle areas, if provided in the comprehensive plan, must be suitably and effectively screened to the satisfaction of the MPC.

(10) **Storage Compound**

(a) The developer of the manufactured home community should provide and maintain in good repair within the park, an area to accommodate the storage of recreational vehicles such as motor boats, travel trailers, etc.

(b) The size of this storage compound shall be a percentage of the total site area as determined by the MPC.

(c) The storage compound shall be screened by fences, trees, landscape features, or a combination thereof, to the satisfaction of the MPC, and shall be maintained in good repair.

(11) **Park Maintenance/Storage Uses**

The design of the park shall include an area or accessory building for the use of park maintenance and storage uses to be constructed for the care and maintenance of the park.

(12) **Drawings to be submitted by Applicants**

(a) **Site Plan**

(i) A scaled site plan shall be submitted showing the manufactured home park and its immediate surroundings.

(ii) The site plan shall indicate, among other things, the mix of single-wide and double-wide manufactured dwelling lots, the lot size dimensions, street and pavement widths, parking stalls, location of service buildings, storage compound, playground and walkway system.

(b) **Utility Plan**

(i) The utility plan shall be based on the site plan.

(ii) The utility plan shall indicate the location of all utilities necessary for the provision of the following services to the area to be developed:

- water supply (including any proposed irrigation)

- sanitary sewer
- storm sewer
- power
- natural gas
- telephone
- cablevision
- street lighting

(iii) The sizing and specifications of all utilities to be determined in consultation with the Town's Public Works Department and the respective utility companies or agencies.

(iv) In conjunction with the above [b(ii)], and in relation to the storm sewer, an engineered storm water management plan must be provided to the satisfaction of the Development Authority.

(c) **Layout Plan Showing Typical Single-detached Manufactured Home Lots**

(i) The layout plan shall indicate typical arrangement of single-detached manufactured dwellings.

(ii) The layout plan shall also indicate parking areas and landscaping of the lot.

(d) **Landscaping Plan**

A detailed landscaping plan shall illustrate the types of tree planting and ground occupy for internal buffer strips, open space and playground areas, walkways, irrigation layout, all single-detached manufactured dwelling lots, and entrances to the park.

11. LANDSCAPING AND SCREENING – See Part 4, Section 11.

12. OFF-STREET PARKING REQUIREMENTS – See Part 4, Section 20.

13. HOME OCCUPATIONS – See Part 4, Section 31.

14. MANUFACTURED HOME PARKS – See Part 4.

15. SIGNS – See Part 5.

LARGE LOT RESIDENTIAL – R3

INTENT: To ensure a high quality of development occurs on large residential lots by requiring high standards of development and restricting the types of uses that may occur.

1. PERMITTED USES

Accessory buildings and structures
Home occupations A
Signs Type 1 (in accordance with Part 5)
Single-detached dwellings:
- Site built
- Manufactured home 1
- Ready-to-move dwellings (new)

Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

PROHIBITED USES

Commercial uses
Moved-in dwellings
Shipping containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Bed and breakfast
Day homes
Greenhouses (non-commercial)
Home occupations B
Portable garages (fabric buildings) and storage structures
Public and private utilities
Satellite dishes
Similar uses
Small wind energy system – Type A (see Part 4, Section 42)

TYPE B – Development Officer
Accessory buildings and structures, portable garages (see Part 4)
Temporary uses

2. MINIMUM LOT SIZE

Minimum area – 0.4 hectares (1 acre)
Minimum depth – 61.0 metres (200 ft.)

3. MINIMUM SETBACK REQUIREMENTS

As required by the Municipal Planning Commission or Development Officer but not less than 1.2 metres (4 ft.), or as outlined in Section 7(6) of this district for accessory buildings and structures.

4. MAXIMUM SITE COVERAGE

Principal building – As required by the Development Authority
Accessory buildings – As required by the Development Authority

5. MAXIMUM BUILDING HEIGHT

Principal buildings – 10.1 m (33 ft.)
Accessory buildings – 4.6 m (15 ft.)

6. MINIMUM FLOOR AREA

Single-detached dwellings – 74.3 m^2 (800 sq. ft.)
All other uses – As required by the Municipal Planning Commission

7. ACCESSORY BUILDINGS AND STRUCTURES

The following regulations are applicable to accessory buildings and structures:



(1) **Maximum Height –** No accessory building shall exceed 4.6 metres (15 ft.) in height.

(2) The first accessory building, which is 9.3 m^2 (100. sq. ft.) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit.

(3) The Development Authority may limit the number of accessory buildings on a lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

(6) **Minimum Yard Setback Requirements**

(a) Accessory buildings and structures shall not be less than 1.5 metres (5 ft.) from a side lot line or rear lot line, except in circumstances as described in Section (6)(b).

(b) An accessory building or structure less than 18.58 m^2 (200 sq. ft.) on a non-permanent foundation may be setback not less than 0.6 metre (2 ft.) provided that eaves are not less than 0.3 metre (1 ft.) from any property line.

(c) A carport is permitted in a side yard but shall not be less than 1.5 metres (5 ft.) from a side lot line.

(d) The side yard requirement for a principal building with an attached garage shall be the same as for a principal building.

(e) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(f) An accessory building or structure shall be setback a minimum 1.2 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

8. DECKS AND AMENITY SPACES

(1) A development permit is required for the construction of any deck 0.6 metre (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(2) A development permit is required for the construction of any deck that is covered or enclosed (roof or walls), regardless of the height.

(3) A development permit is required for the construction of a deck if it will be attached to a principal building.

(4) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks. Decks are part of the overall maximum site or lot coverage.

(5) Decks not attached to a building that are not 0.6 metre (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

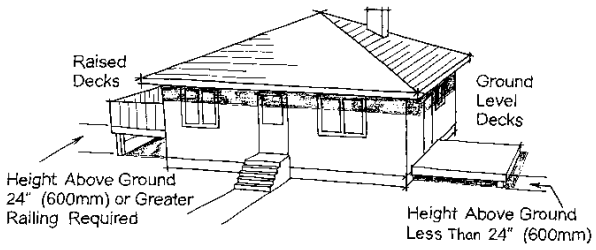
(6) Each dwelling unit shall provide an outdoor private amenity space not less than 7.5 metres (80 sq. ft.), with no dimension less than 1.5 metres (5 ft.), in the form of a balcony, deck or patio. A privacy wall/screen, or other suitable form of screening, shall be used to provide partial screening of the private amenity area and shall be no greater than 2.44 metres (8 ft.) above the finished floor elevation of a balcony, deck or patio. The orientation and design of a private amenity space shall be such that the privacy of the adjacent dwellings is preserved.

(7) **Rear Yard Setbacks** – uncovered decks may encroach into the minimum required rear yard setback a maximum distance of 3 metres (9.8 ft.).

(8) For the purpose of applying these standards of the bylaw:

(a) A **deck** means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building.

(b) A **raised deck** means a horizontal structure with a surface height 0.6 metre (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.



(c) A **ground level deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.6 metre (2 ft.) above grade and is typically attached to a dwelling.

(d) A ground level patio means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

(e) Privacy walls/screens associated with decks 0.6 metre (2 ft.) or greater in height require a development permit. If the privacy wall/screen structure is included with a development application made for a deck, then a separate development permit application is not required.

(f) A privacy wall/screen shall be no greater than 2.44 metres (8 ft.) above the finished deck floor elevation (finished board on top of joist or stone patio surface) of a balcony, deck or patio.

(g) A privacy wall/screen shall be restricted to side and rear yards only, and to the width of the balcony, deck or patio.

(h) The Development Authority may stipulate the type of material and colour of finish for the privacy wall/screen as a condition on a development permit approval.

9. DESIGN STANDARDS

All proposed developments must, in the opinion of the Municipal Planning Commission, be compatible with existing houses in terms of:

(a) design,

(b) materials,

(c) colours,

(d) fence designs and construction.

10. REFUSE COLLECTION AND STORAGE – See Part 4, Section 7.

11. OFF-STREET PARKING REQUIREMENTS – See Part 4, Section 20.

12. HOME OCCUPATIONS – See Part 4, Section 31.

13. SATELLITE DISHES – See Part 4, Section 37.

14. SIGNS – See Part 5.

RESIDENTIAL SMALL LOT – R4

INTENT: The purpose of this district is to provide smaller residential lots to accommodate a variety of residential housing options, but primarily for smaller starter homes.

1. PERMITTED USES

Accessory buildings and structures
Accessory buildings and uses
Day homes
Home occupations A
Signs Type 1 (in accordance with Part 5)
Single-detached dwellings:
- Site built
- Manufactured home 1
- Ready-to-move dwellings (new)

Solar collectors, individual
Temporary shipping container (see Part 3 and Part 4, Section 40)

PROHIBITED USES

Shipping containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Day care facilities
Home occupations B
Lodging or boarding houses
Parks, playgrounds and open spaces
Portable garages (fabric buildings) and storage structures
Public and private utilities
Secondary suites (detached garage)
Semi-detached dwellings
Small wind energy system – Type A (see Part 4, Section 42)
Similar uses

TYPE B – Development Officer
Accessory buildings and structures, portable garages (see Part 4)
Temporary uses

2. MINIMUM LOT SIZE

Use	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
Single-detached dwelling	11.0	36	30.5	100	334.4	3,600
Semi-detached dwelling	15.2	50	30.5	100	463.6	5,000
– (each side)	7.6	25	30.5	100	231.8	2,500
Multi-unit dwelling (interior)	18.3	60	30.5	100	557.4	6,000
– corner lot	22.9	75	30.5	100	696.8	7,500
Row dwelling (each unit)	As required by the MPC				232.3	2,500
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
Single-detached or semi-detached dwelling	6.1	20	1.2	4	7.6	25
Multi-unit dwelling	6.1	20	1.2	4	7.6	25

Row dwelling	6.1	20	1.2	4	7.6	25
– street side corner lot			3.0	1.0		
All other uses	As required by the Municipal Planning Commission					

4. SIDE AND REAR YARD STANDARDS

(1) **Accessory Buildings**

(a) Permanent accessory buildings in excess of 9.3 m^2 (100 sq. ft.), other than garages accessed from a lane, shall not be less than 0.9 metre (3 ft.) from a side or rear lot line, and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(b) An accessory building or structure less than 18.58 m^2 (200 sq. ft.) on a non-permanent foundation may be setback not less than 0.6 metre (2 ft.) provided that eaves are not less than 0.3 metre (1 ft.) from any property line.

(c) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(d) An accessory building or structure shall be setback a minimum 1.2 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

(2) An attached carport may be permitted in a side yard, but shall not be less than 1.2 metres (4 ft.) from a side lot line and shall not be enclosed on more than two sides (including the side of the principal building), or on three sides to a maximum of 0.9 metre (3 ft.) above grade.

(3) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building itself, except on an irregular-shaped lot in which case one corner of the structure may be less than 1.2 metres (4 ft.) from the side lot line and provided that two-thirds of the building is not less than 1.2 metres (4 ft.) from the side lot line.

(4) The side yard provision does not limit the building of a semi-detached dwelling or row dwelling where each dwelling is on a separate lot.

(5) Garages accessed from a lane shall be a minimum of 1.5 metres (5 ft.) from a lane.

(6) To obtain a development permit approval for a rear yard garage or carport on laneless lots or on lots where there is no access to a lane, there shall be a minimum 3.0 metre (10 ft.) side yard setback between the principal building and one side yard property line and the other side yard shall be at 1.5 metres (5 ft.).

(7) Any open or closed porch or veranda shall be considered part of the principal building for the purposes of calculating floor area, site coverage, and setback requirements.

(8) **Projections Over Yards**

The portions of, and attachments to, a principal building which may project over a minimum yard area:

(a) a cornice, a belt course, a sill, a canopy or eave which projects over a yard a distance not exceeding one-half of the width of the smallest yard required for the site;

(b) unenclosed steps with or without a landing if they do not project more than 2.5 metres (8 ft.) where they are above the surface of the yard;

(c) cantilevers projecting from a building into a side yard must meet the required side yard setbacks as stipulated;

(d) unenclosed porches up to 2.0 metres (6.5 ft.) into a required front yard;

(e) uncovered decks up to 3.0 metres (9.8 ft.) into a required rear yard setback provided it does not exceed 50 percent of the width of the dwelling.

5. MAXIMUM SITE COVERAGE

Principal and accessory buildings	– 45%
Accessory buildings	– 10%

6. MINIMUM FLOOR AREA

Single-detached dwellings	– 74.3 m^2 (800 sq. ft.)
Semi-detached dwellings	– 65.0 m^2 (700 sq. ft.) per unit
Multi-unit dwellings	– 55.7 m^2 (600 sq. ft.) per unit
All other uses	– As required by the Municipal Planning Commission

7. MAXIMUM BUILDING HEIGHT

Accessory buildings	– 4.6 m (15 ft.)
Principal buildings	– 10.1 m (33.0 ft.)
Secondary suites (detached garage)	– 7.5 m (24.6 ft.)

8. ACCESSORY BUILDINGS AND STRUCTURES

The following regulations are applicable to accessory buildings and structures:

(1) **Maximum Height –** No accessory building shall exceed 4.6 metres (15 ft.) in height.

(2) The first accessory building, which is 9.3 m^2 (100. sq. ft.) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit.



(3) The Development Authority may limit the number of accessory buildings on a lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

(6) **Minimum Yard Setback Requirements** – see Section 4 above.

(7) A detached garage with an approved secondary suite is allowed to a maximum height of 7.5 m (24.6 ft.).

9. DECKS AND AMENITY SPACES

(1) A development permit is required for the construction of any deck 0.6 metre (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(2) A development permit is required for the construction of any deck that is covered or enclosed (roof or walls), regardless of the height.

(3) A development permit is required for the construction of a deck if it will be attached to a principal building.

(4) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks. Decks are part of the overall maximum site or lot coverage.

(5) Decks not attached to a building that are not 0.6 metre (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

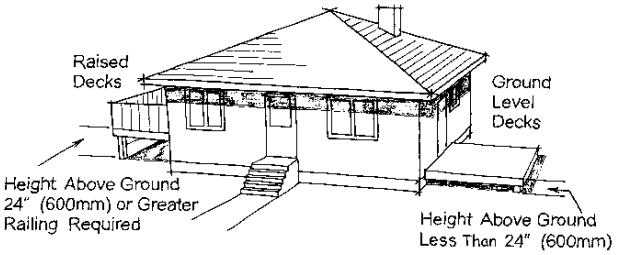
(6) Each dwelling unit shall provide an outdoor private amenity space not less than 7.5 metres (80 sq. ft.), with no dimension less than 1.5 metres (5 ft.), in the form of a balcony, deck or patio. A privacy wall/screen, or other suitable form of screening, shall be used to provide partial screening of the private amenity area and shall be no greater than 2.44 metres (8 ft.) above the finished floor elevation of a balcony, deck or patio. The orientation and design of a private amenity space shall be such that the privacy of the adjacent dwellings is preserved.

(7) For the purpose of applying these standards of the bylaw:

(a) A **deck** means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building.

(b) A **raised deck** means a horizontal structure with a surface height 0.6 metre (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.

(c) A **ground level deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.6 metre (2 ft.) above grade and is typically attached to a dwelling.



(d) A ground level patio means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

(e) Privacy walls/screens associated with decks 0.6 metre (2 ft.) or greater in height require a development permit. If the privacy wall/screen structure is included with a development application made for a deck, then a separate development permit application is not required.

(f) A privacy wall/screen shall be no greater than 2.44 metres (8 ft.) above the finished deck floor elevation (finished board on top of joist or stone patio surface) of a balcony, deck or patio.

(g) A privacy wall/screen shall be restricted to side and rear yards only, and to the width of the balcony, deck or patio.

(h) The Development Authority may stipulate the type of material and colour of finish for the privacy wall/screen as a condition on a development permit approval.

10. HIGHER DENSITY RESIDENTIAL

When dealing with proposals for higher density residential development in existing developed neighbourhoods, the following shall be considered:

(a) compatibility with the general height, building design and nature of existing houses;

(b) adequate off-street parking;

(c) suitable landscaping and on-site amenities such as playground equipment, etc.;

(d) adequacy and proximity of community facilities such as schools, shopping, recreational facilities and open space;

(e) the ability of municipal utilities to accommodate the proposed density of development; and

(f) possible impact on future land uses and the street system.

11. SECONDARY SUITES (DETACHED GARAGE) STANDARDS

The general land use provisions for the district shall apply, unless otherwise noted below.

(1) Accessory structures shall not be used as a dwelling unless it is an approved additional secondary suite unit.

(2) For a suite above a detached garage, the maximum height to roof peak of the garage shall be 7.5 metres (24.6 ft.), and the accessory suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or from the exterior of the structure.

(3) A secondary suite shall be restricted to a lot occupied by a single-detached dwelling. A secondary suite is prohibited from being constructed within or in conjunction to a duplex, semi-detached dwelling, multi-attached dwelling or apartment housing.

(4) A maximum of one secondary suite is permitted on any single-detached dwelling lot.

(5) In no instance shall two separate accessory buildings be developed on a single site where one is a detached garage and the other contains a secondary suite.

(6) A secondary suite above a detached garage shall only be permitted on lots with lanes.

(7) A secondary suite shall not be located within a garage unless a single-detached dwelling is already erected on the site.

(8) A secondary suite shall remain accessory to and subordinate to the single-detached dwelling and shall not exceed 72.8 m^2 (784 sq. ft.), and have a minimum floor area of 29.73 m^2 (320 sq. ft.). Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.

(9) The maximum lot coverage of the suite with detached garage shall be limited to the area as stipulated for an accessory building for the applicable land use district.

(10) A secondary suite in conjunction with a detached garage shall be located a minimum of 2.4 metres (8 ft.) from the principal dwelling unit. Other side and rear yard setbacks shall be as stipulated by the applicable district.

(11) A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.

(12) One on-site parking space shall be provided for each secondary suite in addition to the parking requirements for the principal dwelling pursuant to the Land Use Bylaw.

(13) A secondary suite shall comply with all Alberta Building Code requirements, including but not limited to fire wall separations, separate accesses to each dwelling unit and separate heating systems for each dwelling unit.

(14) A secondary suite shall be located on the upper floor of the garage and the main (grade) floor shall be restricted for garage/accessory use. The building must be utilized as a functional garage with a functional garage door installed and cannot be used for additional living space.

(15) A secondary suite (detached garage) may only be approved if it is verified that it can be constructed on a foundation of strip footings and concrete walls, concrete piers set below frost level, or other suitable foundation in accordance with the Alberta Building Code.

12. STANDARDS OF DEVELOPMENT – See Part 4.

13. LANDSCAPING AND SCREENING – See Part 4, Section 11.

14. **OFF-STREET PARKING REQUIREMENTS** – See Part 4, Section 20.

15. **HOME OCCUPATIONS** – See Part 4, Section 31.

16. **SIGNS** – See Part 5.

RESIDENTIAL MULTI-UNIT – R5

INTENT: The purpose of this district is to accommodate a variety of residential housing options by providing high-quality multi-unit dwelling environments, integrated into either existing or proposed residential neighbourhoods.

1. PERMITTED USES

Accessory buildings and structures
Day homes
Dwellings:
- Multi-unit up to 4 units
- Row dwelling up to 6 units
- Semi-detached - all types

Home occupations A
Signs Type 1 (in accordance with Part 5)
Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

PROHIBITED USES

Shipping containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Day care facilities
Dwellings:
- Multi-unit more than 4 units
- Row dwelling with more than 6 units

Home occupations B
Lodging or boarding houses
Parks, playgrounds and open spaces
Portable garages (fabric buildings) and storage structures
Public and private utilities
Senior Citizen Housing
Small wind energy system – Type A (see Part 4, Section 42)

TYPE B – Development Officer
Accessory buildings and structures, portable garages (see Part 4)
Temporary uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Semi-detached						
– interior lot	15.2	50	30.5	100	464.5	5,000
– corner lot	21.3	70	30.5	100	650.7	7,000
Semi-detached (each side)						
– interior lot	7.6	25	30.5	100	232.3	2,500
– corner lot	10.6	35	30.5	100	325.3	3,500

Use	Width m	Width ft.	Length m	Length ft.	Area m^2	Area sq. ft.
Multi-unit up to 4 units						
– interior lot	18.3	60	30.5	100	557.4	6,000
– corner lot	22.9	75	30.5	100	696.8	7,500
Multi-unit more than 4 units	30.5	100	30.5	100	929.0	10,000
Row dwelling (each unit)	As required by the MPC				232.3	2,500
All other uses	As required by the Municipal Planning Commission					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
Semi-detached dwelling	6.1	20	1.5	5	7.6	25
Multi-unit dwelling	7.6	25	1.5	5	7.6	25
Row dwelling	7.6	25	1.5	5	7.6	25
All other uses	As required by the Municipal Planning Commission					

Note: All yard dimensions are from the outside foundation wall to the property line.

4. SIDE AND REAR YARD STANDARDS

(1) Accessory buildings in excess of 9.3 m^2 (100 sq. ft.), other than garages accessed from a lane, shall not be less than 0.9 metre (3 ft.) from a side or rear lot line, and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(2) An attached carport may be permitted in a side yard, but shall not be less than 1.5 metres (5 ft.) from a side lot line and shall not be enclosed on more than two sides (including the side of the principal building), or on three sides to a maximum of 0.9 metre (3 ft.) above grade.

(3) The side yard requirements for a principal building with an attached garage shall be the same as for a principal building itself, except on an irregular-shaped lot in which case one corner of the structure may be less than 1.5 metres (5 ft.) from the side lot line and provided that two-thirds of the building is not less than 1.5 metres (5 ft.) from the side lot line.

(4) The side yard provision does not limit the building of a semi-detached dwelling or row dwelling where each dwelling is on a separate lot.

(5) Garages accessed from a lane shall be a minimum of 1.5 metres (5 ft.) from a lane.

(6) To obtain a development permit approval for a rear yard garage or carport on laneless lots or on lots where there is no access to a lane, there shall be a minimum 3.0 metre (10 ft.) side yard setback between the principal building and one side yard property line and the other side yard shall be at 1.5 metres (5 ft.).

(7) Any open or closed porch or verandah shall be considered part of the principal building for the purposes of calculating floor area, site coverage, and setback requirements.

(8) **Projections Over Yards**

The portions of, and attachments to, a principal building which may project over a minimum yard area:

(a) a cornice, a belt course, a sill, a canopy or eave which projects over a yard a distance not exceeding one-half of the width of the smallest yard required for the site;

(b) unenclosed steps with or without a landing if they do not project more than 2.5 metres (8 ft.) where they are above the surface of the yard;

(c) cantilevers projecting from a building into a side yard must meet the required side yard setbacks as stipulated;

(d) unenclosed porches up to 2.0 metres (6.5 ft.) into a required front yard;

(e) unenclosed decks up to 3.0 metres (9.8 ft.) into a required rear yard setback provided it does not exceed 50 percent of the width of the dwelling.

5. MAXIMUM SITE COVERAGE

Principal and accessory buildings	– 50%
(Principal may cover 50% with no associated accessory)	
Accessory buildings	– 10%
Principal building and accessory buildings combined	– 50%

6. MINIMUM FLOOR AREA

Multi- unit dwellings	– 55.7 m^2 (600 sq. ft.) per unit
Row dwelling	– 74.3 m^2 (800 sq. ft.) per unit
Semi-detached dwellings	– 65.0 m^2 (700 sq. ft.) per unit
All other uses	– As required by the Municipal Planning Commission

7. MAXIMUM BUILDING HEIGHT

Accessory buildings	– 4.6 m (15 ft.)
Single-detached dwelling, semi-detached, multi-unit dwelling units	– 10.1 m (33.0 ft.)
Apartments and row house	– 11 m (36 ft.)

8. ACCESSORY BUILDINGS AND STRUCTURES

The following regulations are applicable to accessory buildings and structures:

(1) **Maximum Height –** No accessory building shall exceed 4.6 metres (15 ft.) in height.

(2) The first accessory building, which is 9.3 m² (100. sq. ft.) or less in area, placed on a lot does not require a development permit, but any second or subsequent accessory building shall require a development permit.



(3) The Development Authority may limit the number of accessory buildings on a lot.

(4) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

(5) As a condition of a permit, if a development approval is required, the Development Authority may stipulate specific requirements for the type of foundation, fastening or tie-down system, finish, colour, roof pitch, and materials to be applied to the accessory building or structure.

(6) **Minimum Yard Setback Requirements:** see Section 4 above.

(a) An accessory building or structure shall not be located in the required setback from a public road or on an easement.

(b) An accessory building or structure shall be setback a minimum 1.2 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

9. DECKS AND AMENITY SPACES

(1) A development permit is required for the construction of any deck 0.6 metre (2 ft.) or more above grade in height. Deck height is measured from the finished grade to the finished floor grade of the deck.

(2) A development permit is required for the construction of any deck that is covered or enclosed (roof or walls), regardless of the height.

(3) A development permit is required for the construction of a deck if it will be attached to a principal building.

(4) For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, where a structure is attached to the principal building by a roofed structure (open or enclosed), it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks. Decks are part of the overall maximum site or lot coverage.

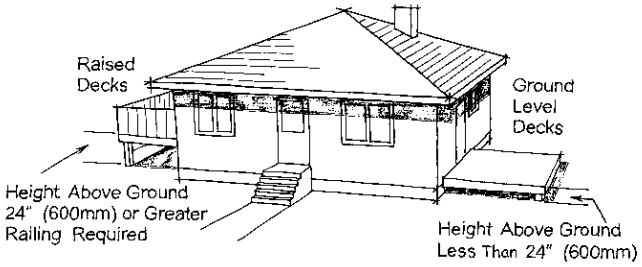
(5) Decks not attached to a building that are not 0.6 metre (2 ft.) or more in height, do not require a development permit provided they meet the minimum setback requirements for accessory buildings.

(6) **REAR YARD SETBACKS:** see Section 4 above.

(7) For the purpose of applying these standards of the bylaw:

(a) A **deck** means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building.

(b) A **raised deck** means a horizontal structure with a surface height 0.6 metre (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.



(c) A **ground level deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.6 metre (2 ft.) above grade and is typically attached to a dwelling.

(d) A ground level patio means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

(e) Privacy walls/screens associated with decks 0.6 metre (2 ft.) or greater in height require a development permit. If the privacy wall/screen structure is included with a development application made for a deck, then a separate development permit application is not required.

(f) A privacy wall/screen shall be no greater than 2.44 metres (8 ft.) above the finished deck floor elevation (finished board on top of joist or stone patio surface) of a balcony, deck or patio.

(g) The Development Authority may stipulate the type of material and colour of finish for the privacy wall/screen as a condition on a development permit approval.

10. HIGHER DENSITY RESIDENTIAL

(1) When dealing with proposals for higher density residential development in existing developed neighbourhoods, the following shall be considered:

(a) compatibility with the general height, building design and nature of existing houses;

(b) the massing of the building with regards for streetscape, the parcel, setbacks, and adjacent land uses;

(c) adequate off-street parking;

(d) suitable landscaping and on-site amenities such as playground equipment, etc.;

(e) adequacy and proximity of community facilities such as schools, shopping, recreational facilities and open space;

(f) the ability of the site to provide outdoor amenity space for residents;

(g) the ability of municipal utilities to accommodate the proposed density of development; and

(h) possible impact on future land uses and the street system.

(2) For-multi unit dwellings, each unit must have its own separate utility and meter service.

11. STANDARDS OF DEVELOPMENT – See Part 4.

12. LANDSCAPING AND SCREENING – See Part 4, Section 11.

13. OFF-STREET PARKING REQUIREMENTS – See Part 4, Section 20.

14. HOME OCCUPATIONS – See Part 4, Section 31.

15. SIGNS – See Part 5.

RETAIL COMMERCIAL – C1

INTENT: To provide an area suited to commercial uses that comprise a strong and unique central business district, including the redevelopment of existing sites and integrating mixed uses, which are convenient and attractive to pedestrians, while offering ready vehicular access and adequate parking.

1. PERMITTED USES

Accessory buildings and structures
Amusement facility
Business support service
Coffee shops, restaurants
Convenience store
Financial institutions
Food store/deli, bakery, grocery
Hotels
Medical and dental offices
Personal services
Professional/business offices
Public and semi-public buildings
Restaurants
Retail stores
Signs Type 1 (in accordance with Part 5)
Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)
Theatres

PROHIBITED USES

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Animal grooming facility
Child care facility / Day care
Clubs and organizations
Commercial health or fitness centres
Farmers markets
Funeral home
Indoor storage in conjunction with an approved commercial use
Laundromat
Licensed lounges
Liquor stores
Outdoor storage limited, in conjunction with an approved commercial use
Parking areas and structures
Pawn shop
Public and private utilities
Recycling operations
Residential accommodation as part of a mixed-use commercial building
Shipping container, permanent
Signs Type 2 (in accordance with Part 5)
Small wind energy system – Type A (see Part 4, Section 42)
Taxidermy
Veterinary clinic, small animal
Workshop accessory to retail stores

TYPE B – Development Officer
Temporary uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
All uses	7.6	25	30.5	100	232.3	2,500

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	0.9 If required by the DO or MPC	3	None required		7.6	25

4. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 80%

5. MAXIMUM BUILDING HEIGHT

Principal structure – 10.7 m (35 ft.) and a maximum of three storeys
Accessory structure – 6.1 m (20 ft.)

(1) The roofline of the principal structure shall be compatible with the surrounding structures to the satisfaction of the Development Authority.

(2) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening in a manner compatible with the architectural character of the building or concealed by the building roof or a parapet wall.

6. ACCESSORY BUILDINGS AND STRUCTURES

The following regulations are applicable to accessory buildings and structures:

(a) Accessory buildings or structures 9.3 m^2 (100 sq. ft.) or less in size shall be constructed such that eaves shall be not be less than 0.6 metres (2 ft.) to a side or rear lot line and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(b) Accessory buildings or structures in excess of 9.3 m^2 (100 sq. ft.) shall not be less than 0.9 metres (3 ft.) from a side or rear lot line.

(c) Accessory buildings or structures in excess of 9.3 m^2 (100 sq. ft.) shall be setback (separated) a minimum 1.2 metres (4 ft.) from the principal building or and all other buildings or structures on the same lot.

7. OUTDOOR STORAGE AND SALES

(1) No on-site outdoor storage or sale of goods shall be permitted within this land use district unless expressly approved in a development permit.

(2) Any approved outdoor storage shall be limited to the rear yard and must be screened or fenced to the satisfaction of the Development Authority, with consideration for Section 7 of this district. Outdoor storage shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(3) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback or on municipal property; and

(c) the display areas are not located on any required and approved landscaping area.

(4) Approved shipping containers must be located in the rear yard only and are not to be located in a front or side yard. As a condition of development permit approval, the Development Authority may require the shipping container to be screened or painted.

8. LANDSCAPING AND SCREENING STANDARDS

(1) The Development Authority may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development.

(2) The front yard and corner side yard on corner lots shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Authority.

(3) If landscaping is required by the Development Authority, a landscaping plan shall be submitted with the development permit application for any principal use. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

(4) Development along Highway 25 may be subject to enhanced landscaping standards to ensure consistency with the Municipal Development Plan policies regarding entryways into the community.

(5) Off-street parking lots shall be landscaped and/or screened to the satisfaction of the Development Authority. An off-street parking lot designed to accommodate more than 25 vehicles shall provide landscaping in the form of landscaped islands, landscaping between rows of parking stalls, or other suitable landscaping to the satisfaction of the Development Authority.

(6) Where off-street parking is adjacent to a residential use, the Development Authority may require a minimum 3.0 m (10 ft.) landscaped buffer between the property line and the adjacent use.

(7) All mechanical equipment shall be concealed by screening in a manner compatible with the architectural character of the structure to the satisfaction of the Development Authority.

(8) Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

(a) vegetation (e.g. trees, shrubs, lawn, flowers);

(b) ground cover (e.g. large feature rocks, bark chip, field stone, crushed rock, or other similar features);

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity areas (e.g. benches, walkways, raised planters, etc.);

(e) innovative landscaping features, as approved by the Development Authority.

(9) For additional standards that may apply – **See Part 4**.

9. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – SEE PART 4.

A commercial or other associated development in this district is required to meet the parking and loading area requirements outlined in Part 4, Section 20, which may be imposed as a condition on a development permit approval.

10. STACKING SPACES FOR DRIVE-THROUGH USES

(1) In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces:

(a) Restaurant use: 30.5 m (100 ft.) from order box to pick-up window

(b) Gas station: 9.1 m (30 ft.) from each end on pump island

(c) Bank machine: 22.9 m (75 ft.) from bank machine window

(d) Car wash: 15.2 m (50 ft.) from car wash entrance

(e) Other: As determined by the Development Authority

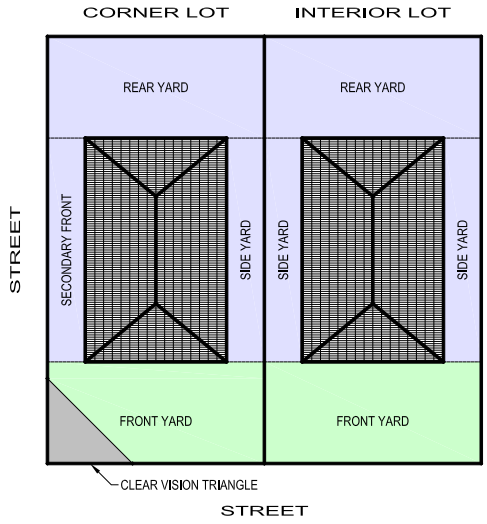
(2) The minimum stacking space requirements in Section 10(1) above may be varied by the Development Authority depending upon the intensity of the proposed development.

11. FENCES

(1) No fence, wall, hedge or any combination thereof shall extend more than 0.91 metre (3 ft.) above the ground in any front yard area without a development permit approved by the Development Authority (see figure).

(2) Fences in the secondary front, rear and side yards shall be 2.44 metres (8 ft.) or less in height (see figure).

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



Fence Height Provisions
Green area = fence height 3 ft. or less
Blue area = fence height 8 ft. or less

12. STANDARDS OF DEVELOPMENT – See Part 4.

(1) **Part 4** contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

13. MIXED-USE DEVELOPMENTS

(1) Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 4 will apply.

(2) Residential accommodation as part of a mixed-use commercial building must be in conjunction with a commercial use on the main floor, and the residential use must be by the operator of the business.

14. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed site plan as part of the development permit application. A site plan shall illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, utility easements and any other item the Development Authority considers necessary.

(2) The Development Authority shall require a professionally prepared site plan as described in Section 14(1) above as part of the development permit application, for any proposed mixed-use parcel of land.

15. **DECKS AND AMENITY SPACES** – See Part 4.

16. **SIGNS** – See Part 5.

17. **CANOPIES** – See Part 5, Section 9.

HIGHWAY COMMERCIAL – C2

INTENT: To ensure the sites adjacent to the highway are reserved for appropriate commercial uses for the benefit of the motoring public and regional commerce with an emphasis on high quality development standards.

1. PERMITTED USES

Accessory buildings and structures
Auto sales and service
Business Support Services
Coffee shops, restaurants
Convenience stores
Drive-thru restaurants
Hotels or Motels
Restaurants
Retail stores
Signs Type 1 (in accordance with Part 5)
Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

PROHIBITED USES

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Animal grooming facility
Auction market (non-livestock)
Building supply centre
Bulk oil stations
Car washes
Farm machinery outlets
Farmer markets
Flea markets
Funeral home
Garden centre
Gas/Service stations (see Part 4)
Liquor store
Parking areas and structures
Public and private utilities
Outdoor storage limited, in conjunction with an approved commercial use
Recreational Vehicle sales and service
Shipping containers, permanent (see Part 4)
Signs Type 2 (in accordance with Part 5)
Small wind energy system – Type A (see Part 4, Section 42)
Tourist centres or facilities
Veterinary clinics, large and small animal

TYPE B – Development Officer
Temporary uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
All uses	22.9	75	38.1	125	870.9	9,375

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard m	Front Yard ft.	Side Yard m	Side Yard ft.	Rear Yard m	Rear Yard ft.
All uses	9.1	30	6.1	20	6.1	20

4. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 50%

5. MAXIMUM BUILDING HEIGHT

Principal structure – 10.7 m (35 ft.) and a maximum of three storeys
Accessory structure – 6.1 m (20 ft.)

(1) The roofline of the principal structure shall be compatible with the surrounding structures to the satisfaction of the Development Authority.

(2) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening in a manner compatible with the architectural character of the building or concealed by the building roof or a parapet wall.

6. ACCESSORY BUILDINGS AND STRUCTURES

The following regulations are applicable to accessory buildings and structures:

(a) Accessory buildings or structures 9.3 m^2 (100 sq. ft.) or less in size shall be constructed such that eaves shall be not be less than 0.6 metres (2 ft.) to a side or rear lot line and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(b) Accessory buildings or structures in excess of 9.3 m^2 (100 sq. ft.) shall not be less than 0.9 metres (3 ft.) from a side or rear lot line.

(c) Accessory buildings or structures in excess of 9.3 m^2 (100 sq. ft.) shall be setback (separated) a minimum 1.2 metres (4 ft.) from the principal building or and all other buildings or structures on the same lot.

7. OUTDOOR STORAGE AND SALES

(1) No on-site outdoor storage or sale of goods shall be permitted within this land use district unless expressly approved in a development permit.

(2) Any approved outdoor storage shall be limited to the rear yard and must be screened or fenced to the satisfaction of the Development Authority, with consideration for Section 8 of this district. Outdoor storage shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(3) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback or on municipal property; and

(c) the display areas are not located on any required and approved landscaping area.

(4) Approved shipping containers must be located in the rear yard only and are not to be located in a front or side yard. As a condition of development permit approval, the Development Authority may require the shipping container to be screened or painted.

8. LANDSCAPING AND SCREENING STANDARDS

(1) The Development Authority may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development.

(2) The front yard and corner side yard on corner lots shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Authority.

(3) If landscaping is required by the Development Authority, a landscaping plan shall be submitted with the development permit application for any principal use. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

(4) Development along Highways may be subject to:

(a) enhanced landscaping standards to ensure consistency with the Municipal Development Plan policies regarding entryways into the community; and

(b) specific conditions or requirements of Alberta Transportation.

(5) Off-street parking lots shall be landscaped and/or screened to the satisfaction of the Development Authority. An off-street parking lot designed to accommodate more than 25 vehicles shall provide landscaping in the form of landscaped islands, landscaping between rows of parking stalls, or other suitable landscaping to the satisfaction of the Development Authority.

(6) Where off-street parking is adjacent to a residential use, the Development Authority may require a minimum 3.0 metres (10 ft.) landscaped buffer between the property line and the adjacent use.

(7) All mechanical equipment shall be concealed by screening in a manner compatible with the architectural character of the structure to the satisfaction of the Development Authority.

(8) Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

(a) vegetation (e.g. trees, shrubs, lawn, flowers);

(b) ground cover (e.g. large feature rocks, bark chip, field stone, crushed rock, or other similar features);

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity areas (e.g. benches, walkways, raised planters, etc.);

(e) innovative landscaping features, as approved by the Development Authority.

(9) For additional standards that may apply – **See Part 4**.

9. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4, A. General Use Provisions

A commercial or other associated development in this district is required to meet the parking and loading area requirements outlined in Part 4, which may be imposed as a condition on a development permit approval.

10. STACKING SPACES FOR DRIVE-THROUGH USES

(1) In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces:

(a) Restaurant use: 30.5 m (100 ft.) from order box to pick-up window

For order boxes associated with 1(a), the order box must be located a minimum of 9.1 m (30 ft.) from the boundary of a road right-of-way.

(b) Gas station: 9.1 m (30 ft.) from each end on pump island

(c) Bank machine: 22.9 m (75 ft.) from bank machine window

(d) Car wash: 15.2 m (50 ft.) from car wash entrance

(e) Other: As determined by the Development Authority

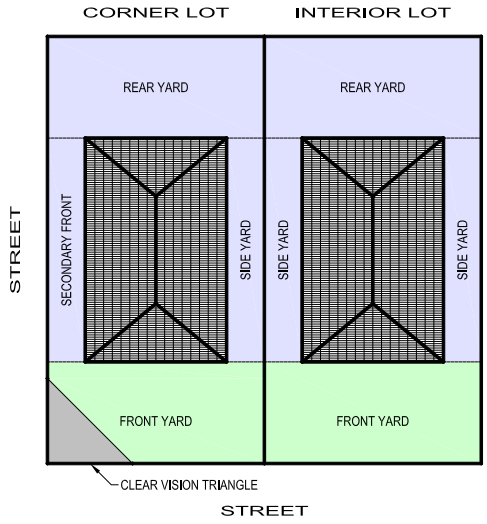
(2) The minimum stacking space requirements in Section 10(1) may be varied by the Development Authority depending upon the intensity of the proposed development.

11. FENCES

(1) No fence, wall, hedge or any combination thereof shall extend more than 0.91 metre (3 ft.) above the ground in any front yard area without a development permit approved by the Development Authority (see figure).

(2) Fences in the secondary front, rear and side yards shall be 2.44 metres (8 ft.) or less in height (see figure).

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



Fence Height Provisions
Green area = fence height 3 ft. or less
Blue area = fence height 8 ft. or less

12. STANDARDS OF DEVELOPMENT – See Part 4.

(1) **Part 4** contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

13. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 4 will apply.

14. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed site plan as part of the development permit application. A site plan shall illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, utility easements and any other item the Development Authority considers necessary.

(2) The Development Authority shall require a professionally prepared site plan as described in Section 14(1) as part of the development permit application, for any proposed mixed-use parcel of land.

15. STANDARDS OF DEVELOPMENT – See Part 4.

16. LANDSCAPING AND SCREENING – See Part 4, Section 11.

17. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4, Section 20.

18. SIGNS – See Part 5.

INDUSTRIAL – I

INTENT: To provide for and encourage the orderly industrial development of this district in a manner compatible with other land uses.

1. PERMITTED USES

Accessory buildings and structures
Building and special trade contractors
Business support service
Farm machinery sales and service outlets
Grain elevators or storage
Mini-storage
Offices and business administration
Signs Type 1 (in accordance with Part 5)
Solar collectors, individual (see Part 4)
Taxidermy
Temporary shipping container (see Part 3 and Part 4, Section 40)
Warehousing and indoor storage facilities
Wholesaling

PROHIBITED USES

Livestock sales yards
Noxious and hazardous uses

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Auction market (non-livestock)
Auto body repair and paint shop
Automobile sales and service outlets
Building supply centre
Bulk fuel stations
Cannabis production facility
Car and truck washing facilities
Cardlock fuel station
Food processing industries
Garden centre
Gas/Service stations
Greenhouse
Kennel
Landscaping materials sales and service
Lumber yard/building supplies
Manufactured home sales and service
Manufacturing and processing facilities, general
Mechanical sales and service
Moved-in building
Non-noxious manufacturing and processing facilities
Portable fabric buildings and storage structures
Public and private utilities
Recycling facility
Seed cleaning plants
Shipping containers (see Part 4)
Signs Type 2 (in accordance with Part 5)
Small wind energy system – Type A, B and C (see Part 4)
Transportation depot
Veterinary clinics, small and large animal
Welding and metal fabrication
(column continues on next page)

DISCRETIONARY USES

TYPE B – Development Officer
Outdoor storage
Surveillance suite
Temporary uses

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
All uses	30.5	100	30.5	100	929	10,000

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	7.6	25	3.0 (internal)	10	As required by the DO or MPC	
			4.6 (corner)	15		

4. MAXIMUM SITE COVERAGE

Principal building and accessory buildings – 60%

5. MAXIMUM BUILDING HEIGHT

Principal structure – 10.7 m (35 ft.) and a maximum of three storeys
Accessory structure – 7.6 m (25 ft.)

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) Accessory buildings or structures setbacks to the side or rear lot line shall be to the discretion of the Development Authority, with consideration for required setbacks and minimum distance separations based on the materials stored in accessory structures. In all instances the accessory building or structure setbacks shall be constructed such that eaves shall be not less than 0.6 metres (2 ft.) to a side or rear lot line and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(2) Accessory buildings or structures in excess of 9.3 m^2 (100 sq. ft.) shall be setback a minimum 1.2 metres (4 ft.) from the principal building or and all other buildings or structures on the same lot.

7. INDUSTRIAL DEVELOPMENT STANDARDS

(1) No use shall be approved which may generate traffic problems within the district.

(2) Any proposed industrial development shall meet all the required and appropriate regulations of the Alberta Building Code.

(3) On parcels located adjacent to provincial highways, any storage of goods, products, raw materials, etc. shall be effectively screened from view by buildings, solid fences, landscaped features, or combinations thereof and be maintained in good repair.

(4) Landscaping, fencing, screening and siting or setback restrictions may be imposed as a condition of a development permit, with consideration for Section 8 and 9 below, and Part 4, Section 11.

(5) Where it appears that greater side yard setbacks may be necessary, the Development Authority may impose such a requirement as a condition of a development permit.

(6) No operation or activity associated with any use in this District shall be permitted which would create a nuisance factor from noise, odour, earthborn vibrations, heat, intense light sources or dust, outside an enclosed building.

(7) See Part 4, A. General Use Provisions for additional requirements.

(8) See Part 4, B. Specific Use Provisions.

8. LANDSCAPING, SCREENING AND LOCATION OF STORAGE

(1) No outdoor storage shall be permitted in the required front yard setback of 7.6 metres (25 ft.), nor in the required corner lot side yard setback of 4.6 metres (15 ft.).

(2) The minimum front yard setback area, or an equal percentage of the site area as required by the Municipal Planning Commission, and in the case of corner lots, the minor front yard setback area as well, shall be comprehensively landscaped to the satisfaction of the Development Officer or the Municipal Planning Commission in accordance with the guidelines in this section and Part 4, Section 11.

(3) Other outdoor storage areas shall be kept effectively screened from view by buildings, solid fences, trees, landscaped features, or combinations thereof, and shall be maintained in good repair unless exempted by the Municipal Planning Commission. For fencing see Section 9 below.

(4) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(5) See Part 4, A. General Use Provisions for landscaping requirements.

(6) Outdoor storage is prohibited in the front yard. All loading, service, and storage areas (where permitted), shall be located to the rear and sides of the principal building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(7) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items manufactured or sold by the use located on the subject site containing the display area;

(b) the outdoor display areas are not located within any required setback; and

(c) the display areas are not located on any required and approved landscaping area.

(8) Refuse or garbage shall be kept in a suitably-sized container or enclosure and shall be located in a rear yard only. Refuse containers shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(9) Equipment, parts, wrecked or damaged motor vehicles which might be located or stockpiled on the property as part of an approved development must be effectively screened from all adjacent parcels and roadways in the vicinity.

(10) The Development Authority may require that any exposed projections outside the building, such as mechanical and electrical equipment and cooling towers, be screened from view from any public roadway and adjacent sites if, in the opinion of the Development Authority such projections are:

(a) inconsistent with the character and appearance of surrounding development or intended visual qualities of this District; or

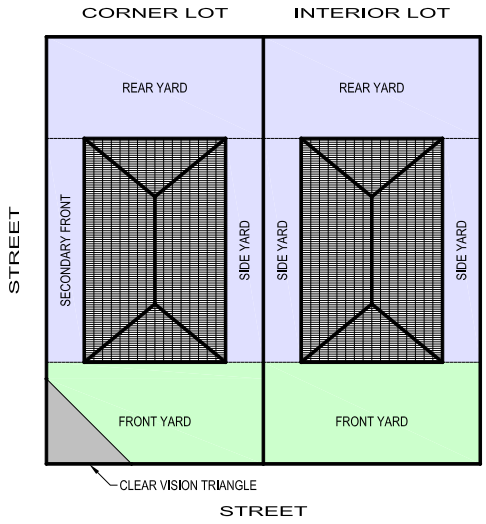
(b) are required in accordance with any area structure plan policies.

9. FENCES

(1) No fence, wall, hedge or any combination thereof shall extend more than 0.91 metre (3 ft.) above the ground in any front yard area without a development permit approved by the Development Authority (see figure).

(2) Fences in the secondary front, rear and side yards shall be 2.44 metres (8 ft.) or less in height (see figure).

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



Fence Height Provisions
Green area = fence height 3 ft. or less
Blue area = fence height 8 ft. or less

10. LOADING AREA REQUIREMENTS

(1) For commercial, industrial and other uses, there shall be a minimum of one off-street designated loading area, or more as required by the Development Authority. Uses such as office buildings, business support services, and professional services that do not involve the production, sales, storage or shipping of products or goods may be exempted from this requirement by the Development Authority.

(2) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, site access/approaches onto public roadways, or parking.

(3) See Part 4, General Use Provisions for additional standards.

11. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Part 4 will apply.

12. SITE PLANS

(1) The Development Authority may require a professionally prepared detailed site plan as part of the development permit application. A site plan shall illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, utility easements and any other item the Development Authority considers necessary.

(2) The Development Authority shall require a professionally prepared site plan as described in Section 12(1) as part of the development permit application, for any proposed mixed-use parcel of land.

13. STANDARDS OF DEVELOPMENT – See Part 4, A. General Use Provisions

(1) Part 4 contains land use and development standards that may be required and stipulated as a condition of a subdivision or development approval.

(2) All development must comply with any additional standards that may be contained in an adopted area structure plan or design scheme.

14. STANDARDS OF DEVELOPMENT – See Part 4. B. Specific Use Provisions

15. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4, Section 20.

16. SIGNS – See Part 5.

PUBLIC – P

INTENT: To provide for institutional, public and semi-public uses which are compatible with each other and with adjoining land use districts. These will often include government, community, educational and recreational types of uses.

1. PERMITTED USES

Accessory buildings and structures
Cemetery
Government offices
Libraries
Parks, playgrounds, sportsfields, open spaces and other public recreation areas
Places of worship
Post offices
Public use facilities
Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

PROHIBITED USES

Shipping containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory uses
Adult care facility
Campgrounds, public
Child care facility
Clubs and fraternal organizations
Commercial recreation
Community hall or facility
Educational facilities
Group home
Hospital
Museum
Portable garages (fabric buildings) and storage structures
Private nursing home
Private clubs and recreation facilities
Public and private utility accessory structure
Public and private utility structures
Schools – Public and private
Senior citizens' lodges
Signs Type 1 and Type 2 (in accordance with Part 5)
Small wind energy system – Type A and B (see Part 4)

TYPE B – Development Officer
Temporary uses

2. MINIMUM LOT SIZE

As required by the Development Officer or Municipal Planning Commission.

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	7.6	25	3.0	10	7.6	25

4. MAXIMUM SITE COVERAGE

Principal building and accessory buildings combined – 50%

5. MAXIMUM BUILDING HEIGHT

Principal structure – 7.6 m (25 ft.)
Accessory structure – 6.1 m (20 ft.)

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) Accessory buildings or structures setbacks to the side or rear lot line shall be to the discretion of the Development Authority, with consideration for the size and use. In all instances the accessory building or structure setbacks shall be constructed such that eaves shall be not less than 0.6 metres (2 ft.) to a side or rear lot line and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(2) Accessory buildings or structures in excess of 9.3 m^2 (100 sq. ft.) shall be setback a minimum 1.2 metres (4 ft.) from the principal building or and all other buildings or structures on the same lot.

7. LANDSCAPING

(1) The Development Authority may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development.

(2) The front yard and corner side yard on corner lots shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Authority.

(3) If landscaping is required by the Development Authority, a landscaping plan shall be submitted with the development permit application for any principal use. The Development Authority may require that a landscaping plan be prepared by a professional. An irrigation plan may also be required.

(4) Off-street parking lots shall be landscaped and/or screened to the satisfaction of the Development Authority. An off-street parking lot designed to accommodate more than 25 vehicles shall provide landscaping in the form of landscaped islands, landscaping between rows of parking stalls, or other suitable landscaping to the satisfaction of the Development Authority.

(5) Where off-street parking is adjacent to a residential use, the Development Authority may require a minimum 3.0 metres (10 ft.) landscaped buffer between the property line and the adjacent use.

(6) Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

(a) vegetation (e.g. trees, shrubs, lawn, flowers);

(b) ground cover (e.g. large feature rocks, bark chip, field stone, crushed rock, or other similar features);

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity areas (e.g. benches, walkways, raised planters, etc.);

(e) innovative landscaping features, as approved by the Development Authority.

8. STANDARDS OF DEVELOPMENT – See Part 4.

9. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Part 4, Section 20.

10. SIGNS – See Part 5.

URBAN RESERVE – UR

INTENT: To limit and manage development in areas along the community's fringe to uses which will not constrain the transition to more intensive urban development in the future. Development and fragmentation of land is to be limited in order to preserve land and enable it to be more efficiently planned for and serviced in the future. Agricultural uses may occur in the interim prior to land being planned for and developed as more intensified urban use, but such uses are limited to non-noxious, minor activities related to the cultivation of land, and crop production.

1. PERMITTED USES

Extensive agriculture (see definition and section 8 of this district)
Irrigated farming
Market gardens
Nursery
Temporary shipping container (see Part 3 and Part 4, Section 40)

PROHIBITED USES

Keeping of confined livestock, farm or exotic animals, including animal shelters, cattle barns or feedlots, swine barns, poultry barns, etc.
Manure application / spreading
Manure or compost stockpiles
Noxious and hazardous uses
Pasturing and grazing of livestock
Shipping containers

- *Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be Similar to a Permitted or Discretionary Use in accordance with Part 1, Section 31, is a Prohibited Use.*

DISCRETIONARY USES

TYPE A
Accessory buildings, structures and uses
Campgrounds
Playgrounds
Portable garages (fabric buildings) and storage structures (see Part 4)
Public and private utilities
Public parks
Residential accommodation in conjunction with an approved agricultural use
Signs Type 1 and Type 2 (in accordance with Part 5)
Small wind energy system – Type A, B and C (see Part 4)
Sportsfields
Veterinary clinic, small animal

TYPE B – Development Officer
Bed and breakfasts (see Part 4)
Day homes (see Part 4)
Temporary uses

2. MINIMUM LOT SIZE

2 hectares (5 acres) – This minimum may be varied by the Municipal Planning Commission if there is provision for all-weather access and connections to all main services.

3. DEVELOPMENT PREREQUISITE

The Municipal Planning Commission may require that a discretionary use may only be approved when an area structure plan for the site has been adopted by Council.

4. MINIMUM SETBACK REQUIREMENTS

As required by the Development Officer or Municipal Planning Commission.

5. MAXIMUM SITE COVERAGE

As required by the Development Officer or Municipal Planning Commission.

6. EXTENSIVE AGRICULTURE AND LIVESTOCK GRAZING

(1) Development permits are not required for extensive agriculture uses; however, such uses are limited to non-noxious, best practice farming activities related to the cultivation of land and crop production or seasonal grazing. Allowable activities include cultivating soil, raising and producing field crops, and working or tending to agricultural land by tilling, seeding, ploughing, fallowing, swathing.

(2) The keeping of confined livestock, farm or exotic animals, manure stockpiling, composting are not permitted in this land use district.

(3) See Definitions, Part 6, for the applicable definitions of extensive agriculture, livestock, farm animals and exotic animals.

7. STANDARDS OF DEVELOPMENT – See Part 4.

8. SIGNS – See Part 5.

DIRECT CONTROL – DC

INTENT: To allow flexibility for approval of uses on suitable sites which have potential for a variety of different uses or require special development or land use restrictions. On sites designated as Direct Control, Council is willing to consider proposals that do not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or enjoyment or value of neighbouring properties.

1. PERMITTED AND DISCRETIONARY USES

Any use Council considers suitable.

2. PROHIBITED USES

Any use not expressly approved by Council or a use listed as prohibited by Council.

3. MINIMUM LOT SIZE

As Council determines necessary having regard to Part 2.

4. MINIMUM SETBACK REQUIREMENTS

As Council considers necessary.

5. STANDARDS OF DEVELOPMENT

As Council considers necessary having regard to Part 4.

6. SIGNS

As Council considers necessary having regard to Part 5.

7. OTHER STANDARDS

As Council requires.

8. APPROVAL PROCEDURE

(1) Before Council considers an application for a use in the Direct Control district, they shall:

(a) cause notice to be issued by the Development Officer in accordance with Part 1, Section 33;

(b) hear any persons who claim to be affected by a decision on the application.

(2) Council may then approve the application with or without conditions, or refuse the application.

DIRECT CONTROL DISTRICTS AND ADOPTING BYLAWS

(1) Any parcel designated as Direct Control as illustrated on the Land Use Districts Map is designated for that purpose.

(2) The following is a reference list of redesignation bylaws adopted by Town Council which designated the specified parcels of land to a Direct Control – DC land use district. This list will be updated on an ongoing basis and displays the amending bylaws to the most recent date of the Land Use Bylaw being consolidated (updated). The amending bylaws follow this section

BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
844-16	Block L, Plan 8774HS	March 14, 2016
956-25	A portion of Lot 1, Block 26, Plan 2412188 and Area B, Plan 2412187	April 14, 2025
966-25	Lots 1-3, Block 2, Plan 6764DI	November 3, 2025

TOWN OF PICTURE BUTTE
IN THE PROVINCE OF ALBERTA

BYLAW NO. 956-25

A BYLAW OF THE TOWN OF PICTURE BUTTE IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 841-15, BEING THE MUNICIPAL LAND USE BYLAW.

WHEREAS the Council of the Town of Picture Butte desires to redesignate land civically described as 862 Crescent Ave N. and legally described as:

A portion of Lot 1, Block 26, Plan 2412188 and Area B, Plan 2412187

from 'No Zoning' to 'Direct Control - DC', as shown on the map in Schedule 'A' attached hereto to assign land use designation to a former road;

AND WHEREAS the purpose of the proposed amendment is to establish the uses and regulations for a Direct Control District pertaining to the aforementioned land and are as described in Schedule 'B' attached hereto;

AND WHEREAS a Public Hearing, as required by Section 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw;

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

1. The land described as a portion of Lot 1, Block 26, Plan 2412188 and Area B, Plan 2412187 as shown on the attached Schedule 'A' be designated as Direct Control - DC.

2. That the Land Use Districts map of the Town of Picture Butte Land Use Bylaw No. 841-15 be amended to reflect this designation.

3. The specific land use district standards for the Direct Control district be added into Land Use Bylaw No. 841-15, as provided in Schedule 'B'.

4. That Part 2 Land Use Districts, Direct Control Districts and Adopting Bylaws, Subsection (2) be amended to reflect the adoption of this bylaw.

5. Bylaw No. 841-15 being the Land Use Bylaw is hereby amended and consolidated.

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

READ a **first** ~~time~~ this 24th day of February 2025.

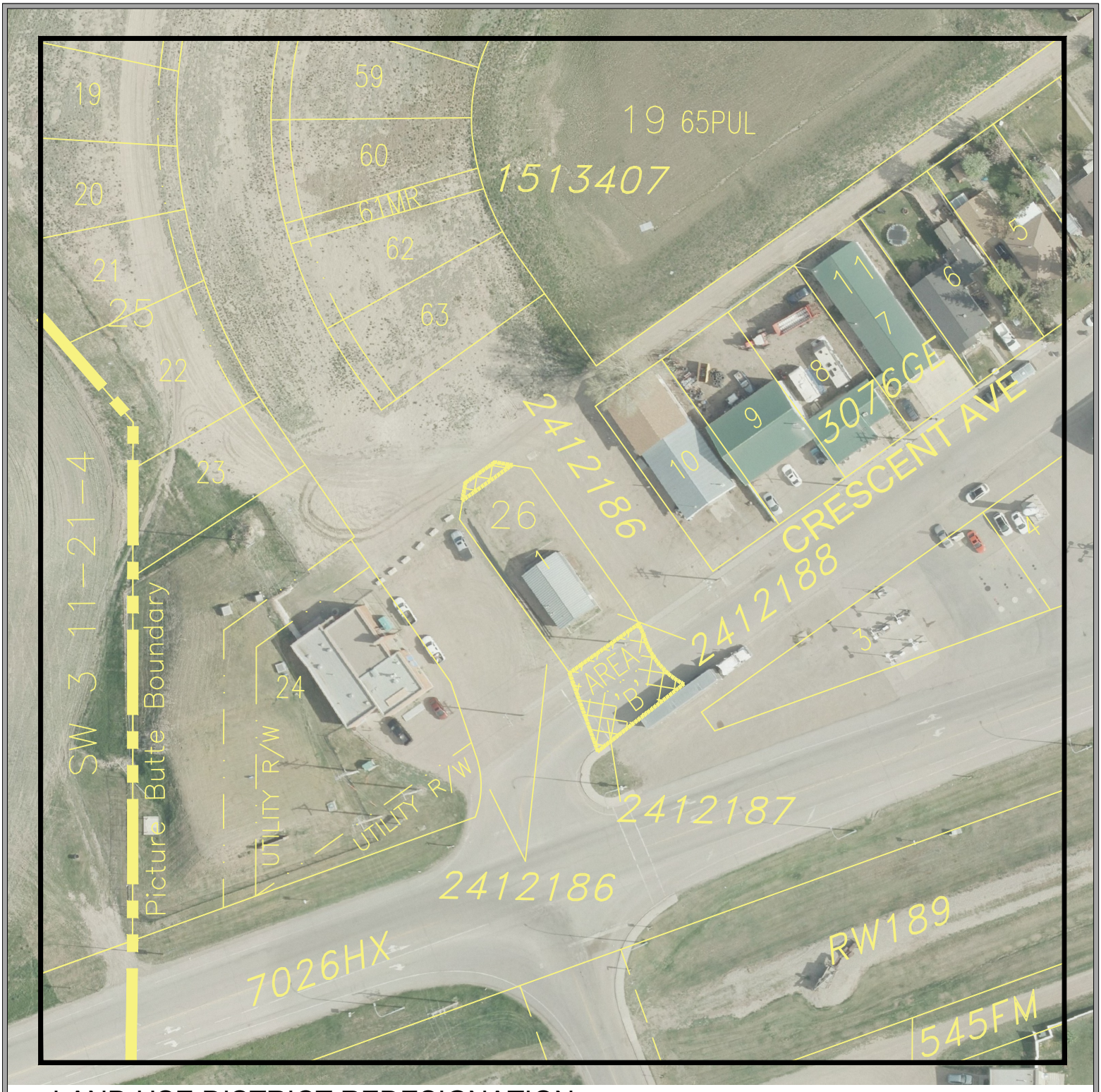
Mayor – *Cathy Moore* ***Chief Administrative Officer*** – *Keith Davis*

READ a **second** time this 14th day of April 2025.

Mayor – *Cathy Moore* ***Chief Administrative Officer*** – *Keith Davis*

READ a **third** time and finally passed this 14th day of April 2025.

Mayor – *Cathy Moore* ***Chief Administrative Officer*** – *Keith Davis*



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

Aerial Photo Date: May 19, 2021

FROM: No Zoning
TO: Direct Control - DC

AREA B, PLAN 2412187 & PORTION OF LOT 1, BLOCK 26, PLAN 2412188
WITHIN SE 1/4 SEC 3, TWP 11, RGE 21, W 4 M
MUNICIPALITY: TOWN OF PICTURE BUTTE
DATE: FEBRUARY 12, 2025

Bylaw #: _____
Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

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

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

SCHEDULE 'B'

DIRECT CONTROL – DC BYLAW NO. 956-25

INTENT: To provide a means whereby Council may regulate and control the use, development, or subdivision on a site specific basis to the following lands: Area B, Plan 2412187 & Lot 1, Block 26, Plan 2412188 as shown in Section 16. For the specific purposes of facilitating development on a parcel with irregular parcel dimensions.

The development allowed is based on the plans as approved by Council in consideration of the constraints of the site, compatibility with adjacent public, institutional and residential land uses, and on the basis the development does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or enjoyment or value of neighbouring properties.

1. USES

PERMITTED USES

Signs Type 1
Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

DISCRETIONARY USES

Accessory buildings and structures
Accessory Uses
Signs Type 2 (in accordance with Part 5)
Any use Council considers suitable.

CONDITIONAL USES

The following are considered:

(a) permitted uses if they are located within an existing approved building; and
(b) discretionary uses if they are located within proposed buildings or proposed additions to existing buildings.

Animal grooming facility
Business Support Services
Coffee shops, restaurants
Convenience stores
Liquor store
Public or private utilities
Restaurants
Retail stores
Tourist centres of facilities

PROHIBITED USES

- *Any use which is not listed as either a Permitted or Discretionary Use is a Prohibited Use, unless otherwise authorized by Council.*

2. DEFINITIONS

All words and terms have the same meaning as what is specified in the Town of Picture Butte Land Use Bylaw.

3. MINIMUM LOT SIZE

As Council determines necessary, having regard to Part 2.

4. MINIMUM YARD SETBACK REQUIRMENTS

Front yard – 14.36 m (47.11 ft.) (Highway Avenue N.)
Secondary front yard – 3.0 m (10 ft.) (9 Street N.)
Side yard – 3.0 m (10 ft.) (easterly property line along Crescent Avenue N.)
Rear yard – 3.0 m (10 ft.) (northerly property line along Crescent Avenue N.)

To orient buildings towards Highway 25 and establish consistency with existing development, Highway Avenue North shall be considered the primary front and 9 Street N. shall be considered the secondary front.
The front yard setback shall be measured from the front property line of Area B, Plan 2412187, regardless of it being consolidated with Lot 1, Block 26, Plan 2412188.
Development is also subject to Street Corner Visibility requirements in Part 4, Section 4.

5. MAXIMUM DENSITY AND SITE COVERAGE

Principal building and accessory buildings combined – 50%.

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) Any accessory buildings or structures shall not be located within a required setback as identified in Section 4 or on an easement.

(2) An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. STANDARDS OF DEVELOPMENT

As Council, or the Development Officer acting as the Development Authority, considers necessary having regard to Part 4.

8. SIGNS

Having regard to Part 5, signs shall be a permitted or discretionary use as defined in Section 1 of this district.

9. OTHER STANDARDS

(1) Development on Area B, Plan 2412187, including development of parking, shall not be permitted until such a time, as the parcel is consolidated by plan with Lot 1, Block 26, Plan 2412188.

(2) As Council requires.

10. APPROVAL PROCEDURE

(1) Before Council, or the Development Officer acting as the Development Authority as assigned by Council, considers an application for a use in the Direct Control district, they shall:

(a) cause notice to be issued by the Development Officer in accordance with Part 1, Section 33;

(b) hear any persons who claim to be affected by a decision on the application.

(2) Council, or the Development Officer acting as the Development Authority, may then approve the application with or without conditions, or refuse the application.

11. OTHER REQUIREMENTS (AS MAY BE REQUIRED BY COUNCIL)

(1) **Site, Layout, and Grading Plan –** that shows the property dimensions, building size and locations, parking areas, utility easements, elevations and servicing areas.

(2) **Landscaping Plan –** that shows the front yard landscaping and fencing (height and type) on the property.

(3) **Refuse or Garbage** – shall be located and kept in a municipally approved/supplied container as per the Town of Picture Butte utility policy, and set out by landowners for collection on pick-up day as schedule by the town.

(4) **Servicing –** the developer shall be responsible for ensuring all required municipal servicing is provided for the development, including water, sewage and drainage.

(a) Shallow utilities (e.g. gas, electricity, fibre optics, phone) as required shall also be provided by the developer to the municipality's or utility agencies' standards.

(b) Any utility right-of-ways or access easements as required shall be provided by the developer to the satisfaction of the Town of Picture Butte.

(5) **Roads/Access/Parking**

(a) Public road access/egress to the parcel will be limited to a single access point to Crescent Avenue.

(b) Parking must be delineated on site and meet the size standards of the Land Use Bylaw.

(6) **Site Plan** – the development may only be approved in accordance with overall conformity to the associated site plan as approved by town Council.

12. SUBDIVISION

(1) No further subdivision is contemplated.

(2) The Municipal Planning Commission, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

13. DELEGATION OF AUTHORITY

(1) Council shall be the Development Authority to decide on development permit applications for all uses and application for waivers of development standards.

(2) The Development Officer, in accordance with Part 1 Section 35 of the Land Use Bylaw and pursuant to section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of the bylaw.

14. APPROVAL PROCEDURE

(1) Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses, or a conditional uses within an existing building, and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice to be published in a newspaper circulating in the area stating the location of the property for which the application has been made and the use approved.

(2) Before consideration of a development permit application for a proposal requiring waivers, a discretionary use, or a conditional use proposing construction of, or an addition to, a building on the subject property, Council shall:

(a) cause a notice to be issued by the designated officer to any person likely to be affected;

(b) ensure that the notice contains the date and time that council will hear the application for discretionary uses, or conditional uses proposing construction of, or an addition to, a building, or application for waivers of development standards;

(c) hear any person that claims to be affected by the decision on the application;

(d) Council may then approve the development application with or without conditions or refuse the application with reasons.

(3) Where Council has made a decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the town office.

15. APPEAL PROCEEDURE

(1) Pursuant to section 685(4)(a) of the Municipal Government Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

(2) If the Development Officer has been delegated the authority to decide upon development permit application as the Development Authority, then pursuant to section 685(4)(b) of the Municipal Government Act, the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the direction of Council.

16. DEVELOPMENT AREA

The regulations and standards of this Direct Control Bylaw apply to Area B, Plan 2412187 & Lot 1, Block 26, Plan 2412188 as shown in the map below.



Development Area

AREA B, PLAN 2412187 & PORTION OF LOT 1, BLOCK 26, PLAN 2412188
WITHIN SE 1/4 SEC 3, TWP 11, RGE 21, W 4 M
MUNICIPALITY: TOWN OF PICTURE BUTTE
DATE: FEBRUARY 12, 2025

TOWN OF PICTURE BUTTE
IN THE PROVINCE OF ALBERTA

BYLAW NO. 966-25

A BYLAW OF THE TOWN OF PICTURE BUTTE IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 841-15, BEING THE MUNICIPAL LAND USE BYLAW.

WHEREAS the Council of the Town of Picture Butte is in receipt of a request to redesignate certain lands within the municipality.

WHEREAS the purpose of Bylaw No. 966-25 is to redesignate land civically described as 210-214 Jamieson Avenue North and legally described as:

Lots 1-3, Block 2, Plan 6764DI

from 'Retail Commercial – C1' to 'Direct Control - DC', as shown on the map in Schedule 'A' attached hereto to accommodate a proposed development of Construction or Building Trade Shop that is not currently provided within the current Retail Commercial (C1) District.

AND WHEREAS the purpose of the proposed amendment is to establish the uses and regulations for a Direct Control District pertaining to the land and are as described in Schedule 'B' attached hereto;

AND WHEREAS a Public Hearing, as required by Section 199 and 692 of the Municipal Government Act, will be held prior to second reading of this Bylaw

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

1. The land described as a portion of Lots 1-3, Block 2, Plan 6764DI as shown on the attached Schedule 'A' be designated as Direct Control - DC.

2. That the Land Use Districts map of the Town of Picture Butte Land Use Bylaw No. 841-15 be amended to reflect this designation.

3. The specific land use district standards for the Direct Control district be added into Land Use Bylaw No. 841-15, as provided in Schedule 'B'.

4. That Part 2 Land Use Districts, Direct Control Districts and Adopting Bylaws, Subsection (2) be amended to reflect the adoption of this bylaw.

5. Bylaw No. 841-15 being the Land Use Bylaw is hereby amended and consolidated.

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

READ a **first** time this 14th day of October, 2025.

Mayor – *Cathy Moore*

Chief Administrative Officer – *Keith Davis*

READ a **second** time this 3rd day of November, 2025.

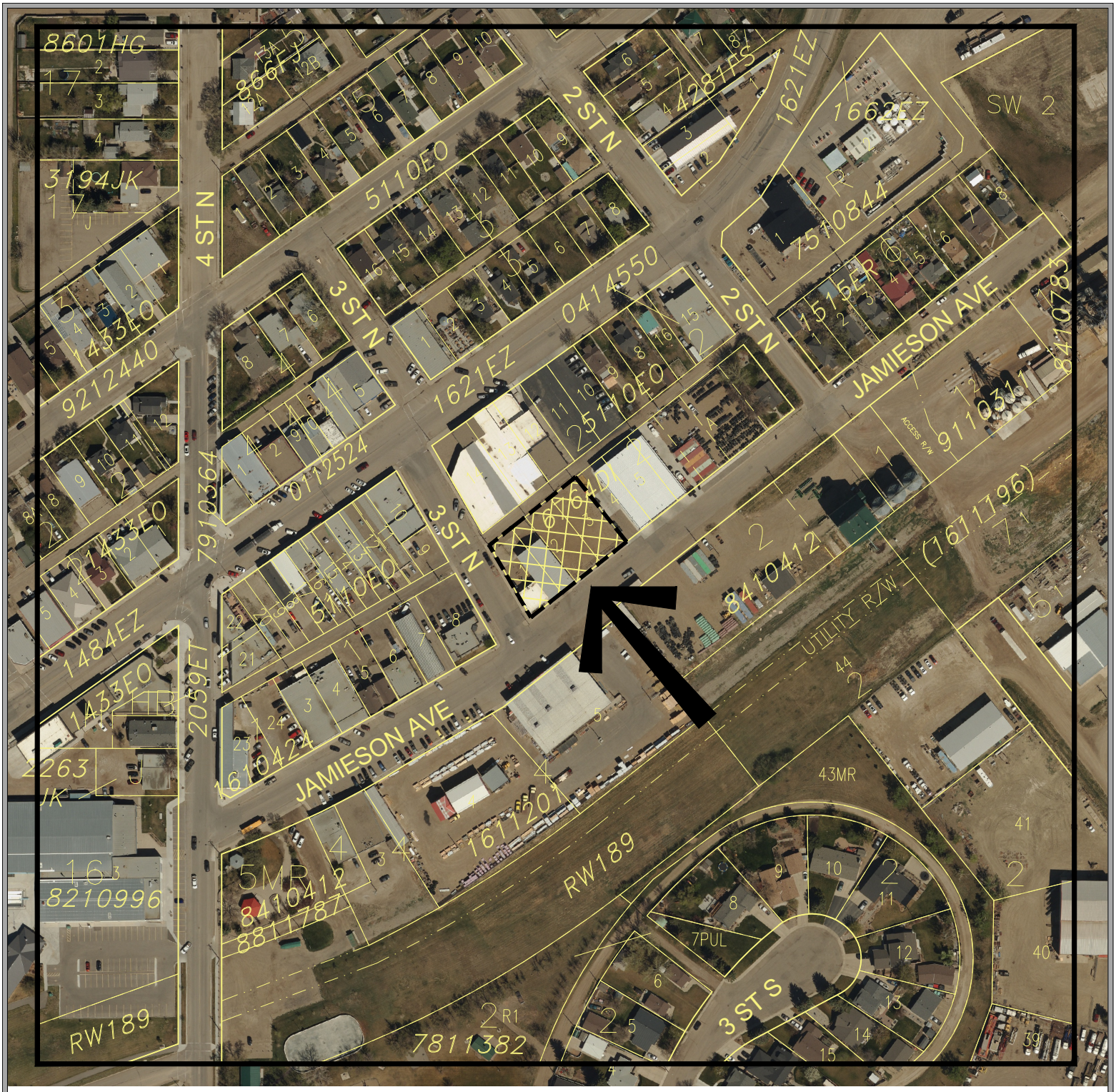
Mayor – *Cathy Moore*

Chief Administrative Officer – *Keith Davis*

READ a **third** time and finally passed this 3rd day of November, 2025.

Mayor – *Cathy Moore*

Chief Administrative Officer – *Keith Davis*



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

Aerial Photo Date: May 7, 2025

FROM: Retail Commercial - C1

TO: Direct Control - DC

LOTS 1-3, BLOCK 2, PLAN 6764DI WITHIN
SW 1/4 SEC 2, TWP 11, RGE 21, W 4 M
MUNICIPALITY: TOWN OF PICTURE BUTTE
DATE: OCTOBER 1, 2025

Bylaw #: XXX-25

Date: _____

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

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

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

October 01, 2025 N:\Lethbridge-County\Picture Butte\Picture Butte LUD & Land Use Redesignations\Picture Butte Lot 1-3, Block 2, Plan 6764DI.dwg

SCHEDULE 'B'

DIRECT CONTROL – DC BYLAW NO. 966-25

INTENT: To provide a means whereby Council may regulate and control the use, development, or subdivision on a site-specific basis to the following lands: Lots 1-3, Block 2, Plan 6764DI as shown in Section 16. For the specific purposes of accommodating a Construction or Building Trade Shop that is not otherwise provided for within the current Retail Commercial (C1) District.

The development allowed is based on the plans as approved by Council in consideration of the constraints of the site, compatibility with adjacent Commercial and Industrial land uses, and on the basis the development does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or enjoyment or value of neighbouring properties.

1. USES

PERMITTED USES

Construction or building trade shop
Signs Type 1
Solar collectors, individual (see Part 4)
Temporary shipping container (see Part 3 and Part 4, Section 40)

DISCRETIONARY USES

Accessory buildings and structures
Accessory Uses
Signs Type 2 (in accordance with Part 5)
Any use Council considers suitable.

PROHIBITED USES

- *Any use which is not listed as either a Permitted or Discretionary Use is a Prohibited Use, unless otherwise authorized by Council.*

2. DEFINITIONS

All words and terms have the same meaning as what is specified in the Town of Picture Butte Land Use Bylaw No. 841-15.

3. MINIMUM LOT SIZE

Width – 7.6 m (25 ft.)
Length – 30.5m (100 ft.)
Area – 232.3 m (2,500 ft.)

4. MINIMUM YARD SETBACK REQUIRMENTS

Front yard – 0.9 m (3 ft.) (If required by Council or the Development Officer acting as the Development Authority as assigned by Council)
Secondary front yard – 0.45 m (1.5 ft.)
Side yard – None required
Rear yard – 7.6m (25 ft.)

5. MAXIMUM DENSITY AND SITE COVERAGE

Principal building and accessory buildings combined – 80%.

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) Accessory buildings or structures 9.3 m2 (100 sq. ft.) or less in size shall be constructed such that eaves shall be not be less than 0.6 metres (2 ft.) to a side or rear lot line and all drainage shall be conducted to the appropriate storm drain via the applicant's own property.

(2) Accessory buildings or structures in excess of 9.3 m2 (100 sq. ft.) shall not be less than 0.9 metres (3 ft.) from a side or rear lot line.

(3) Accessory buildings or structures in excess of 9.3 m2 (100 sq. ft.) shall be setback (separated) a minimum 1.2 metres (4 ft.) from the principal building or and all other buildings or structures on the same lot.

7. OUTDOOR STORAGE AND SALES

(1) No on-site outdoor storage or sale of goods shall be permitted within this land use district unless expressly approved in a development permit.

(2) For any approved outdoor storage screening and fencing refer to Part 4 of Town of Picture Butte Land Use Bylaw No. 841-15.

(3) The outdoor display of goods, materials or equipment solely for advertisement purposes may be allowed, unless otherwise stipulated by the Development Authority, subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;
(b) the outdoor display areas are not located within any required setback or on municipal property; and
(c) the display areas are not located on any required and approved landscaping area.

(4) Approved shipping containers must be located in the rear yard only and are not to be located in a front or side yard. As a condition of development permit approval, the Development Authority may require the shipping container to be screened or painted.

8. STANDARDS OF DEVELOPMENT

As Council, or the Development Officer acting as the Development Authority, considers necessary having regard to Part 4 of Town of Picture Butte Land Use Bylaw No. 841-15.

9. SIGNS

Having regard to Part 5 of Town of Picture Butte Land Use Bylaw No. 841-15, signs shall be a permitted or discretionary use as defined in Section 1 of this district.

10. OTHER REQUIREMENTS

As Council requires.

11. SUBDIVISION

(1) No further subdivision is contemplated.

(2) The Municipal Planning Commission, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications.

12. DELEGATION OF AUTHORITY

(1) Council shall be the Development Authority to decide on development permit applications for all uses and application for waivers of development standards.

(2) The Development Officer, in accordance with Part 1 Section, 35 of the Town of Picture Butte Land Use Bylaw No. 841-15 and pursuant to section 641 (3) of the Municipal Government Act may, with the direction of Council, act as the Development Authority and receive and decide upon development permit applications for permitted uses provided they conform to the standards of the bylaw.

13. APPROVAL PROCEDURE

(1) Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses, and has done so, then immediately upon issuance of the development permit the Development Officer shall cause notice to be given in accordance with Part 1, Section 35 of the Town of Picture Butte Land Use Bylaw No. 841-15, stating the location of the property for which the application has been made and the use approved.

(2) Before consideration of a development permit application for discretionary uses or applications for waivers of development standards Council shall:

(a) cause a notice to be issued by the designated officer to any person likely to be affected in accordance with Part 1, Sections 28, 29, 30, and 33 of the Town of Picture Butte Land Use Bylaw No. 841-15;

(b) ensure that the notice contains the date and time that council will hear the application for discretionary uses or applications for waivers of development standards;

(c) hear any person that claims to be affected by the decision on the application;

(d) Council may then approve the development application with or without conditions or refuse the application with reasons.

(3) Where Council has made a decision on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and post a copy of the decision in the lobby of the town office.

14. APPEAL PROCEEDURE

(1) Pursuant to section 685(4)(a) of the Municipal Government Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

(2) If the Development Officer has been delegated the authority to decide upon development permit application as the Development Authority, then pursuant to section 685(4)(b) of the Municipal Government Act, the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the direction of Council.

15. DEVELOPMENT AREA

The regulations and standards of this Direct Control Bylaw apply to Lots 1-3, Block 2, Plan 6764DI as shown in the map below.



DEVELOPMENT AREA
LOTS 1-3, BLOCK 2, PLAN 6764DI WITHIN
SW 1/4 SEC 2, TWP 11, RGE 21, W 4 M
MUNICIPALITY: TOWN OF PICTURE BUTTE
DATE: OCTOBER 1, 2025

PART 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

PART 3

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. No development permit is required for any development that is specifically exempt by virtue of its inclusion in an exemption regulation.

2. No development permit is required the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or controlled.

3. No development permit is required for the following, but they must otherwise comply with the requirements of this Bylaw:

   (a) the carrying out of works of maintenance or repair to any building, if such works do not include structural alterations, or major works of renovation;

   (b) the completion of a building which was lawfully under construction at the date of the first publication of the official notice required by section 692 of the *MGA*, provided that:

      (i) the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which that permit was granted; and

      (ii) the building, whether or not a permit was granted in respect of it, is completed within a period of 12 months from the date of the first publication of the official notice;

   and the use of any building referred to in Sections 3(b)(i) and (ii) above for the purpose for which construction was commenced.

   (c) the placement of a construction trailer during the construction, alteration, or maintenance of a building for a term not to exceed one year providing the trailer is removed upon occupancy or issuance of an occupancy permit, whichever occurs first and there shall be no residential occupancy of the construction trailer at any time;

   (d) the carrying out of works of maintenance or repair to any building, if such works do not include structural alterations or major works of renovation;

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

      (i) create another dwelling unit,

      (ii) increase parking requirements,

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

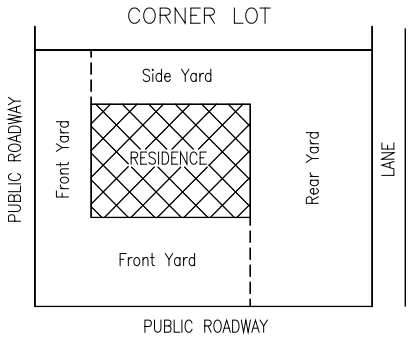
      (iv) increase the square footage (increase density);

   (f) changing the exterior finish of a building unless it is required as a condition of an authorized development permit;

(g) the use of a building or part thereof as a temporary polling station, returning officer's headquarters, candidate's campaign office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;

(h) the erection of gates, fences, walls, hedges or other means of enclosure which are:

(i) not more than 0.9 metre (3 ft.) in height in front yards and all yard spaces on corner lots lying between the dwelling and the public roadway (as illustrated in the following diagram);



(ii) not more than 1.8 metres (6 ft.) in all other yards in residential land use districts;

(iii) not more than 2.4 metres (8 ft.) in rear and side yards in commercial and industrial land use districts;

(i) the temporary erection or construction of buildings, works, plant or machinery needed in connection with operations for which a development permit and a building permit have been issued;

(j) concrete or asphalt parking surfaces (excluding carports);

(k) the erection or placement of one accessory building or structure that is detached and less than 9.3 m^2 (100. sq. ft.) in area providing that it otherwise complies with this Bylaw (additional accessory buildings or structures will require a development permit);

(l) uncovered patios or stairs provided they do not project more than the allowed distance into required setbacks;

(m) landscaping, fish ponds, fountains, ornaments, flagpoles (less than 4.88 metres (16 ft.) in height), garden/flower boxes, or other similar landscaping features;

(n) rear, ground level deck less than 0.61 metre (2 ft.) in height provided they meet the minimum setback requirements for accessory buildings or structures;

(o) any residential hard surfaced or gravel driveways, parking pads not supporting a garage or carport, and/or paving stones, that was not required as part of the original development permit;

(p) satellite or cable television dishes less than 1.52 metres (5 ft.) in diameter provided installation meets all requirements within the Land Use District pertaining to the development;

(q) temporary and/or portable swimming pools and hot tubs 11.15 m^2 (120 sq. ft.) or less in size but are subject to Safety Codes and may require a building permit. (Any private swimming pool with a design depth greater than 0.61 metre (2 ft.) shall be constructed and fenced in accordance with Safety Codes requirements.) – refer to Part 4, Section 36 for other Swimming Pool standards;

(r) temporary outdoor and seasonal sales businesses that are not permanent (e.g. farmers markets, individual single-event farm auction or estate sales, portable or seasonal fruit and vegetable stands, Christmas tree sales, etc.) that do not operate on the site more than 30 days in a calendar year;

(s) the carrying out of activities related to extensive agriculture as permitted in a land use district, provided it is in accordance with the specific standards and criteria of the bylaw, and with respect to the landowner adhering to good farming practices.

4. No development permit is required for certain signs as outlined in Part 5 – Sign Regulations, Section 3 (Signs Not Requiring A Permit). Typically, real estate signs, election signs, garage sale signs, window signs, municipal addresses, etc. will not require a development permit.

5. A development permit is not required for demolition:

   (a) if a development permit has been approved for development on the same site and demolition is implicit in that permit; or

   (b) for accessory buildings or structures of less than 18.58 m^2 (200 sq. ft.) in area.

6. Temporary shipping intermodal containers (c-containers or sea containers) that are needed to temporarily accommodate the storage of goods where a building has been damaged in a fire or flood do not need a development permit if the time period does not exceed 6-months from the time of placement on the property. (To exceed the 6-month period or for other types of temporary shipping containers, including those for interior renovations that are not associated with a situation where a building has been damaged in a fire or flood, do require a development permit, refer to Part 4, Section 40).

7. Although the previous listed items may eliminate the necessity of a Development Permit, the applicant is still responsible for obtaining any required Building Permit and/or adhering to any other applicable legislation, safety codes or municipal bylaw.

8. If there is a doubt as to whether a development permit is required, the matter shall be referred to the Development Authority for a determination of whether a development permit is required.

PART 4

STANDARDS OF DEVELOPMENT

PART 4

STANDARDS OF DEVELOPMENT

Except for more specific, alternative, or contradictory standards as may be set forth within an individual land use district, the following standards apply to all uses in all districts. Standards that are of a continuing nature must be adhered to at all times into the future, whether or not if attached as a condition of development permit or not.

A. GENERAL USE PROVISIONS

Quality of Development – Section 1
Design, Character and Appearance – Section 2
Development on Non-Conforming Sized Lots – Section 3
Street Corner Visibility – Section 4
Retaining Walls, Grading and Drainage – Section 5
Multiple Front Yard Provision – Section 6
Refuse Collection and Storage – Section 7
Driveways – Section 8
Fences – Section 9
Building Setbacks – Section 10
Landscaping Standards and Screening – Section 11
Accessory Use – Air Conditioners – Section 12
Servicing – Section 13
Hazardous Chemical Storage – Section 14
Outdoor Fuel Storage – Section 15
Easements – Section 16
Construction Hoarding – Section 17
Site Lighting – Section 18
Commercial and Industrial Use Standards – Section 19
Parking and Loading Area Requirements – Section 20
Architectural Controls – Section 21
Site Plans – Section 22
Hazard Lands – Section 23
Setbacks from Abandoned Wells – Section 24

1. QUALITY OF DEVELOPMENT

The Development Officer or the Municipal Planning Commission may impose conditions on development applications which serve to improve the quality of any proposed development within any land use district. Such special conditions may include, but are not limited to: landscaping, paved parking areas, exterior building finishes, setback variations, building mass, the control of noise, smoke, smell, and industrial wastes.

2. DESIGN, CHARACTER AND APPEARANCE

(1) The Municipal Planning Commission or Development Officer may require that specific exterior finishing materials and colour tones be utilized to maintain the compatibility of any proposed development with surrounding or adjacent developments.

(2) The Municipal Planning Commission or Development Officer may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any proposed additions or ancillary structures with existing buildings on the same lot.

(3) The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Development Authority.

(4) The Municipal Planning Commission or Development Officer may impose conditions on a development permit to ensure:

(a) that the design, character and appearance of a buildings, structures or signs is compatible with other buildings in the vicinity unless it is setting a higher standard of design, character and appearance for the land use district or a particular locality of it;

(b) that the design, character and appearance of the buildings, structures or sign is consistent with the purpose of the land use district in which the building is located;

(c) that a development complies with any provision of a statutory plan applicable to the design, character and appearance of the building in the district.

3. DEVELOPMENT ON NON-CONFORMING SIZED LOTS

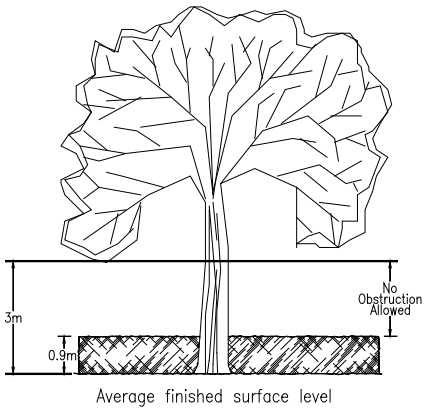
(1) With the approval of the Development Officer or the Municipal Planning Commission, or in the case of existing registered lots, development may be permitted on a lot which does not conform to the minimum requirements for length, width or area provided that the minimum area allowed is not less than 232.25 m^2 (2,500 sq. ft.) but any reduction shall be kept in accordance with the Subdivision and Development Regulation.

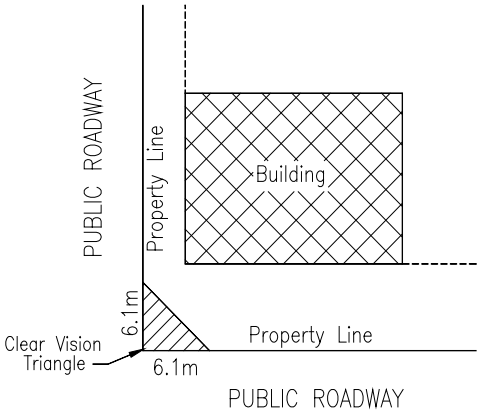
(2) Development of existing lots which are contained in an existing Certificate of Title and do not meet the minimum size requirements or any other requirements of this Bylaw will be considered by the Development Authority on a case-by-case basis.

4. STREET CORNER VISIBILITY

(1) On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections.

(2) Such restrictions apply between 0.9 metre (3 ft.) and 3.0 metres (10 ft.) above the centre line grades of the intersecting streets in the area, bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 metres (20 ft.) from the point of intersection.





5. RETAINING WALLS, GRADING AND DRAINAGE

(1) All drainage water shall be conveyed to the front street or rear lane and shall not negatively affect adjacent properties.

(2) Municipal Planning Commission or Development Officer may require:

(a) the construction of a retaining wall, including submittal of a certified engineered design, as a condition of development is significant differences in grade exist or will exist between developed and adjacent parcels;

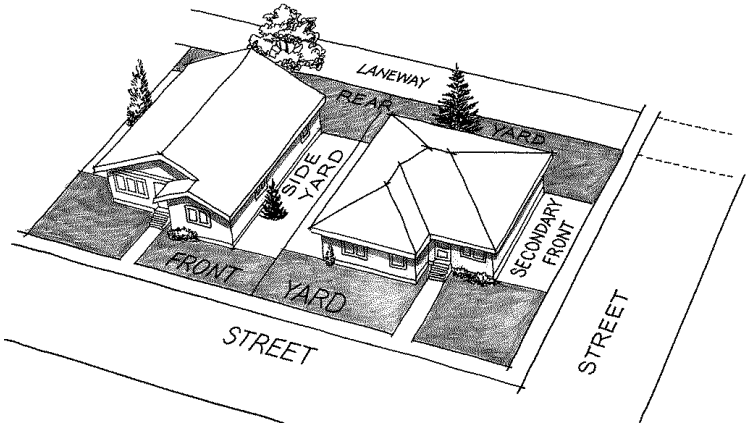
(b) special grading to prevent drainage problems with neighbouring lots as a condition of a development permit;

(c) the provision of engineered grading and drainage plans for the development.

6. MULTIPLE FRONT YARD PROVISION

(1) Where any lot has more than one front yard line, the front yard setback requirement shall apply to all yards, but at the discretion of the Development Officer or the Municipal Planning Commission only one-half the front yard setback requirement may apply to one of the front yards and that yard shall be considered a secondary front yard.

(2) Notwithstanding Section 6(1) above, in residential land use districts, the minimum setback between a garage whose overhead door faces the street and the property line adjacent to that street shall not be less than 4.9 metres (16 ft.) to allow for driveway stacking space for vehicles.



7. REFUSE COLLECTION AND STORAGE

(1) Refuse and garbage shall be kept in a suitably-sized enclosure for each use within each land use district.

(2) Refuse and garbage areas shall be effectively screened until such time as collection and disposal is possible.

(3) Refuse and garbage holding areas, enclosure and compaction areas shall be located and design to ensure adequate on-site manoeuvring for refuse collection vehicles.

(4) Refuse and garbage holding areas, enclosure and compaction areas shall be kept in a good state of condition and shall not produce odours or other nuisance activities that negatively affect adjacent properties.

(5) In a residential land use district, no outdoor storage of garbage shall be permitted in any front yard, including any unscreened portion of either front yard on a corner lot except in an approved garbage enclosure.

8. DRIVEWAYS

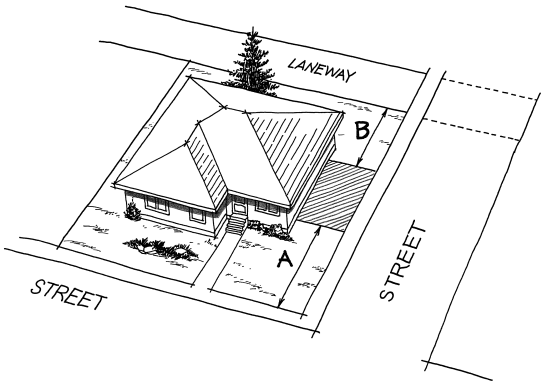
(1) Vehicular access for corner lots shall generally be limited to locations along the minor street or cul-de-sac.

(2) 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 7.62 metres (25 ft.) in width.

(3) When not already included, all single-detached and semi-detached dwellings should provide for the future construction of an attached garage or carport for one or more vehicles.

(4) Only one front or side yard driveway per lot shall be permitted for single-detached residential development (including single-wide and double-wide manufactured homes). A separate driveway accessible from a rear lane is permitted on a lot.

(5) Driveways shall be a minimum of 3.0 metres (10 ft.) and a maximum of 7.62 metres (25 ft.) in width, unless otherwise approved by the Municipal Planning Commission, on the basis of merit.

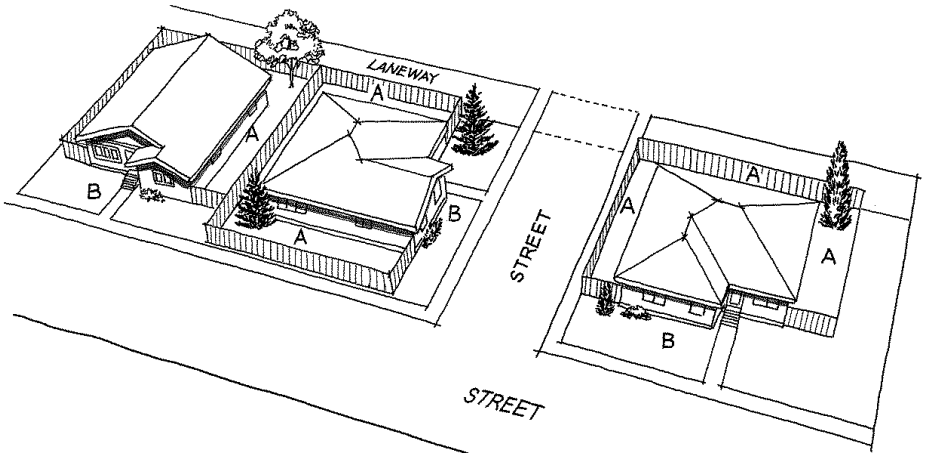


(6) Driveways shall be a minimum of 4.6 metres (15 ft.) from the intersection of two public roadways (as illustrated as setback A on Diagram) and 3.0 metres (10 ft.) from the entrance to a lane (as illustrated as setback B on Diagram).

9. FENCES

(1) No fence, wall, vegetation, or any combination thereof shall extend more than 0.9 metre (3 ft.) above the ground in any front yard area (labelled as area B on diagram), except in the case of corner lots where one yard is considered as the side yard as indicated in Section 6 and in accordance with Section 4 of this Part, without approval by the Municipal Planning Commission.

(2) On parcels designated as residential land use districts fences in rear and side yards (labelled as area A on diagram) shall be limited to 1.8 metres (6 ft.) in height.



(3) Fences in rear and side yards in commercial and industrial land use districts shall be limited to 2.4 metres (8 ft.) in height unless otherwise stipulated in the land use district.

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

(5) Fences are prohibited from encroaching into municipal property, including roads, lanes and rights-of-way, unless permission is granted from the municipality.

10. BUILDING SETBACKS

(1) The Municipal Planning Commission may waive the building setback requirement in a well-established residential area if, in their opinion, the setback blends in with the prevailing yard pattern.

(2) The Development Officer or the Municipal Planning Commission may require varied building setbacks in new residential areas if, in his or their opinion, the variation in setbacks will enhance the development of that area. An average variation of up to 1.5 metres is considered as acceptable in consideration of the standards of this Bylaw.

(3) The Municipal Planning Commission may require increased building setbacks other than those listed in Sections 10(1) and (2) above if, in their opinion, such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

11. LANDSCAPING STANDARDS AND SCREENING

(1) The Municipal Planning Commission or Development Officer may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development, or help ensure another standard or requirement of this Bylaw is met, such as providing required screening.

(2) The minimum front yard setback area, or an equal percentage of the site area as required by the Municipal Planning Commission, and in the case of corner lots, the minor front yard setback area as well, shall be comprehensively landscaped to the satisfaction of the Development Officer or the Municipal Planning Commission in accordance with the guidelines in this section, except for those areas occupied by sidewalks or driveways.

(3) Separation, or buffering, between adjacent land uses may be required, including the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact.

(4) Where any commercial or industrial parcel or part of a parcel adjacent to a primary highway or secondary road is used for outdoor storage of goods, machinery, vehicles, buildings or waste materials, the Municipal Planning Commission or Development Officer shall require satisfactory screening by buildings, fences, hedges, trees, berming or other landscaping features.

(5) In commercial and industrial land use districts, no outdoor storage shall be permitted in the required front yard setback of 7.6 metres (25 ft.), nor in the required corner lot secondary street side yard setback of 3.8 metres (12.5 ft.).

(6) Outdoor storage is prohibited in the front yard. All loading, service, and storage areas (where permitted), shall be located to the rear and sides of the principal building and shall be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(7) Other outdoor storage areas shall be kept effectively screened from view by buildings, solid fences, trees, landscaped features, or combinations thereof, and shall be maintained in good condition unless exempted by the Municipal Planning Commission.

(8) Landscaping may consist of any or all of the following:

  (a) vegetation (e.g., trees, shrubs, lawn, flowers);

  (b) ground cover such as large feature rocks, bark chips, crushed rock, field stone or other similar features;

  (c) berming, terracing;

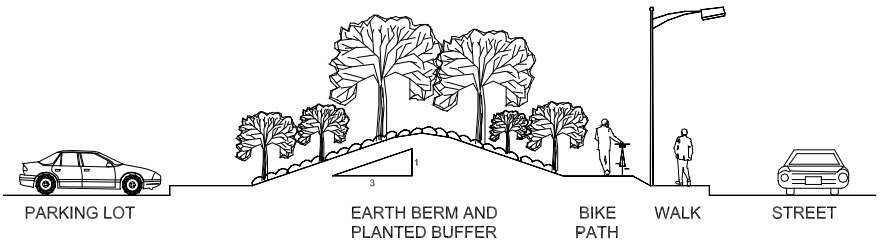
  (d) innovative landscaping features, xeriscaping;

  (e) landscape ornaments;

  (f) other features that may include, but not limited to, front walkways and steps.

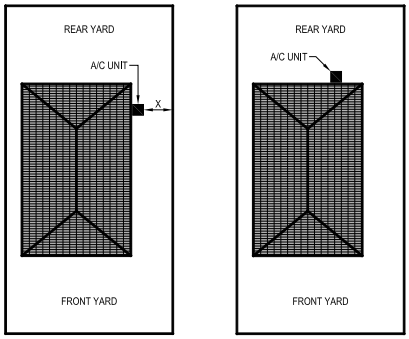
(9) Parking lots shall be landscaped and/or screened as required by the Development Authority where deemed appropriate, to help buffer or screen the use to adjacent land uses, for limiting the percentage of hard surface in relation to surface drainage management or for aesthetic purposes, at the discretion of the Development Authority.

(10) The Municipal Planning Commission or Development Officer may require a reasonable security deposit in relation to landscaping or screening requirements if it is imposed as a condition of a development permit approval or development agreement to ensure the terms of the agreement are carried out to the satisfaction of the municipality.



12. ACCESSORY USE – AIR CONDITIONERS

A freestanding exterior air conditioner must not be located less than 1.0 metre (3.3 ft.) from side and rear lot lines.



(far left.) Air conditioner not permitted where 'x' is less than 1.0 metre (3.3 ft.).

(near left.) Preferred location in rear.

13. SERVICING

(1) All development proposed for parcels, lots and unserviced areas shall be required to connect to both the municipal water supply and sewerage system.

(2) Notwithstanding Section 13(1), where no municipal servicing is reasonably available, development may be approved at the discretion of the municipality and shall be subject to compliance with Alberta Health Services and Alberta "Private Sewage Systems Standard of Practice 2009" or its successor for unserviced parcels. Prior to development approval, the applicant shall be required to submit a professional soils analysis/test and report to demonstrate the suitability of the site for on-site septic, to the satisfaction of the Development Authority.

(3) All multi-unit residential developments must provide separate utility services and meters to each unit. Multi-unit commercial or industrial developments may be required to provide separate utility services and meters if the units or condominiumized or planned for future subdivision.

(4) Developments are not permitted to connect weeping tile and sump pumps to the town's sanitary sewer.

(5) Developments are required to provide a municipally approved backflow preventing valve or device at the water connection, unless otherwise exempted by the municipality.

(6) All Automotive, Service Station and Washing facilities, both new and those being renovated, will be required to provide an oil separator package or device, to the satisfaction and standards as stipulated by the municipality. This shall be a condition of any development permit approval.

14. HAZARDOUS CHEMICAL STORAGE

(1) The storage of hazardous chemicals, as defined in the *Occupation Health and Safety Act*, shall not be permitted within the Town.

(2) The municipality is exempt from Section 14(1) above if the hazardous chemicals are required for public works, services or utilities carried out by or on behalf of the municipality or other public authorities and are stored on land which is publicly owned or controlled.

15. OUTDOOR FUEL STORAGE

The permanent outdoor storage of fuel in any residential land use district shall be suitably fenced to the satisfaction of the Development Officer or the Municipal Planning Commission.

16. EASEMENTS

All buildings or structures shall not be located over top of an easement or right-of-way unless otherwise permitted by the holder of the easement right.

17. CONSTRUCTION HOARDING

A temporary development permit is required for erection of construction hoarding which may infringe on any public property such as sidewalks or streets. The maintenance of pedestrian and vehicular access shall be deemed to be essential.

18. SITE LIGHTING

Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect adjacent properties or interfere with traffic safety.

19. COMMERCIAL AND INDUSTRIAL USE STANDARDS

The Municipal Planning Commission or Development Officer may set conditions to improve the compatibility with nearby land uses of any industrial or commercial use or development including, but not limited to:

(a) measures to control noise, smoke, dust, ash, smell, glare, heat and/or industrial waste;

(b) design, exterior building finish, siting, setbacks, paving of parking areas, and other details, as appropriate;

(c) screen parking and traffic circulation areas abutting side or rear lot boundaries with a fence, wall or hedge to the satisfaction of the Municipal Planning Commission;

(d) provide landscaping of a type and amount satisfactory to the Municipal Planning Commission or Development Officer.

20. PARKING AND LOADING AREA REQUIREMENTS

Specific land use districts may contain parking and loading area requirements in addition to this section, or may have different standards. If there is a perceived conflict with any standard or requirements, the standards and regulation as listed in the applicable land use district shall take precedence.

Off-Street Parking Area Requirements

(1) Parking areas shall be accessible, designed and delineated in a manner which will provide for orderly parking.

(2) Parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

(3) The Development Authority may require that parking areas or portions thereof be paved or other approved hard surfaced.

(4) Off-street parking may be located in the front yard, as well as the side and rear yard if access is available.

(5) In lieu of providing off-street parking for non-residential uses, an owner of land to be developed may, subject to the approval of Council, pay to the municipality such amount of money on such terms as the Council considers reasonable in return for the equivalent public parking space to be provided by the municipality elsewhere in close proximity to the development. To be eligible for the payment-in-lieu provision, the Development Authority may require a minimum of 50 percent of the total parking requirement for the development be provided in accordance with Part 4, Section 20(10).

(6) Off-street parking spaces in non-residential land use districts adjacent to a road right-of-way shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang.

(7) All parking spaces provided shall be on the same lot as the building or use, except that the Development Officer or Municipal Planning Commission may permit parking spaces to be on a lot within 152.4 metres (500 ft.) of the building or use if determined impractical to provide parking on the same lot with the building or use. Where such other parking space is provided, a caveat approved by Council shall be registered against the lot protecting it for such use.

(8) A multiple use development must provide parking in an amount equal to the number of spaces for all uses, except where a shared parking provision is approved by the Development Authority. 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 lot to guarantee the continuous use of the site for parking.

(9) Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use. As an alternative, the Development Authority may require a parking study to be prepared by a qualified professional at the applicant's expense to determine the parking requirements for a use not listed in Section 20(10), Specific Requirements.

Specific Requirements

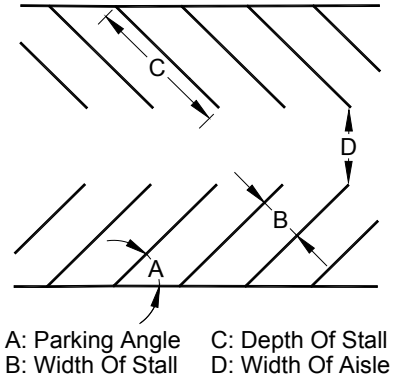
(10) The following shall be used to calculate the off-street parking spaces required for a proposed development:

Use	No. of Stalls Required
Dwellings:	
Single-detached (all types)	2 per dwelling unit
Duplex/semi-detached dwelling	2 per each dwelling unit
Multi-unit dwellings	*2* per each dwelling unit
Secondary Suite	1 per secondary suite (less than 3 bedrooms) 2 per secondary suite (3 bedrooms) (In addition to the principal dwelling)
Home Occupations B (with a business vehicle)	1 per approved use (in addition to the principal dwelling requirement)
Day care facility	1 pick-up/drop-off space per 10 children plus 1 space per employee
Group home facility	1 space per every 3 dwelling units plus 1 space per working employee
Licensed premises	1 per 2 seating spaces
Retail stores and personal service	1 per 55.74 m^2 (600 sq. ft.) of gross floor area
Banks and offices	1 per 65.03 m^2 (700 sq. ft.) of gross floor area
Health or dental service	1 space per staff member and 1 space per examination room
Service stations	1 per employee and 2 per service bay
Motels, hotels, bed and breakfasts	1 per guest room (for bed and breakfasts it is in addition to the residential requirements)
Restaurants and cafes	1 per 4 seating spaces
Religious or public assembly	1 per 6 seating spaces or 1 per 9.29 m^2 (100 sq. ft.) of gross floor area, whichever is greater
Senior citizen housing or facility	1 space per 2.5 dwelling units plus 1 space per working employee
Community hall or cultural facility	1 space per 6 seating spaces or 1 per 9.29 m^2 (100 sq. ft.) of gross floor area, whichever is greater plus 1 space per working employee
Industrial and heavy commercial uses	1 per 65.03 m^2 (700 sq. ft.) of gross floor area; or 1 per 3 employees whichever is greater with a minimum of 2 spaces per use.
Recreational uses or facilities	As required by the Development Authority
All others	As required by the Development Authority

Note: Calculation of parking requirements resulting in a fractional number shall be rounded to the next highest number.

Table 1 – Minimum Parking Space Dimensions - Non-residential						
A: Parking Angle	**B: Stall Width**		**C: Stall Depth**		**D: Aisle Width**	
Degrees	Metres	Feet	Metres	Feet	Metres	Feet
0	2.44	8.0	6.71	22	3.66	12
30	2.74	9.0	5.49	18	3.35	11
45	2.59	8.5	6.10	20	3.96	13
60	2.59	8.5	6.40	21	5.49	18
90	2.90	9.5	5.64	18.5	7.32	24

Minimum Parking Space Dimensions - Non-residential



Barrier-Free Parking

(11) The minimum number of barrier-free parking spaces to be provided for non-residential uses, excluding higher density, shall be a portion of the total number of off-street parking spaces required, in accordance with Table 2, Barrier-Free Parking Spaces.

(12) Each barrier-free parking space for the disabled shall be:

(a) at least 3.66 metres (12 ft.) wide;

(b) have a firm, slip-resistant and level surface;

(c) be clearly marked as being for the use of persons with disabilities only.

(13) Where there are two or more adjacent barrier-free parking stalls, a 1.52 metres (5 ft.) wide access aisle shall be provided between the stalls.

(14) Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes.

(15) There must be a well-lit, distinguishable, barrier-free path of travel from the parking areas to the building entrance.

(16) The Development Authority may require an additional number of spaces be provided 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 or health services, pharmacies and restaurants.

Table 2 – Barrier-Free Parking Spaces	
Number of parking spaces required for a use	Number of barrier-free spaces required for use by persons with disabilities
0-10 11-25 26-50 51-100 for each additional increment of 100 or part thereof	0* 1 2 3 one additional stall

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities.

Loading Area Requirements

(17) There shall be a minimum of one off-street loading area per building in the C1, C2 and I land use districts, except as provided for in Section (21) below of this Part.

(18) All loading areas shall provide a doorway into a building sufficient to meet the needs of the use within the building.

(19) The minimum dimensions for a loading space shall be 3.05 metres (10 ft.) by 9.14 metres (30 ft.) with an overhead clearance of 3.96 metres (13 ft.). The Development Authority may require a larger loading space to be sufficient to meet the needs of the use within the building if it is deemed necessary.

(20) Each loading area shall be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, or parking.

(21) The Development Authority may consider a joint loading area for two or more uses if, in their opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

(22) The Development Authority may require additional loading areas or doors if, in his or their opinion, such additional areas or doors are deemed necessary.

Stacking Spaces for Drive-through Uses

(23) In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking spaces on-site:

(a) Restaurant use: 30.5 m (100 ft.) from order box to pick-up window

For order boxes associated with (i), the order box must be located a minimum of 9.1 m (30 ft.) from the boundary of a road right-of-way.

(b) Gas station: 9.1 m (30 ft.) from each end on pump island

(c) Bank machine: 22.9 m (75 ft.) from bank machine window

(d) Car wash: 15.2 m (50 ft.) from car wash entrance

(e) Other: As determined by the Development Authority

(24) The minimum stacking space requirements in Section (23) may be varied by the Development Authority depending upon the intensity of the proposed development.

21. ARCHITECTURAL CONTROLS

All development must comply with any approved architectural controls if required as part of an area structure plan or subdivision approval. Proof of compliance to the applicable architectural controls is required at the time of submission of a development permit application.

22. SITE PLANS

The Development authority may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed buildings, structures, roads and access points, setbacks, landscaping, parking, drainage and utility easements.

23. HAZARD LANDS

(1) The Subdivision Authority may refuse to approve an application for subdivision or the Development Authority may refuse to approve an application for a development if the proposed development is located in potential hazard land areas (e.g. floodplains, steep or unstable slopes, permanent wetlands) or on other areas where hazard lands are identified, such as coal mining areas, gas wells, abandoned wells, former landfills, or former industrial lands, unless the relevant Approval authority is satisfied the subdivision development can proceed safely.

(2) Prior to making a decision on a subdivision or development application, the Subdivision or Development Authority may:

(a) request that a professionally prepared geotechnical analysis, be submitted at the applicant's expense;

(b) circulate the application proposal and corresponding geotechnical report to any relevant government departments for comment; and,

(c) depending on the nature of the hazard, request that an Environmental Impact Assessment (EIA) as prepared by a certified engineer be submitted at the applicant's expense.

24. SETBACKS FROM ABANDONED WELLS

The Subdivision and Development Regulation (Alberta Regulation 160/2012) requires municipalities to ensure that applicants include abandoned well information from the ERCB in applications for both subdivisions and development permits. The Town of Picture Butte shall meet the legislative requirements of Alberta Regulation 160/2012 regarding subdivision and development by applying the following policies:

(1) It is the responsibility of the applicant of the proposed subdivision and/or development to take measures to identify any abandoned wells within that property and to apply the required setback.

(2) The Subdivision or Development Authority shall not deem a subdivision or development permit application complete until the applicant has provided the required abandoned well information from the ERCB.

(3) The applicant shall be required to provide the following information:

(a) the ERCB information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or ERCB Information Services); and

(b) if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the ERCB Directive 079 (a minimum 5 metre radius around the well) in relation to existing or proposed building sites.

(4) If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

(5) Notwithstanding a use may be a permitted use or discretionary use, surface structures on top of an abandoned well are not permitted and a minimum 5 metre setback radius around the well shall be maintained.

B. SPECIFIC USE PROVISIONS

Alternative Energy Sources – Section 25
Bed and Breakfasts – Section 26
Car and Truck Wash Facilities – Section 27
Day Care (Child and Adult Care Facilities) – Section 28
Day Home – See Section 29
Group Care or Group Home Facility – Section 30
Home Occupations – Section 31
Manufactured Dwellings – Section 32
Ready-to-Move Dwellings (New) – Section 33
Moved-In Dwellings and Buildings – Section 34
Portable Garages and Covered Storage Structures – Section 35
Private Swimming Pools – Section 36
Satellite Dish Antennas – Section 37
Secondary Suites – Section 38
Service Stations and Gas Bars – Section 39
Shipping Containers – Section 40
Solar Collectors – Section 41
Small Wind Energy Systems – Section 42
Telecommunication Antenna Siting Protocol - Section 43

25. ALTERNATIVE ENERGY SOURCES

The Development Authority is authorized to issue development approvals for alternative energy sources such as, but not limited to, solar collectors, heat exchange systems, geothermal, generators,

turbines, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded.

26. BED AND BREAKFASTS

(1) **Bed and breakfast** means a use accessory to a single-detached dwelling which involves a home based development in a private owner-occupied dwelling where rooms are rented for short-term accommodation, generally not exceeding 14 days, and a breakfast meal is provided for registered guests.

(2) Bed and Breakfast accommodation shall be an incidental and subordinate use to the principal use and restricted to the dwelling unit, and:

(a) advertising may only be permitted in compliance with Section 31(12) of this Part, the same as a Home Occupation 1 use;

(b) alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building;

(c) an approved development permit will remain in effect, provided the intensity of use does not increase and all requirements of the development permit have been satisfied;

(d) a development permit does not exempt compliance with health regulations or any other provincial and municipal requirements;

(e) employees working in the business shall be limited to the residents of the dwelling unit;

(f) the accommodation shall be limited to a maximum of two guest rooms and a maximum of four guests in addition to the permanent residents;

(g) a development permit is based solely on the location of use. If a permit holder relocates within the municipality, the person must apply for a development permit to continue the use from the new location;

(h) accommodation for each group of guests shall be for a maximum of 14 consecutive days;

(i) guest rooms shall not be permitted to contain cooking or kitchen facilities;

(j) meals may be provided to registered guests only and meals for guests shall be prepared in the common kitchen of the principal residence;

(k) one off-street parking space is required for each guest room in addition to the off-street parking requirements for the dwelling;

(l) the applicant shall be responsible for compliance with the Alberta Health "Bed and Breakfast" Health Standards and Guidelines and the Alberta Building Code requirements for Bed and Breakfast accommodations;

(m) the issuance of a development permit in no way exempts the applicant from obtaining any other Provincial approvals that may be required.

27. CAR AND TRUCK WASH FACILITIES

(1) All washing facilities shall occur within an enclosed building with at least two bay doors.

(2) Vacuuming facilities may be outside the building but shall not be in the front yard and shall not be closer than 15.24 metres (50 ft.) from the boundary of any residential land use district.

(3) The building shall be located a minimum of 30.48 metres (100 ft.) from the boundary of any residential land use district.

(4) All off-street parking areas shall be hard-surfaced and dust-free.

(5) Any lights used to illuminate the area shall be directed away from adjacent residential properties.

(6) A permanent screening fence or wall not less than 1.83 metres (6 ft.) in height shall be constructed along any site property line which abuts a residential land use district.

(7) For parking and stacking requirements, refer to Part 4, A. General Use Provisions.

(8) A development permit approval for a car or truck wash may be denied, if in the opinion of the Development Authority, there is not sufficient water or sewer service or capacity for the development.

(9) All washing facilities, both new and those being renovated, will be required to provide an oil separator package or device, to the satisfaction and standards as stipulated by the municipality. This shall be a condition of any development permit approval.

(10) No consideration shall be given to allowing truck or trailer wash-out (clean-out) use as a part of an approved car or truck wash facility, or on its own, as part of any approval.

28. DAY CARE (BOTH CHILD AND ADULT CARE FACILITIES)

All day care (child or adult) facilities may be approved subject to the following conditions and requirements:

(1) If determined necessary by the Municipal Planning Commission, the applicant for a day care (child or adult) facility may be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.

(2) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

(3) Signage for day/child or adult care facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size; and

(c) sign must be located in the buildings window in a residential land use district.

(d) In a residential land use district a request for more than one sign or a sign greater than 0.74 m^2 (8 sq. ft.) requires a separate development permit application. In a commercial or industrial land use district, one exterior building sign may be permitted in addition to a window sign.

(4) Site lighting must be designed not to “flood or spill” into adjacent property.

(5) The site must allow for secure storage and pick up of garbage and recycling material located away from public areas.

(6) The use shall not generate traffic problems within the district.

(7) The use requires a minimum of one on-site pick-up and drop-off space for every 15 children/clients and the location of passenger loading zones for day care facilities may be specified by a condition of a development permit.

(8) On-site parking for employees is as required at the discretion of the Municipal Planning Commission.

(9) On-site parking should be separated from pedestrian traffic and outdoor areas for children.

(10) A day (child) care facility/site catering to children must have screening for any outdoor play areas to the satisfaction of the Municipal Planning Commission.

(11) All applications for day care facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies. All child care facilities must be licensed and operate in accordance with the provincial *Child Care Licensing Act*.

(12) It is highly encouraged that day (child) care facilities have some sort of secure, outdoor or active play area space available for children on the parcel, which may be stipulated as conditions on a development permit approval.

(13) In considering the suitability of a building or site for a discretionary child care use, the Municipal Planning Commission may consider the appropriateness of location for child care with regard for the proximity to required services, parks, neighbourhood characteristics, traffic issues or congestion in the neighbourhood, and if the size is adequate to meet program requirements, including outdoor space, parking, and the drop-off zone.

29. DAY HOME

(1) The operation of a day home does require a development permit.

(2) A day home shall have no more than six clients a day.

(3) A day home shall not be located within a dwelling containing another Home Occupation.

(4) Signage for day home facilities must comply with the following:

(a) a maximum of one sign;

(b) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size; and

(c) sign must be located in the buildings window.

(5) Notwithstanding that a development permit may not be required; all day homes must comply with provincial requirements and regulations.

30. GROUP CARE OR GROUP HOME FACILITY

(1) The applicant is required as part of the development permit application, to provide information on the following:

(a) the type of client served,

(b) the number of clients accommodated,

(c) the number of staff employed, and

(d) the submission of a plan that describes how communication with neighbours will be carried out and how neighbourhood compatibility problems are to be resolved.

(2) All group home facilities that may be approved are subject to the following conditions and requirements:

(a) If determined necessary by the Development Authority, the applicant for a **group home** facility shall be required to meet and consult with all adjacent land owners in the vicinity of where the use is proposed.

(b) The total occupancy by clients and staff shall be specified for each development by condition of a development permit. The total number of clients shall not exceed more than two per bedroom in a residential District.

(c) The Development Authority may establish the maximum number of residents allowed in a group care or group home facility on a case specific basis with attention given to the District in which the use is located and the type of facility seeking approval.

(d) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

(e) If the group care or home facility is operating within a dwelling, the dwelling must be located on a street with a rear lane, and is not permitted to be located within cul-de-sacs or lane-less streets.

(f) The use of accessory buildings, structures or uses not associated with the principal residential dwelling are not permitted on the property.

(g) Site lighting must be designed not to "flood or spill" into adjacent property.

(h) The site must allow for secure storage and pick up of garbage and recycling material located away from public areas.

(i) The use shall not generate traffic problems within the district.

(j) On-site parking is required in accordance with Part 4, Section 20(10).

(k) Signage for group home facilities must comply with the following:

(i) a maximum of one sign,

(ii) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size, and

(iii) sign must be located in the buildings window.

(l) All applications for group home facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies and the group home shall comply with provincial standards.

31. HOME OCCUPATIONS

Intent

The intent of this section is to provide regulations respecting home occupation in accordance with the following objectives:

(a) to protect residential areas and districts from incompatible non-residential land uses;

(b) to ensure that commercial and industrial uses are located in appropriate commercial or industrial districts;

(c) to facilitate, where appropriate, the establishment of suitable home occupations as a means to foster small-scale business, while ensuring such businesses are relocated to suitable commercial or industrial districts when they become incompatible with a residential area or become unsuitable as a home occupation.

Home occupations may be approved under the following classifications:

Home Occupation A – a home-based occupation that involves the establishment of a small-scale business incidental to the primary use of the residence and which does not involve:

(a) outdoor storage and/or display of goods;

(b) non-resident employees; and/or

(c) customer/client visits to the residence.

Home Occupation B – a home-based occupation involving the establishment of a small-scale business incidental to the primary use of the residence that does not meet the criteria for a Home Occupation A and which may involve:

(a) the use of an accessory building;

(b) outdoor storage and/or display of goods within the residence or accessory building;

(c) one non-resident employee; and/or

(d) customer visits.

General Standards

The following standards apply to Home Occupations A and B:

(1) The business operator must be a full-time resident of the home.

(2) No variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted.

(3) The use shall not generate more vehicular or pedestrian traffic and vehicular parking than normal within the district.

(4) No commercial vehicles of an overall length that exceeds 6.7 metres (22 ft.) or tandem trucks shall be parked or maintained on a public road right-of-way or lane.

(5) No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare shall be produced by the use.

(6) No use shall cause an increase in the demand placed on any one or more utilities (water, sewer, garbage, etc.) such that the combined total consumption for a dwelling and its home occupation exceed the normal demand for residences in the area.

(7) No use requiring electrical or mechanical equipment shall cause a fire rating change in the structure or the district in which the home occupation is located.

(8) All permits issued for home occupations shall be subject to the conditions that the permit may be revoked at any time, if, in the opinion of the Development Authority, the use is or has become detrimental to the residential character or the amenities of the neighbourhood.

(9) Home occupations shall not include:

(a) activities that use or store hazardous materials;

(b) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment or value of neighbouring properties;

(c) any use declared by resolution of Council to be undesirable as a home occupation.

(10) Only one home occupation shall be permitted per dwelling or as otherwise approved by the Development Authority.

(11) All permits issued for home occupations shall obtain a yearly business license from the town. The development permit is only valid as long as an issued and valid municipal business license has been approved.

(12) **Home Occupation Signage**

Signage advertising a Home Occupation A shall:

(a) be limited to one sign located in the buildings window of an approved home occupation use, up to a maximum of not more than 50 percent coverage of the surface area of the window or 0.74 m^2 (8 sq. ft.) in size, whichever is the lesser.

Signage advertising a Home Occupation B shall:

(b) be limited to one of the following signs: a fascia sign, shingle type projecting sign or window sign, on the premises of an approved home occupation use;

(c) not exceed 0.4 m^2 (4 sq. ft.) in area; or

(d) not cover more than 50 percent of the surface area of the window or 0.74 m^2 (8 sq. ft.) in size, whichever is the lesser; and

(e) shall be as approved by the Municipal Planning Commission.

(13) The development permit for the use shall be valid only for the period of time the property is occupied by the applicant for such approved use.

Home Occupation B Standards

In addition to the general standards, the following standards shall apply to Home Occupation B permits:

(14) A maximum of one non-resident employee is allowed. For the purposes of this provision, a non-resident employee is someone who does not live at the home.

(15) Outdoor storage shall be screened from adjacent properties and the public view.

(16) Customer and employee parking, in addition to the parking requirements for residential use, may be required.

(17) The number of customer visits and hours of operation may be limited by the Development Authority to minimize impacts on surrounding residential uses.

(18) The home occupation shall not be permitted if, in the opinion of the Development Authority, the use would be more appropriately located within a commercial or industrial district.

32. MANUFACTURED DWELLINGS

*Single-detached dwelling **Manufactured home 1** means a dwelling unit or portions of a dwelling unit that is built in a factory or portions of dwelling units that are built in a factory or location other than on the lot intended for occupancy. Single-detached manufactured homes include the following: manufactured, modular, and prefabricated. A new factory built structure that is manufactured in accordance with CSA and the Alberta Building Code, is transportable in one or more sections, and is used as a place for human habitation; but which is not constructed with a permanent hitch, chassis or other device allowing transport of the unit other than for the purpose of delivery to a permanent site. This definition does not include ready-to-move, manufactured home 2 (as defined in this Bylaw), park model recreational units, park model trailers or travel trailers. See Part 6 for all Definitions.*



ELIGIBLE – Manufactured Home 1:

- New factory-built units within the past year of application for a permit and not previously occupied. In appearance, a Manufactured Home 1 shall generally resemble conventional site-built (stick-built) constructed homes.
- Must be current Canadian Standards Association (CSA) certified units and built to the Alberta Building Code.
- This category includes the terms or types of manufactured, modular, and prefabricated homes that conform to the bylaw standards.

Manufactured Home 1 Standards

(1) The development permit conditions for single-detached dwelling Manufactured Home 1 shall generally correspond with typical conditions for a single-detached dwelling, site built.

(2) The minimum roof pitch shall not be less than a 4/12 pitch.

(3) The minimum floor area of the principal dwelling shall be as stipulated by the applicable land use district.

(4) The dwelling shall be a minimum 7.32 metres (24 ft.) in width.

(5) Every entrance/exit into a manufactured home must be furnished with a landing and/or set of stairs.

(6) A set of professional building plans illustrating the exterior design, floor plan, elevations, and foundation type of the home must accompany any development permit application.

(7) Manufactured dwellings shall be placed on a conventional, permanent concrete foundation (either a basement foundation or slab-on-grade), unless otherwise approved by the Development Authority (timber supports or concrete block are not acceptable).

(8) The design, character and appearance of the home shall be consistent with the intent of the land use district.

(9) The Development Authority may impose conditions regulating the exterior finish and roofline to ensure compatibility of housing types within the land use district.

(10) As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in the opinion of the Development Authority, they would serve to improve the quality or compatibility of any proposed development.

(11) The Development Authority may require a bond or irrevocable letter of credit of a minimum of $3,000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

(12) Return of the posted bond or irrevocable letter of credit is contingent on the Designated Officer or Development Authority verifying the completion of all the conditions of this schedule, posting of the house number and the development permit.

(13) The building, when completed, shall meet provincial building requirements.

(14) 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.

Notes: The suggested time limit for completion is 120 days from the date of permit approval. Completion shall include, but not be limited to: hook-up of all utilities, completion of landscaping improvements and grading and any necessary skirting of the dwelling.

Single-detached dwelling ***Manufactured home 2*** means a manufactured home that has been either previously occupied, is new or does not meet the definition or standards of Manufactured home 1. These are commonly or have previously been referred to as "Mobile homes" and may consist of "Double-wide", which means a manufactured home consisting of two sections, moved separately, that are joined together into one integrated dwelling unit on site, or "Single-wide" which means a manufactured home designed to stand alone as a single dwelling unit.



This definition does not include ready-to-move, manufactured home 1 (as defined in this Bylaw), park model recreational units, park model trailers or travel trailers. See Part 6 for all Definitions.

ELIGIBLE – Manufactured Home 2:

- New and used factory-built units, not older than 10 years, in a state of good condition as determined by the Development Authority (note: previously referred to as mobile homes).
- Current Canadian Standards Association (CSA) certified units.
- A manufactured home 2 shall be in a state of good condition or repair as may be determined by the Development Officer or the Municipal Planning Commission.
- Any application for a development permit to locate a used manufactured home shall include recent colour photographs of all elevations (i.e. front, side and rear views) including additions.

Manufactured Home 2 Standards

(15) Every entrance/exit into a manufactured home 2 must be furnished with a landing and/or set of stairs.

(16) The minimum floor area of the principal dwelling shall be as stipulated by the applicable land use district.

(17) Every entrance/exit into a manufactured home 2 must be furnished with a landing and/or set of stair.

(18) Foundations may include continuous concrete, timber supports, or concrete block.

(19) Colour photographs or plan elevations illustrating the exterior of the dwelling and a set of professional building plans illustrating the exterior design, floor plan, elevations, and foundation type of the home must accompany any development permit for a manufactured home 2 dwelling.

(20) The design, character and appearance of the home shall be consistent with the intent of the land use district.

(21) The Development Authority may impose conditions regulating the exterior finish and roofline to ensure compatibility of housing types within the land use district.

(22) As a condition of approval the Development Authority, at their discretion, may place other conditions on a development permit including the requirement that the developer provide landscaping, fencing, address drainage issues, or other such matters it considers necessary if, in

the opinion of the Development Authority, they would serve to improve the quality or compatibility of any proposed development.

(23) The Development Authority may require a bond or irrevocable letter of credit of a minimum of $5,000.00 to a maximum value of up to 50 percent of the assessed value of the building to ensure the conditions of the development permit for a principal building are met.

(24) Return of the posted bond or irrevocable letter of credit is contingent on the Designated Officer or Development Authority verifying the completion of all the conditions of this schedule, posting of the house number and the development permit.

(25) The building, when completed, shall meet or exceed provincial building requirements.

(26) 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.

Manufactured Home 2 Additions

(27) Any addition to a manufactured home 2 shall be of a design and finish which will complement the mobile home unit.

(28) Additions shall be located to the rear or side of the manufactured home 2 unit only.

(29) Additions shall not exceed 20 percent of manufactured home 2 units.

Notes: The suggested time limit for completion is 120 days from the date of permit approval. Completion shall include, but not be limited to: hook-up of all utilities, completion of landscaping improvements and grading and any necessary skirting of the dwelling.

33. READY-TO-MOVE DWELLINGS (NEW)

Ready-to-move *dwelling means a dwelling that is a conventional stick framed home previously unoccupied that is constructed at a location other than on the lot intended for occupancy, and then is later moved to the site. Refer to Part 6, Definitions.*



ELIGIBLE – Eligible Ready-to-move Dwellings:

- New stick framed (conventional) dwelling units built off-site within the past year of application for a permit and/or not previously occupied.
- Dwelling must be built to the Alberta Building Code.

Standards

(1) Conditions for a single-detached ready-to-move dwelling shall generally correspond with typical conditions for a single-detached dwelling, site built.

(2) The standards and conditions as outlined for Manufactured Home 1 shall also apply to ready-to-move dwellings.

34. MOVED-IN DWELLINGS AND BUILDINGS

MOVED-IN BUILDING *means a previously used or existing 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. For the purposes of this Bylaw this does not include modular dwellings, manufactured homes, prefabricated dwellings, ready-to-move dwellings or park model recreational units, park model trailers or travel trailers. Refer to* Part 6*, Definitions.*

The intent of this section is to ensure that moved-in buildings, through the adherence to building conditions and regulations, do not create a land use conflict and are in an acceptable state condition.

Standards

All moved-in dwellings or buildings shall comply with the following:

(1) Every application to relocate a building shall be accompanied by:

  (a) details of the purpose for which it is to be used;

  (b) details of the building's size, age and structural condition;

  (c) a minimum of four recent colour photographs showing all sides of the building;

  (d) a plan of the proposed site showing the future location of the building.

(2) A report from a qualified building inspector or engineer that the building meets, or can be readily renovated to meet or exceed Alberta Uniform Building Standards regarding each application shall be filed before any such application will be considered.

(3) The building and the land upon which it is to be located shall be subject to all conditions and regulations specified for the particular land use district set out in this Land Use Bylaw.

(4) The building, when completed, shall meet all requirements of the *Alberta Uniform Building Standards Act*.

(5) The value of the completed building shall be comparable to, or better than the average value of the other buildings in the immediate area and on upgrading standards to which the building shall comply shall be established by the Municipal Planning Commission at the time of approval of the application and form a part of the conditions of the development permit.

(6) For a moved-in dwelling, the following standards or conditions shall also apply:

  (a) the Development Authority may impose conditions regulating the exterior finish and roofline to ensure compatibility of housing types within the land use district;

  (b) a moved-in dwelling shall be placed on a conventional, permanent concrete foundation (either a basement foundation or slab-on-grade), unless otherwise approved by the Development Authority (timber supports or concrete block are not acceptable);

  (c) any portion of a concrete block foundation above grade shall be parged unless otherwise finished with another approved material;

(d) the maximum height of the exposed portion of a concrete block foundation shall be not more than 0.91 metres (3 ft.) above the average finished grade level of the surrounding ground;

(e) the design, character and appearance of the home shall be consistent with the intent of the land use district.

(7) For moved-in buildings, the Municipal Planning Commission may impose conditions regulating the exterior finish and roofline to ensure compatibility to other uses within the land use district.

(8) The building shall comply with all provincial health and fire regulations and with all applicable municipal bylaws.

(9) The Municipal Planning Commission may request that security (e.g. bond, cash, an irrevocable letter of credit) at a minimum of $5,000.00 or up to 50 percent of the estimated value of the structure be posted and may set the amount of the bond and the conditions of its return before issuing a development permit.

(10) A final inspection by the building inspector and/or Development Officer shall be made to establish full compliance with all requirements.

(11) Return of the posted bond or irrevocable letter of credit is contingent on the Designated Officer or Development Authority verifying the completion of all the conditions of this schedule, posting of the house number and the development permit.

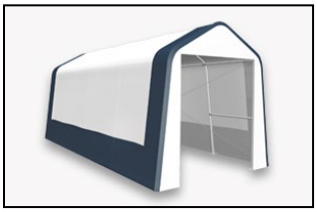
(12) If applicable and requested, a copy of the occupancy permit shall be submitted to the Town office prior to occupancy.

(13) Any cost incurred for building inspections prior to the issuance of a development permit shall be at the expense of the applicant.

(14) A limit for the time of completion and full compliance with all stipulated requirements shall be established by the Municipal Planning Commission at the time of the approval of the application.

Notes: The suggested time limit for completion is 120 days from the date of permit approval. Completion shall include, but not be limited to: hook-up of all utilities, completion of landscaping improvements and grading and any necessary skirting of the dwelling.

35. PORTABLE GARAGES AND COVERED STORAGE STRUCTURES



(1) All portable garages (fabric buildings) and storage structures shall require a development permit.

(2) Portable garages (fabric buildings) and storage structures are to be considered as permanent accessory buildings or structures and must meet the required setbacks, maximum height, maximum site coverage and other applicable standards of the bylaw. Development permit applications involving fabric buildings shall be considered with regard to the following:

(a) Permit applications will be processed in accordance with the use proposed, which must meet or be similar to the applicable land use district permitted or discretionary uses listed.

(b) Portable garages (fabric buildings) and storage structures are considered as accessory buildings or structures and are not to be located:

(i) in the front or side yard in any residential land use district, and

(ii) shall not be located in the front yard within all other districts.

(c) A portable garage (fabric building) and storage structure shall not be located within the required setback from a public road or on an easement.

(d) A portable garage (fabric building) and storage structure shall be setback a minimum 1.22 metres (4 ft.) from the principal dwelling and from all other structures on the same lot.

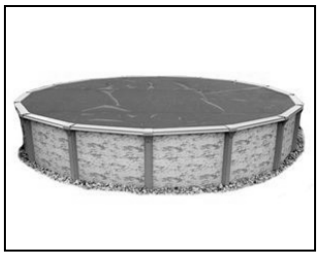
(e) All buildings or structures must be securely tethered and anchored to the ground in accordance with provincial Safety Code requirements. Additionally, all fabric covers must be securely tethered to the structures' frame.

(f) As a condition of a development permit approval, the Development Authority may stipulate specific requirements for the type of fastening or tie-down system and fabric material colour to be applied to the accessory building or structure.

(g) The Development Authority may limit the permit duration of any of these garages or structures. In such a case, theses structures would then be categorized as temporary.

36. PRIVATE SWIMMING POOLS

(1) Private swimming pools shall be classified as an accessory structure.



(2) Any private swimming pool with a design depth greater than 0.6 metre (2 ft.) shall be constructed and fenced in accordance with Safety Codes requirements.

(3) Temporary above ground swimming pools and above ground hot tubs do not require a development permit, but must meet minimum setbacks for accessory structures.

(4) Construction of an in-ground swimming pool and swimming pools that are attached to or enclosed by a deck require a development permit and are subject to the following additional standards:

(a) placement of a swimming pool shall be limited to the side and rear yard only;

(b) swimming pools are subject to the setback requirements for accessory structures in the applicable land use district;

(c) permanent swimming pools are subject to the maximum lot coverage requirements for accessory structures in the applicable land use district.

37. SATELLITE OR COMMUNICATION ANTENNAS/DISH OF GREATER THAN 0.9 METRE (3 FT.) IN DIAMETER



(1) A satellite dish or communication antenna shall only be located in a rear yard or a side yard which does not abut on a street.

(2) On an interior lot, a satellite dish antenna shall be situated so that no part of it is closer than 0.9 metre (3 ft.) from the side boundaries of the parcel not abutting a street.

(3) On a corner parcel, a satellite dish antenna shall be situated so that no part of it is closer to the street than the main building or closer than 0.9 metre (3 ft.) from any boundary of the parcel.

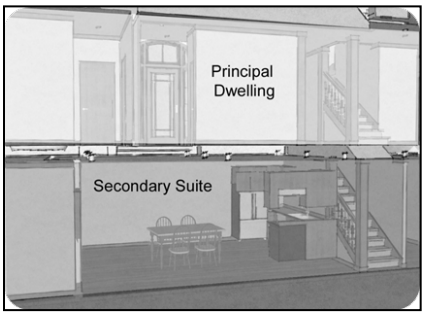
(4) Where any part of a satellite dish antenna is more than 3.0 metres (10 ft.) above grade level, or when it is located other than described in Section 37(1) above, it shall be both screened and located to the satisfaction of the Municipal Planning Commission or Development Officer.

(5) No advertising shall be allowed on a satellite dish antenna.

(6) The illumination of a satellite dish antenna is prohibited.

38. SECONDARY SUITES

Secondary suite means an accessory development consisting of a second self-contained living unit located within a single-detached home, where both dwelling units are registered under the same land title.



(1) Only one secondary suite may be developed in conjunction with a principal single-detached dwelling.

(2) A secondary suite shall be located in a principal dwelling unit or above a detached garage in accordance with the standards.

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

(4) A secondary suite in a principal dwelling shall only be allowed in the R-1 land use district and shall be regulated in accordance with the standards specified in the applicable district. (Refer to R-1 land use district).

39. SERVICE STATIONS AND GAS BARS

The following regulations apply:

Site Area (Minimum)

(1) Site Area (Minimum):

(a) Gas Bar: 1,200 m^2 (12,917 sq. ft.)

(b) Service Station: 1,500 m^2 (16,146 sq. ft.)

(c) Gas Bar or Service Station including Car Wash: 2,700 m^2 (29,063 sq. ft.)

(d) Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 m^2 (10,764 sq. ft.)

(e) Where a service station or gas bar is combined with a convenience store: 1,200 m^2 (12,917 sq. ft.)

(f) Bulk Fuel Station: 2,700 m^2 (29,063 sq. ft.)

Setback of Buildings and Structures

(2) The Provincial Plumbing and Gas Safety Services Branch shall approve the proposed location(s) and design of all fuel storage tanks prior to application for a development permit.

(3) The location and installation of the fuel tanks shall be in accordance with the *Fire Protection Act* and Alberta Environment.

The following setbacks shall apply unless otherwise permitted by provincial regulatory authorities:

(4) Fuel storage tanks shall have the following setbacks from any property lines, abutting masonry building walls, drainage basins and ditches:

Total Tank Capacity	Setback
Up to 7,500 litres	– 3.0 m (10 ft.)
7,501 to 19,000 litres	– 5.0 m (16 ft.)
19,001 to 38,000 litres	– 7.6 m (25 ft.)
Over 38,000 litres	– 10.5 m (35 ft.)

(5) The minimum front yard shall be 12.19 metres (40 ft.) and no gasoline pumps shall be located closer than 6.10 metres (20 ft.) from the front property line.

(6) The side and rear yard shall be 6.10 metres (20 ft.) with no intervening pumps or accessories.

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

(8) Maximum site coverage shall be 30 percent.

Site and Building Requirements

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

(10) A minimum of 10 percent of the site area of a gas bar and service station under this section shall be landscaped to the satisfaction of the Development Authority.

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

(12) The exits and entrances to the station site shall be clearly marked by curb cuts, painted markings, concrete abutments or any other means satisfactory to the Development Authority.

(13) An appropriate chain link fence not less than 0.91 metres (3 ft.) high may be required around the property to catch debris and trash.

(14) The stacking or queuing lanes must be in accordance with Part 4, Section 20(23).

(15) All automotive or service stations, both new and those being renovated, will be required to provide an oil separator package or device, to the satisfaction and standards as stipulated by the municipality. This shall be a condition of any development permit approval.

40. SHIPPING CONTAINERS (OR C-CONTAINERS, SEA-CONTAINERS)



(1) Shipping containers shall only be allowed in land use districts where listed as a permitted or discretionary use in the applicable land use district. Shipping containers are prohibited in all other districts.

(2) Any shipping container shall be subject to the following general standards:

(a) An application for a development permit for a proposed shipping container must be completed and submitted to the Development Officer accompanied by the applicable application fee and a minimum of two recent colour photographs of each container (one end view and one side view).

(b) There shall be a legal primary use on the property where the shipping container is proposed.

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

(d) The Development Authority may regulate the maximum number of shipping containers permitted on a lot.

(e) The Development Authority may regulate the maximum height of shipping containers.

(f) The Development Authority may require as a condition of approval that a shipping container(s) be screened from view or landscaped to make it aesthetically pleasing.

(g) The Development Authority may require as a condition of approval that any shipping container be sandblasted and/or painted a neutral or complementary colour to match the existing building(s) on the property.

(h) The Development Authority may require as a condition of approval that the exterior of the shipping container be kept clean and regularly painted in a neutral or complementary colour to match the existing building(s) on the property.

(i) The Development Authority may regulate the time period for which a development permit for a shipping container(s) is valid through the issuance of a temporary permit.

(j) Removal of the shipping container(s) at the expiration of the permit shall be at the expense of the applicant and/or landowner. The Development Authority may require as a condition of approval the posting of a bond or a security guaranteeing the removal of the container and/or compliance with the conditions of the permit.

(3) A permanent shipping container is subject to the following additional provisions:

(a) the maximum lot coverage and setback requirements for accessory structures in the applicable land use district;

(b) the shipping container may only be permitted in the secondary front, rear, or side yard;

(c) the shipping container shall not display advertising, company logos, names or other marketing without an approved sign permit.

(4) A shipping container (c-container or sea container) placed temporarily on a property in the case of an emergency to temporarily accommodate the storage of goods where a dwelling or building has been damaged in a fire or flood in conjunction with salvation and renovation work being done to a building, does not need a development permit (refer to Part 3) subject to the following provisions:

(a) Temporary shipping containers associated with situations of fire or flood remediation do not need a development permit if the time period does not exceed 6-months. If additional time is required beyond the 6-months a development permit application must be applied for and approved by the Municipal Planning Commission.

(b) Temporary shipping containers for fire or flood remediation without a development permit being required may only be placed on a property in any land use district where it is listed as a permitted use;

(c) only one Temporary shipping container shall be placed on a property in any land use district at any one time unless otherwise authorized by the Development Authority;

(d) the shipping container associated with situations of fire or flood remediation shall be removed as soon as possible, but for a period not to exceed 14 days, upon completion of remediation work or construction as may be required by the Development Authority;

(e) the shipping container shall be sited entirely on the property and shall not encroach over property lines or municipal streets, lanes or sidewalks.

(5) A shipping (intermodal) container needed for the temporary storage of goods related to interior renovations that are not associated with a situation where a building has been damaged in a fire or flood, or is placed temporarily on a construction site for the period of construction, do require a development permit and are subject to the following provisions and standards:

(a) a temporary shipping container may only be placed on a property in any land use district where it is listed as a permitted use;

(b) the applicant must apply for and be approved for a development permit for a temporary use of a shipping container where it is to temporarily accommodate the storage of goods or materials;

(c) the Development Officer is authorized to issue a development permit for a permitted use with a maximum time period not to exceed 6-months. If additional time is required beyond the 6-months, a development permit application must be applied for and approved by the Municipal Planning Commission (MPC). The MPC shall stipulate the maximum time period it approves the temporary shipping container to be placed on the property beyond 6-months;

(d) the construction site must be active (i.e., construction has commenced, is on-going, or is about to commence within one week), as the placement of a temporary shipping container on an inactive construction site is prohibited;

(e) the shipping container shall be removed within 21 days upon completion of construction or sooner as it may be required by the Development Authority;

(f) setbacks for a temporary shipping container shall be as required by the Development Authority and the container shall be located such that it does not encroach over property lines or into municipal streets, lanes or sidewalks;

(g) no advertising, other than the logo, name or information of the shipping (intermodal) container or business supplying the container, is permitted to be displaced on the temporary shipping container;

(h) the Development Officer or Municipal Planning Commission may require at their discretion the provision of a security deposit by the applicant, to ensure the conditions of the development permit are met including the removal of the container at the end of the allowed time period.

41. SOLAR COLLECTOR

(1) A solar collector attached to a wall or roof of a building may be permitted in any land use district as an accessory structure subject to the following:

(a) A solar collector mounted on a roof:

(i) may project a maximum of 1.2 metres (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

(b) A solar collector mounted to a wall:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must be located a minimum of 2.3 metres (7.5 ft.) above grade;

(iii) may project a maximum of 1.5 metres (5 ft.). from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may project a maximum of 0.6 metre (2 ft.) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

(2) A free-standing solar collector or a solar collector mounted to any structure other than a roof or wall of a building shall be classified as an accessory use and processed subject to the applicable land use district and the following additional standards:

(a) must be located such that it does not create undue glare on neighbouring property or public roadways; and

(b) must not exceed 1.83 metres (6 ft.) in height above existing grade.

42. SMALL WIND ENERGY SYSTEMS

Definitions

The following definitions apply to this section:

Blade means an element of a wind energy system rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

Blade clearance means, in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

Rotor's arc means the largest circumferential path travelled by a blade.

Small Wind Energy System (SWES) means a wind energy conversion system consisting of a wind turbine (rotor and blades), a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity of 3 kW and which will be used primarily to reduce onsite consumption of utility power and is CSA approved.

Total height means the height from grade to the highest vertical extension of a SWES. In the case of a SWES with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

Tower means the structure which supports the rotor above grade.

Permit Requirements

Small Wind Energy Systems shall require a development permit depending on their location, as provided in the regulations for the land use districts in which they are allowed.

Type A Small Wind Energy System: This use is defined as a Small Wind Energy System that is roof mounted any may include a turbine or blade system.

Type B Small Wind Energy System: This use is defined as a Small Wind Energy System that is either roof mounted or has a tower which does not exceed 12.2 metres (40 ft.) in height.

Type C Small Wind Energy System: This use is defined as a Small Wind Energy System that has a tower which is greater than 12.2 metres (40 ft.) in height but does not exceed 24.4 metres (80 ft.) in height.

Information Requirements

(1) Applications for Small Wind Energy Systems shall include the following information where applicable:

(a) all proposed Small Wind Energy Systems shall be commercially manufactured and applications shall include the manufacturers make and model number.

(b) the manufacturer's specifications indicating:

(i) the SWES rated output in kilowatts,

(ii) safety features and sound characteristics,

(iii) type of material used in tower, blade, and/or rotor construction;

(c) potential for electromagnetic interference;

(d) nature and function of over speed controls which are provided;

(e) specifications on the foundations and/or anchor design, including location and anchoring of any guide wires;

(f) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity; and

(g) location of existing buildings or improvements.

Referrals

(2) Prior to making a decision on a development application for a Small Wind Energy System, the Municipal Subdivision and Development Authority may refer and consider the input of the following agencies and departments:

(a) Alberta Utilities Board,

(b) Transport Canada,

(c) NavCanada,

(d) any other federal or provincial agencies or departments deemed necessary.

Setbacks

(3) A Small Wind Energy System shall comply with all the setbacks that govern the principal use in the district in which it is located.

(4) No part of the wind system structure, including guy wire anchors, may extend closer than 3.0 metres (10 ft.). to the property boundaries of the installation site.

Development Standards

(5) There shall be a limit of one Small Wind Energy System per parcel.

(6) 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 metres (10 ft.) from any other structure on the parcel on which the system is located. On parcels 4.0 ha (10 acres) or more, the parcel line setback may be reduced if the applicant demonstrates that:

(a) because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback; and

(b) the system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.

(7) The system's tower shall not exceed a maximum height of 12.2 metres (40 ft.) on a parcel of less than 0.4 ha (1 acre), a maximum of 19.8 metres (65 ft.) on a parcel of 0.4 ha (1 acre) to less than 2.0 ha (5 acres), and maximum height of 24.4 metres (80 ft.) on a parcel 2.0 ha (5 acres) or more.

(8) The system's tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and public roads, public trails and other public areas.

(9) The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments.

(10) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

(11) The system's tower-climbing apparatus and blade tips shall be no closer than 4.6 metres (15 ft.) from ground level unless the system is enclosed by a 1.8-metre (6-ft.) high fence.

(12) The system's utility lines shall be underground where economically practical.

(13) The system shall be operated such that no electro-magnetic interference is caused.

(14) The system's maximum power shall not exceed 3 kW.

(15) The system shall be located in the rear or side yard.

(16) Small wind turbines shall not exceed 60 dB(A), or in excess of 5 dB(A) above the background noise at the property line, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.

(17) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

(18) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

Review of Permits

(19) Town Council may review the impacts of issuance of permits for Small Wind Energy Systems after the issuance of 10 total SWES development permits, or 5 Type B & C towers, for this specific use within the municipality. Approval of any such uses after this threshold must consider cumulative and aesthetic impacts, and applications may be denied where it is considered to negatively impact neighbouring properties.

43. TELECOMMUNICATION ANTENNA SITING PROTOCOLS

Telecommunication, radio communication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radio communication or broadcast antenna system within the Town, which does not meet the exclusion criteria in Appendix A shall be subject to the Siting Protocol process as stipulated in Appendix A. The Telecommunication Antenna Siting Protocol Application form and applicable fee must be submitted by the proponent to the Development Authority who will determine if the municipality will grant a letter of concurrence or non-concurrence.

See Appendix C – Telecommunication, Radiocommunication and Broadcasting Antenna Systems and Supporting Structures (Antenna Systems) Siting Protocol.

44. CANNABIS PRODUCTION FACILITY

The requirements of this section apply to cannabis production facilities, as defined by the Land Use Bylaw and are in addition to the federal regulations required by the Government of Canada's and the

federal *Cannabis Act* and *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, and any other federal and provincial government regulation.

(1) The owner or applicant must provide as a condition of development permit approval a copy of the current authorized licence by Health Canada for all activities associated for a Cannabis Production Facility/plant (either a medical, recreational or combination thereof), as issued by the federal government.

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

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

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

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

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

(7) A Cannabis Production Facility shall not be located on a parcel of land that is adjacent to or within 350 metres of a parcel used for a school, daycare or similar use associated with the caring or congregation of children or minors.

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

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

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

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

45. RETAIL CANNABIS STORE

Use Eligibility

(1) Retail Cannabis Store uses may only be permitted on a parcel of land designated as Direct Control for that specific land use. The proponents of an application for a proposed Retail Cannabis Store must apply to Town Council for a redesignation to the Direct Control land use district.

(2) The Direct Control bylaw for a proposed Retail Cannabis Store shall reflect that Council has the sole authority to make decisions on development permits for Retail Cannabis Stores.

(3) Council for the Town of Picture Butte will consider, amongst other matters, the following criteria in making a determination of the suitability of a site or building for a Retail Cannabis Store. Council, at their discretion acting in the role of Development Authority, shall apply any standards or conditions they determine necessary which shall be applied to the issuance of any development permit for the said use.

Direct Control Redesignation Requirements

(4) The applicant must submit details of the proposed store location and a detailed listing and site plan of surrounding business and uses, both on adjacent (contiguous) parcels and those identified as sensitive sites [as outlined in Section 45(6) below] within 200 m (drawn on a high quality and clearly legible site plan with text descriptions).

(5) The Town of Picture Butte Council may require neighbourhood consultation to be conducted by the applicant. If a public consultation process is requested, the applicant must then provide to Council a description of when and what type of consultation was carried-out by the proponent and a general summary of the public input provided on the proposal (and a complete description of any objections or concerns raised).

(6) Council may take into account, amongst other matters, the following factors when making a decision respecting an application to redesignate premises for a Retail Cannabis Store:

(a) the extent and nature of opposition from community members or groups to establishment of a Retail Cannabis Store in a particular location; and

(b) the suitability of the site in relation to adjacent land uses or other uses in proximity (200 m or less) to the proposed Retail Cannabis Store site.

(7) The applicant must demonstrate to Council's satisfaction how the site and proposal conforms to the criteria as stipulated.

(8) Council may consider that a site for a Retail Cannabis Store shall not be approved for redesignation or issued a development permit if the premises is located within a 200 metre separation distance of:

(a) the boundary of a parcel of land on which a provincial health care facility is located; or

(b) the boundary of a parcel of land containing a school (public or private) facility; or

(c) the boundary of a parcel of land containing an approved child or daycare facility; or

(d) the boundary of a parcel of land that is designated as a school reserve or municipal and school reserve under the *MGA*; or

(e) the boundary of a parcel of land containing a municipal park or playground facility, if the land is not designated as a school reserve or municipal and school reserve under the *MGA*; or

(f) the boundary of the parcel of land of which contains a church, community centre, library or recreation facility where persons under 18 years of age may attend or congregate.

(9) Additionally, a Retail Cannabis Store shall not be approved for a development permit if the premises is located within the distance of (as measured wall to wall of the buildings):

(a) 100 metres of a building containing a separate Retail Cannabis Store that has been approved (in the absence of any provincial set of rules regarding how closely the standalone stores will be allowed to operate to one another, otherwise the provincial rules apply); and

(b) 50 metres of a building containing a licensed liquor store.

(10) The specified separation distances are reciprocal and also apply to those described sensitive uses (e.g. school, child care facility, church, recreation facility, etc.) applying for development permit locating in proximity of established Retail Cannabis Stores.

Development Permit Application Requirements

In addition to the development application requirements as stipulated in Section 25 of the 'Administration' section of the Land Use Bylaw, the following additional requirements for an application for a development permit for a Retail Cannabis Store must also be provided when requested by the Development Authority to present to Council to make a decision.

(11) If a redesignation to the Direct Control land use district is granted, the applicant is required to apply to the Alberta Gaming and Liquor Commission (AGLC) for a determination of eligibility to obtain a license, and submit verification of the AGLC eligibility as part of the development application for a municipal development permit for a Retail Cannabis Store.

(12) All Retail Cannabis Stores approved for a development permit must obtain a Retail Cannabis Store license from the AGLC and failure to secure an AGLC license will make the local development permit approval null and void. Proof of provincial license (for a Retail Cannabis Store) shall be required as a condition of a development permit approval.

Development Criteria and Standards

(13) In issuing a development permit for a Retail Cannabis Store, consideration will be given by Council to the following criteria and applicable conditions:

(a) A Retail Cannabis Store must be a separate use from any other business activities (i.e. non-Cannabis store) unless it is an activity or use expressly authorized by the AGLC.

(b) Maximum hours of operation, applicable to all approved Retail Cannabis Store operations, shall be limited between 11:00 a.m. and 10:00 p.m. which will be placed as a condition on a development permit approval, unless Council decides otherwise.

(c) All signage, including the contents, must comply with the Land Use Bylaw Part 5, Sign Regulations, and municipal development permit approval is required. The applicant/developer is also responsible to ensure any signage and its message contents comply with all federal and provincial requirements, including AGLC policies.

(d) All parking requirements shall be provided in accordance with Part 4, Standards of Development, Section 20 of the bylaw, and shall be deemed to be similar to other 'retail and service commercial' uses for determining the number and size of the required parking spaces.

(e) If an approved Retail Cannabis Store's existing AGLC license expires, the business must provide verification to the municipality that a new license has been obtained within 12 months of the expiry date, otherwise, the use will be deemed to have been discontinued and any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

(f) Council, acting as the Development Authority may, as a condition of approval on a development permit, specify a time limit on the development permit in regards to its validity, which may be considered a temporary use. At the time of expiry, the

applicant/developer must reapply to the municipality for a development permit approval to continue the use.

(g) A developer/operator of a Retail Cannabis Store is responsible for meeting and adhering to all provincial requirements for the physical security for the premises.

(h) The design and construction of a Retail Cannabis Store must meet all provincial building code requirements.

PART 5

SIGN REGULATIONS

PART 5

SIGN REGULATIONS

This Part prescribes requirements for signs, and sign owner responsibilities. It also contains regulations pertaining to safety of the signs installation and requirements for specific types of signs. The intent of this Part is to ensure that safe, well-designed and aesthetically pleasing signs are located within the Town.

1. ADMINISTRATION

(1) Unless otherwise provided for, this schedule applies to all signs within the Town of Picture Butte.

(2) No one shall erect, place, or alter a sign without having first obtained a development permit from the Development Authority in accordance with the provisions of this Bylaw, unless otherwise exempted in Section 2 of this Part.

(3) For the purpose of administering the standards of this Bylaw and signage regulations in accordance with the land use districts, the following categories shall apply:

- **Type 1 signs** – A-board, directional, fascia, projecting (canopy, roof, overhanging, shingle), portable, electronic display or animated/changing copy, political/election, real estate, garage sale, sidewalk, temporary, window, subdivision identification fascia or shingle for home occupations, exit/entrance signs.
- **Type 2 signs** – Balloon, freestanding, mural, all other not included as Type 1.

2. SIGNS NOT REQUIRING A PERMIT

No development permit is required for the following types of signs:

(a) construction company signs, provided such signs are removed within 14 days of the completion of construction;

(b) signs of public buildings;

(c) signs, notices, placards, or bulletins required to be displayed:

(i) in accordance with the provisions of federal, provincial, or municipal legislation;

(ii) by or on behalf of the federal, provincial, or municipal government;

(iii) on behalf of a department, a commission, a board, a committee, or an official of the federal, provincial, or municipal government;

(d) political posters, provided all such signs are removed within 14 days after the completion of the relevant election or plebiscite;

(e) real estate signs, provided all such signs are removed within 30 days after the sale or lease of the premises upon which the sign is located;

(f) residence identification signs, which state no more than the name and/or address of the person(s) occupying the lot, provided the sign is no greater than 0.2 m^2 (2 sq. ft.) in area;

(g) banner or balloon signs which are displayed for a period of time not exceeding 30 days;

(h) signs approved in conjunction with a home occupation permit;

(i) garage sale signs, provided the owner of the property upon which the sign is located has approved its placement and that the sign is removed immediately upon the conclusion of the sale;

(j) on-premises directional and information signs and incidental signs, 0.2 m^2 (2 sq. ft.) or less in area;

(k) any traffic or directional and information signs erected by the Town of Picture Butte or the Alberta Government or the Federal Government;

(l) any community service bulletin board erected by the Town of Picture Butte and any notices posted on the bulletin board;

(m) any window sign posted on the interior of the premises;

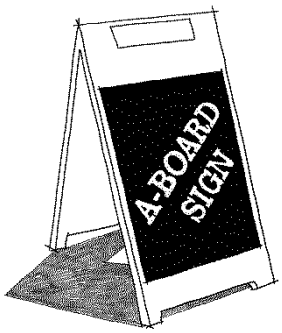
(n) entrance or exit signs used for the purpose of directing traffic providing:

  (i) those signs do not display any advertising message, other than a business logo,

  (ii) the sign area does not exceed 0.9 m^2 (10 sq. ft.) in area, and

  (iii) the sign height does not exceed 1.2 metres (4 ft.);

(o) A-board signs (see figure) where the owner of the sign submits written authorization from the owner of the land where the sign is to be located and where the sign is removed from that location on a daily basis;



(p) the alteration of a lawful sign which only includes routine maintenance, painting or change in face, content, copy or lettering and does not include modification to the sign structure, location, dimensions or projection style;

(q) any sign appearing on street furniture, such as benches or garbage containers, that are located on private property; and

(r) any sign appearing on street furniture, such as benches or garbage containers, that are located on public land if an agreement to locate the street furniture has been reached with Council;

provided all such signs are suitably maintained to the satisfaction of the Development Officer and the Municipal Planning Commission.

3. PROHIBITED SIGNS

The following signs are prohibited:

(a) signs which employ revolving, flashing or intermittent lights, or lights resembling emergency services, traffic signals, railway crossing signals, hazard warning devices or other similar lighting but does not include changeable content, sign projection styles or animation;

(b) signs which emit amplified sounds or music;

(c) in any residential district, signs that employ animation or changeable content as the projection style;

(d) in any non-residential district, signs that employ changeable content, animation or pictorial scenes at a luminosity, intensity and/or interval which may create a public hazard or nuisance;

(e) any sign containing electronic display, animation, changeable content or movement shall be prohibited from a residential land use district. An exemption to this may be considered by the Development Authority if the signage is for a community group or facility, school, or any level of government;

(f) any signs located within the public right-of-way or on public property, except for signs approved by the Town of Picture Butte or signs approved by the Province of Alberta or Federal Government;

(g) signs that are attached to or appearing on any vehicle or trailer which is parked on a public right of way or any other public lands or on private land that is located adjacent to a public right of way excepting thereout signs for special events organized by a non-profit association, group or organization for a display time period not to exceed 24 hours;

(h) billboards erected for the sole purpose of advertising off-premise businesses or products which are not associated with businesses or services licensed to operate in the Town of Picture Butte, charitable organizations or service clubs;

(i) any sign which has not obtained a development permit or any sign which has not been deemed exempt from the requirement of obtaining a development permit as per this sign schedule (see Section 2 of this Part – *Signs Not Requiring a Development Permit*).

4. APPLICATION REQUIREMENTS

All development permit applications for a sign shall:

(a) be submitted to the Development Officer;

(b) include a description of the proposal and a plan drawn to a suitable scale and photographs, if available, illustrating:

(i) the location of all existing and proposed sign(s);

(ii) the size, height, and other dimensions of the proposed sign(s), including any supporting structures and if the application is for a sign with Electronic Display, the percentage of the facade that will be covered by the sign;

(iii) the location of the property boundaries of the parcel upon which the proposed sign(s) are to be located;

(iv) details with respect to sign content (i.e. wording/lettering, text, message, graphics, etc.);

(v) the materials and finish proposed for the sign(s);

(vi) type of electronic display, illumination, animation, and/or changeable content, if any, and details with respect to the proposed luminosity intensity and/or interval; and

(vii) if a sign is to be attached to a building, the details regarding the extent of projection must be provided.

5. GENERAL STANDARDS FOR SIGNS

The following regulations shall be applied to all signs:

(1) All signs shall, in the opinion of the Development Officer or Municipal Planning Commission, be of quality construction and of a design suitable for public display.

(2) All signs shall be maintained in good repair and a safe and tidy manner to the satisfaction of the Development Officer and the Municipal Planning Commission.

(3) No sign shall be placed in a public road or laneway or sited in such a manner that, in the opinion of the Development Officer or Municipal Planning Commission, causes confusion with or obstructs the vision of any information sign or a traffic control sign, signal, light or other traffic device.

(4) The source of light for any illuminated sign shall be steady and suitably shielded to the satisfaction of the Development Officer and the Municipal Planning Commission.

(5) No sign shall be located or placed in such a manner that, in the opinion of the Development Officer or Municipal Planning Commission, will create a potential hazard or conflict with rights-of-way, easements or the routing of any public utility.

(6) Signs may locate within the setback requirements of a land use district if it does not interfere with visibility at an intersection and complies with other sign requirements of Part 5.

(7) Unless otherwise specified in this Part, the maximum number of primary signs permitted on a lot with single frontage is three and with two or more frontages, five. These primary signs may consist of the following types of signs or a combination thereof:

(a) freestanding,

(b) existing projecting and overhanging,

(c) fascia,

(d) canopy,

(e) roof,

except as provided under Section 10, Multi-tenant Signs.

(8) The maximum sign area of all signs, not including portable signs, that may be located on a lot with single frontage is 13.9 m^2 (150 sq. ft.) and with two or more frontages is 18.6 m^2 (200 sq. ft.), except as provided under Section 10, Multi-tenant Signs.

(9) Unless otherwise specified, a development permit application is required for all signs. Application is made using the Sign Development Permit Application in Appendix B, unless specifically exempt under Section 2, Signs Not Requiring a Permit.

(10) Except for fascia or canopy signs as provided for in this Bylaw, no signs projecting or overhanging public property shall be permitted.

(11) Where a sign overhangs public property, the owner shall provide a save harmless agreement with the Town of Picture Butte and register the agreement on the title of the property.

(12) A business or building owner shall remove a derelict business signage visible copy and image area within 30 days of the business ceasing operations within the town.

6. PORTABLE SIGNS

(1) The copy area of a portable sign shall not exceed 3.7 m^2 (40 sq. ft.).

(2) No more than one portable sign per frontage or where there are two or more frontages, a total of two portable signs may be located on a single lot or premises, except in a designated tourism sign area where more than two portable signs may be located at the discretion of the Development Officer or the Municipal Planning Commission.

(3) No portable sign shall extend or project into any public place or beyond the boundaries of the lot or premises upon which it is sited without the approval of the Development Officer or the Municipal Planning Commission.

(4) A development permit for a portable sign will be valid for a period of no longer than 120 days in a calendar year.

(5) Portable signs may be off-premises signs under Section 7, Off-Premises Signs.

(6) The Development Officer or Municipal Planning Commission must approve the location of the portable sign on the premises having regard for location of power supply, parking pattern on the site or other site constraints.

(7) Portable signs shall not be allowed in any residential land use district unless placed on Town boulevards or property and permission has been obtained from the municipality.





7. OFF-PREMISES SIGNS

(1) The sign area of any third-party and off-premises signs visible from a roadway shall not exceed:

(a) 2.3 m^2 (25 sq. ft.) where the speed limit is no greater than 50 km per hour; and

(b) 4.6 m^2 (50 sq. ft.) where the speed limit is greater than 50 km per hour but not greater than 70 km per hour.

(2) Off-premises signs shall only identify businesses or services licensed to operate in the Town of Picture Butte or that are members of the Picture Butte and District Chamber of Commerce, charitable organizations or service clubs.

(3) All third-party and off-premises signs shall comply with all other provisions of this Bylaw unless specifically exempted.

8. TEMPORARY SIGNS

(1) All temporary signs require a Development Permit except those signs exempted in Section 2.

(2) A development permit for a temporary sign will be valid for a period of no longer than 60 days, other than a portable sign" which may be allowed for 120 days maximum.

(3) The Development Officer is satisfied that any political posters, real estate signs, third-party signs or other signs located on a boulevard have not been objected to by any residents or land owners adjacent to said boulevard, will not create a traffic hazard or obstruct the public's view of any other signs.

(4) No temporary signs shall be suspended on or between support columns of any freestanding sign.

(5) No posters or signs shall be placed on any public utility such as a power pole.

(6) No posters or signs shall be placed on town street name signs.

(7) The Development Authority must only approve the location of the temporary sign on the premises after having given due consideration for the location of power supply, sight lines visibility, parking pattern on the site and/or any other site specific development constraints that the Development Authority considers relevant.

(8) The copy area of a temporary sign shall not exceed 3.7 m^2 (40 sq. ft.).

9. PROJECTING SIGNS (CANOPY, ROOF, PROJECTING, SHINGLE, OVERHANGING)

Projecting signs may be permitted in all non-residential districts subject to obtaining a development permit *and* the following limitations:

Canopy Signs

(1) The copy area of a canopy sign shall not exceed 9.3 m^2 (100 sq. ft.).



(2) No more than one canopy sign per frontage or, where there are two or more frontages, a total of two such signs may be located on a single lot or premises, where more than one tenant occupies the premises (see Section 10, Multi-tenant Signs).

(3) Approval of any canopy signs overhanging public land under Part 5 is conditional upon the owners and/or occupiers of the premises upon which said sign is located providing to the Town of Picture Butte a written waiver of liability as authorized by Council or an indemnification agreement for any injury or damage resulting from said sign.

(4) No part of a canopy sign, exclusive of any supports, shall be less than 2.7 metres (9 ft.) above ground or sidewalk grade.

(5) No part of a canopy sign shall project more than 1.5 metres (5 ft.) over any public place or extend within 0.9 metres (3 ft.) of the edge of a curb or a roadway.

Projecting Signs

(6) No part of a sign shall project more than 1.5 metres (5 ft.) over a public sidewalk or within 0.9 metre (3 ft.) of a curb adjoining a public roadway.

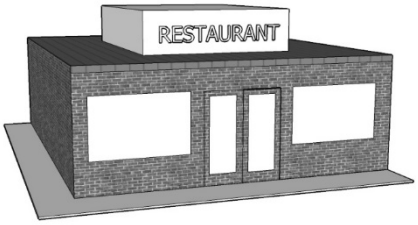
(7) Projecting signs shall be placed:

(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.

(8) Projecting signs shall have a minimum vertical clearance of 2.4 metres (8 ft.) measured between the lower sign edge and grade.

Roof Signs



(9) No more than one roof sign per building shall be permitted.

(10) A roof sign shall not project more than 3.0 metres (10 ft.) above the highest point of the roof.

(11) The sign shall not be placed on the sloped portion of a roof.

(12) The display surface of a roof sign shall not exceed 8.4 m^2 (90 sq. ft.).

(13) Where the roof sign display surfaces are back-to-back in a common structure, it shall be construed to be a single sign.

(14) Every roof sign shall be erected in such a manner that the support structure, guy wires, braces, and all other secondary supports are not visible, so that the roof sign appears to be an architectural component of the building, unless otherwise directed by the Development Authority.

(15) No roof sign shall extend beyond the ends or sides of the building.

(16) Multi-tenant roof signs may be considered by the Development Authority, provided the advertising is located on one roof sign only.

Shingle Signs



(17) In all Residential land use districts, a shingle sign associated with a home occupation shall:

(a) be limited to one sign, which may be a shingle type projecting sign on the premises of an approved home occupation use; and

(b) not exceed 0.4 m^2 (4 sq. ft.) in area.

(18) In all non-residential land use districts, shingle signs shall be subject to the projecting sign standards, Sections 9(6) through 9(8).

10. MULTI-TENANT SIGNS

(1) A maximum of one secondary sign per business or service is permitted.

(2) The sign area of all secondary signs shall not exceed 20 percent of the maximum allowable sign area for the principal sign.

(3) For the purpose of calculations contained in Section 5, General Standards for Signs, secondary signs shall not be included.

11. DIRECTIONAL AND INFORMATIONAL SIGNS

Directional and informational signs up to a maximum of 0.2 m^2 (2 sq. ft.) is not included in the calculations contained in Section 5, General Standards for Signs (see Section 2, Signs Not Requiring a Permit).

12. WINDOW SIGNS

(1) Window signs are not included in the calculations contained in Section 5, General Standards for Signs (see Section 2, Signs Not Requiring a Permit).

(2) Window signs shall not cover more than 50 percent of the surface area of the window.

13. FREESTANDING SIGNS

(1) All freestanding signs require a development permit except those signs exempted in Section 2.

(2) No more than one freestanding sign per frontage or a total of two freestanding signs shall be located on a single lot or premises with two or more frontages.

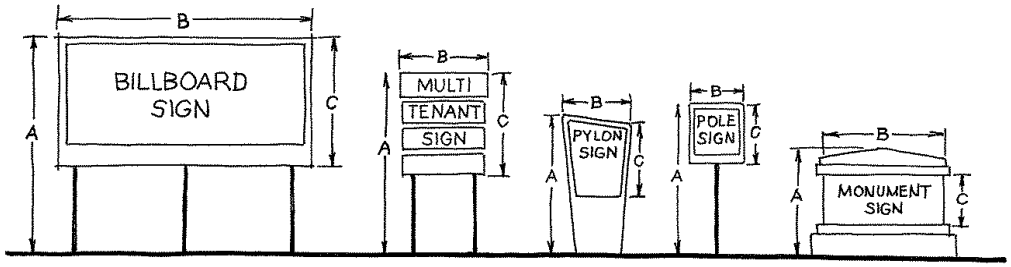
(3) No freestanding sign shall exceed 7.6 metres (25 ft.) in height.

(4) All freestanding signs shall be completely located on the same lot as the use being advertised, with the exception of off-premises signs approved in accordance with the provisions of Part 5.

(5) With the exception of directional and informational signs, any part of a freestanding sign that extends beyond the support column or between two support columns shall be 2.7 metres (9 ft.) above ground or sidewalk grade.

(6) No temporary signs shall be suspended on or between support columns of any freestanding sign.

(7) The total sign area for each face shall not exceed 7.0 m^2 (75 sq. ft.). Sign area is depicted in figure below as dimension B multiplied by dimension C.



(8) Billboards erected for the sole purpose of advertising off-premise businesses or products which are not associated with businesses, charitable organizations or service clubs licensed to operate in the Town of Picture Butte, or are members of the Picture Butte and District Chamber of Commerce are not permitted.

14. FASCIA

Fascia signs may be permitted in all non-residential districts subject to obtaining a development permit *and* the following limitations:

(1) All fascia signs require a development permit except those signs exempted in Section 2.

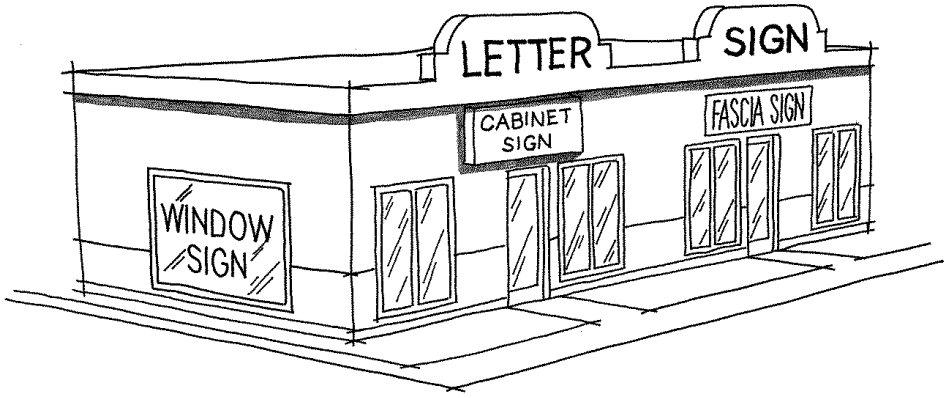
(2) No more than one fascia per frontage or where there are two or more frontages, a total of two such signs may be permitted.

(3) The sign area of a fascia for a commercial or industrial use shall not exceed 9.3 m^2 (100 sq. ft.).

(4) A fascia sign shall not project more than 0.3 metre (1 ft.) from the face of a building.

(5) Whenever there is a band of several fascia, they should be of a consistent size and located near the same level as other similar signs on the premises and adjacent buildings.

(6) For a multi-use or multi-bay mixed commercial building, the total maximum sign area permitted for fascia signs is 20 percent of the area formed by each building face or bay.



Mural Signs

(7) No more than one mural sign shall be allowed per building unless specifically authorized by the Municipal Planning Commission.

(8) The location, theme, construction materials and size associated with the mural shall be to the satisfaction of the Development Authority.

(9) 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.

(10) Display of text, including a business name or commercial message, within a mural shall not exceed 10 percent coverage of the wall surface area, up to a maximum coverage size of 9.3 m^2 (100 sq. ft.).

15. ELECTRONIC DISPLAY SIGNS

(1) No more than one digital sign may be permitted on a single parcel.

(2) Any sign containing Electronic Display shall be prohibited from a residential land use district. An exemption to this may be considered by the Development Authority if the signage is for a community group or organization, school, or the municipality and complies with all other sign regulations.

(3) Electronic Display content shall only be allowed on fascia signs in compliance with this Bylaw.

(4) The sign area of a sign with Electronic Display shall not exceed 10% of the size of the total building façade on which the sign will be installed, to a maximum of 4.6 m^2 (50 sq. ft.).

(5) Signs with Electronic Display must not be on a building façade that directly faces a residential land use district.

(6) Signs with Electronic Display may include on-premises advertising and/or off-premises advertising for businesses, charitable organizations or service clubs licensed to operate in the Town of Picture Butte or are members of the Picture Butte and District Chamber of Commerce only, in compliance with Section 7(2) of this Part 5 of this Bylaw.

(7) Electronic Display content must remain in place unchanged for a minimum of 10.0 seconds before switching to new content.

(8) The maximum transition time between each different Electronic Display on a sign is 0.25 seconds.

(9) The transition between each Electronic Display must not involve any visible effects, including but not limited to action, motion, fading in or out, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.

(10) Electronic Display content must not include full motion video, movies, Moving Picture Experts Group (MPEG) or any other non-static digital format and the content must not be displayed using any visible effects, including but not limited to: action, motion, fading in or out, dissolving, blinking, intermittent or flashing light, or the illusion of such effects.

(11) A sign featuring Electronic Display must be equipped with a functioning ambient light sensor and must be set to operate so as not to exceed the following limits at all times when the Electronic Display feature is functioning, as measured from the sign face at its maximum brightness:

a) A maximum of 7,500 nits from sunrise to sunset, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada;

b) A maximum of 500 nits from sunset to sunrise, based on the times established by the sunrise/sunset calculator of the National Research Council of Canada;

c) The light levels around the Electronic Display must not at any time exceed the ambient light level by more than 5.0 LUX.

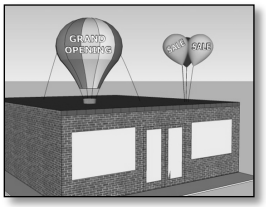
(12) If a Development Authority determines that the brightness or light level of an Electronic Display exceeds the limits set out in subsection (11) of this Section, the Development Authority may direct the Development Permit holder to change the settings in order to bring the Electronic Display into compliance with this Bylaw.

(13) If any component of an Electronic Display fails or malfunctions such that the Electronic Display is no longer operating in compliance with this Bylaw or with the conditions of a Development Permit, the Development Permit holder must ensure that the Electronic Display is turned off until all components are fixed and operating in compliance.

(14) The Development Permit holder for a sign featuring an Electronic Display must ensure that a Development Authority is at all times in possession of the name and telephone contact information of a person(s) having access to the technology controls for the sign, who can be contacted 24 hours a day if the sign malfunctions.

(15) Any sign that is illuminated, animated, or a digital and electronic message board (changeable copy) located within 304.8 metres (1,000 ft.) of a provincial highway right-of- way or within 800 metres (2,625 ft.) of the centreline of a highway and a public road intersection must be approved by Alberta Transportation.

16. BALLOON SIGNS



Notwithstanding that no permit is required in accordance with Section 2 of this Part, a balloon sign shall:

(a) not be permitted in any residential land use district;

(b) be securely anchored or fastened to wind resistant ground structures or building fasteners; and

(c) not be located within the public right-of-way, and not hinder or obstruct pedestrian or vehicle traffic.

17. OTHER SIGNS

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

18. SIGN DEFINITIONS

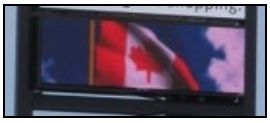
For the purpose of the Land Use Bylaw and this schedule, the following definitions apply:



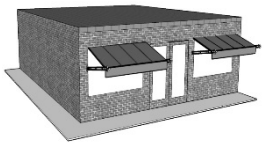
A-BOARD means a portable sign which is set on the ground, built of two similar pieces of material and attached at the top by a hinge(s) so as to be self-supporting when the bottom edges are separated from each other and designed and built to be easily carried by one person. See Section 10 – *Portable Signs*.

ABANDONED SIGN means a sign which advertises or identifies an activity, business, owner, product, lessee or service which no longer exists or a sign for which no legal owner can be found.

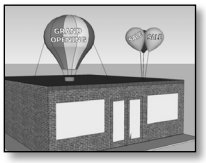
ANIMATION means a projection style where action or motion is used to project sign content, including lighting changes, special effects or pictures, but does not include changeable content.



AWNING means an adjustable or temporary roof-like covering fitted over windows and doors and used for either shelter, advertising or decoration.



BALLOON SIGN means any inflatable device used or employed as a sign that is anchored to the ground or to a building or structure.



BANNER SIGN means a temporary sign that is made of lightweight material intended to be secured to the flat surface of a building or structure, at the top and the bottom on all corners, excluding official flags and emblems.



BILLBOARD SIGN means a freestanding structure constructed to provide a medium for advertising where the subject matter is not necessarily related to a use at or around the parcel on which the billboard is located and where the copy can be periodically replaced.

CANOPY means a permanent fixture fitted over windows and doors and used for either shelter, advertising or decoration.

CANOPY SIGN means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.

CHANGEABLE CONTENT means sign content which changes automatically through electronic and/or mechanical means and may include typical features such as an electronic message centre or time and temperature unit.



Mechanical



Electronic

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.

DIRECTIONAL AND INFORMATION SIGN means a sign the message of which is limited to providing direction guidance, distance, facility or similar information and which may contain a name or logo.



ELECTRONIC DISPLAY means sign copy displayed using electronic screens, televisions, computer video monitors, liquid crystal displays, light-emitting diode displays, or any other similar electronic technology. Electronic display signs are also commonly called digital signs.

FASCIA SIGN means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.30 metre (1 ft.) from the building.

FREESTANDING SIGN means a sign supported independently of a building, wall, or other structure by way of columns, uprights, braces, masts or poles mounted in or upon grade.

FRONTAGE means the front lot line and the side of a lot abutting a public roadway. Frontage does not include any side of a lot abutting a lane unless the lane is the only means of physical access.

HOME OCCUPATION SIGN means a sign advertising a home occupation approved under the provisions of the Land Use Bylaw.

LUMINOSITY means the measurement of brightness.

MULTI-TENANT SIGN means any type of sign that may contain sign content that advertises more than one tenant and/or business. See Sections 9 through 14 of this Part for applicable sign type: e.g. freestanding sign, billboard sign, portable sign, etc.

MURAL SIGN means any picture, scene, graphic or diagram displayed on the exterior wall of a building for the primary purpose of decoration or artistic expression and not created to solely display a commercial message or depiction.

OFF-PREMISES SIGN means any type of sign that may contain sign content that advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

OFF-PREMISES SIGN CONTENT means sign content which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

ON-PREMISES SIGN CONTENT means sign content which advertises a service, product or activity conducted, sold or offered on the property that the sign is located.

OTHER SIGN means any sign that is not defined as a canopy sign, fascia sign, freestanding sign or portable sign.

OVERHANGING means that which projects over any part of any street, lane or other municipally owned property.

PARAPET means the extension of a false front wall above a roof line.

POLITICAL POSTER SIGN means a temporary sign announcing or supporting candidates or issues in any election or plebiscite.

PORTABLE SIGN means a sign that is not permanently affixed to a building, structure, or the ground and does not include A-Board signs as defined in this Bylaw.

PROJECTING SIGN means a sign other than a canopy sign or fascia sign which is attached to and projects, more than 0.30 metre (1 ft.) horizontally from a structure or building face.

REAL ESTATE SIGN means a sign advertising real estate (i.e. property) that is for sale, for lease, or for rent or for real estate that has been sold.

RESIDENCY IDENTIFICATION SIGN means a sign located on a lot in a residential district that provides for the name and/or address of the owner or occupant of a dwelling.

ROOF SIGN means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

ROTATING SIGN means a sign or portion of a sign which moves in a revolving manner. See Sections 7 through 10 of this Part for applicable sign type requirements: e.g. freestanding sign, billboard sign, portable sign.

SHINGLE SIGN means a small sign which is suspended from a mounting attached directly to the building wall. Shingle signs are generally placed perpendicular to the face of a building and are typically found in pedestrian oriented environments such as a downtown and/or historic district.

SIGN means a lettered board or other public display intended for the advertising or calling attention to any person, business, matter, object or event.

SIGN ALTERATION means the structural and/or projection style modification of a sign but does not include the routine maintenance, painting or change in face, content, copy or lettering.

SIGN AREA means the entire area within a single continuous perimeter enclosing the extreme limits of a sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. See figure below.

SIGN CONTENT means the wording/lettering, message, graphics or content displayed on a sign.

SIGN CONTENT AREA means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.



Sign area = length of A x length of B
Sign content area = length of C x length of D

SIGN HEIGHT means the vertical distance measured from the highest point of the sign or sign structure to the finished grade.

SIGN ILLUMINATION means the lighting or exposure of a sign to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN PROJECTION STYLE means the method by which the sign content is conveyed to the viewer (e.g. lettering/logo, animation, changeable content, movement/motion).

SIGN TYPE means the type of structure of a sign (e.g. billboard, freestanding, portable, etc.) used to convey sign content.

TEMPORARY SIGN means any sign permitted, designed or intended to be displayed for a short period of time (not to exceed 30 days), not including portable signs, however including balloon signs, developer marketing signs, land use classification signs, construction signs, political poster signs, window signs, banner signs, A-board signs or any other sign that is not permanently attached to a building, structure or the ground.

VEHICLE SIGN means a sign attached to, painted on or installed on a vehicle other than a public transportation vehicle, taxi cab or school bus.

WINDOW SIGN means a sign painted on, attached to or installed on a window intended to be viewed from outside the premises.

PART 6

DEFINITIONS

PART 6

DEFINITIONS

A

Accessory building means any building:

(a) which is separate from the principal building on the lot on which both are located, and the use of which the Municipal Planning Commission decides is normally subordinate and incidental to that of the principal building; or

(b) the use of which the Municipal Planning Commission decides is normally subordinate and incidental to the principal use of the site on which it is located.

Accessory structure means a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. When a building is attached to the principal building by a roof, a floor or foundation above or below grade, it is part of the principal building.

Accessory use means a use of a building or site which the Development Officer decides is normally subordinate and incidental to the principal use of the building or site.

Addition means adding onto an existing building, provided that there are no major structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

Amusement facility means a building or facility where four or more mechanical or electronic games are kept or indoor games are commercially offered such as arcades, bowling alleys, video gaming rooms, mini-putting or putting greens, for the purpose of furnishing entertainment or amusement to the public for a fee.

Animal grooming facility means development for the on-site treatment or grooming of small domestic animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. Examples include pet grooming salons.

Apartment building or dwelling means a building or a portion of a building which contains three or more dwelling units and where the primary access to each unit is provided through a common or shared entryway. This use also includes eightplexes or any building containing more than six dwelling units, where each unit is provided with its own primary access to the outside.

Applicant means the registered owner of the land or his or her representative or agent certified as such.

Approved use means a use of land and/or building for which a development permit has been issued by the Development Officer or the Municipal Planning Commission.

Area structure plan means a statutory plan in accordance with the *MGA* and the municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

Auto body and paint shop means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto sales and service means an enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs, except for body work and painting.

B

Bakery means a facility where baked food products (i.e. bread, buns, cookies, pastries) are prepared, sold and/or distributed.

Bank means a financial institution for the deposit, custody, loan, exchange or issuance of money or financial services or products are commercially dealt with.

Basement means the lowest storey of a building, partly or wholly below grade.

Bay means a self-contained unit or part of a building which can be sold or leased for individual occupancy.

Bay window means a window or series of windows projecting from the outer wall of a building and forming a recess within.

Bed and breakfast means a use accessory to a single-detached dwelling which involves a home based development in a private owner-occupied dwelling where rooms are rented for short-term accommodation, generally not exceeding 14 days, and a breakfast meal is provided for registered guests.

Belt course means a horizontal band forming part of an interior or exterior architectural composition.

Berm means an earthen or dyke-like form used to separate incompatible areas or functions, or constructed to protect or shield the site, use or district from noise, vehicular road noise, or visual blights.

Billboard means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

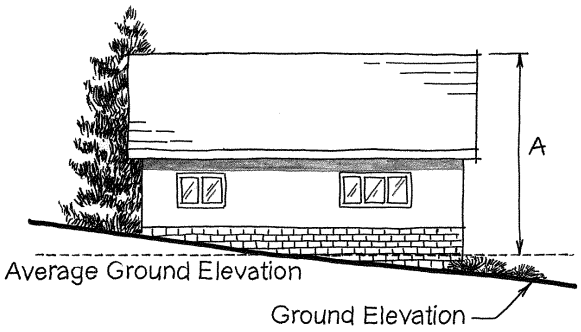
Boarding house means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where means or lodging for 5 or more persons are provided for compensation pursuant to previous arrangements or agreement.

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

Buildable area means that portion of a lot or parcel which remains after all setbacks, minimum yard dimensions, utility right-of-way or easements, and separation distances have been deducted.

Building has the same meaning as it has in the *MGA*.

Building height means the vertical distance between grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.



Building inspector means the person or persons appointed by the municipality to be the chief building inspector or building inspectors in and for the Town of Picture Butte.

Building massing means the volume, height, location and orientation of a building.

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

Building scale refers to building elements and details as they proportionally relate to each other and to humans.

Building site means a portion of land that is the subject of a development application on which a building can or may be constructed.

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

Bulk fuel station means a facility for the purpose of storing fuel for distribution to customers or businesses and does not include a service station.

C

Cannabis means a plant Cannabis sativa, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, and any substance or mixture of substances that contains or has on it any part of such a plant; and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained, but does not include a non-viable seed of a cannabis plant.

Cannabis production facility means a building or use where federally approved medical or non-medical (recreational) cannabis plants are grown, processed, packaged, tested, destroyed, stored or loaded for

shipping, and that meets all federal or provincial requirements and that meets all requirements of this bylaw, as amended from time to time.

Canopy sign means a permanent fixture fitted over windows and doors and used for either shelter advertising or decoration.

Carport means a partially enclosed structure intended for the shelter of one or more motor vehicles. Enclosure is limited to the roof and to a height of not greater than 0.9 metres (3 ft.) above the ground or finished surface of the carport.

Clubs and organizations means development used for the meeting, social or recreational activities of members of a normally non-profit philanthropic, social service, community, athletic, business, religious or fraternal organization, without on-site residences. Clubs and fraternal organizations may include rooms for eating, drinking and assembly.

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

Community facilities means community halls, public libraries, parks, playgrounds, schools, hospitals, shopping, medical and dental clinics and other similar facilities.

Comprehensive development means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provisions.

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.

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

Contractor means an individual or company who contracts on predetermined terms to provide labour and materials and to be responsible for the performance of a construction job in accordance with established specifications or plans.

Convenience store means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis from business premises which typically do not exceed 400 m^2 (4,305 sq. ft.) in gross floor area. This use does not include Retail Cannabis Store which is a separate use.

Copy area means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement including decorations related to the specific nature of the advertising message or announcement.

Corner lot means a lot located at the intersection or junction of two or more streets.

Cornice means the top course of a wall when treated as a finish or crowning member.

Council means the Council of the Town of Picture Butte in the Province of Alberta.

D

Day care facility means a provincially licensed facility for the provision of care, supervision or rehabilitation of children or adults for periods not exceeding 24 consecutive hours.

Day home means the provision of care or supervision of individuals, either children or adults, within a private dwelling for a period not exceeding 24 consecutive hours and with no more than 6 clients per day.

Deck means a wooden, or other similar hard-surfaced platform, with or without a roof, walls or railings intended for outdoor living space or amenity area and which is generally attached to a building. Other specific deck meanings include the following:

(a) A **raised deck** means a horizontal structure with a surface height 0.6 metre (2 ft.) or greater above grade at any point, but generally no higher than the first storey floor level, and is intended for use as a private outdoor amenity space.

(b) A **ground level deck** means an unenclosed (no roof or walls) amenity area of wood, or other similar material, that is constructed less than 0.6 metre (2 ft.) above grade and is typically attached to a dwelling.

(c) A **ground level patio** means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade and may or may not be or attached to a dwelling.

Development Officer means a person authorized by Council to act as a development authority pursuant to Part 1, Section 6 and in accordance with the Development Authority Bylaw.

Development agreement means an agreement between the developer and the municipality to:

(a) construct or pay for the construction of public roadways or parking areas;

(b) install or pay for the installation of utilities, and/or any municipal service mutually agreed upon;

(c) pay for an off-site levy or redevelopment levy imposed by bylaw.

Demolition means any act or process that destroys or removes in part or in whole a building or structure.

Density means the number of dwelling or accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

Developer means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and change the use of the property from its existing use or cause to be located or constructed on the property buildings or structures.

Development has the same meaning as it has in the *MGA*.

Development agreement means a contractual agreement completed between the municipality and an applicant for a development permit which specifies the public roadways, utilities and other services to be provided by the developer as a condition of development approval or subdivision approval, provided the agreement is in accordance with sections 648, 650, 654 and 655 of the *MGA*, as amended.

Development area means the area to be occupied by a building plus the reasonable area required for excavation and construction.

Development Authority means the Municipal Planning Commission, except in such instances whereby the designated or development officer may be the Development Authority, in accordance with this Bylaw.

Development permit means a document issued pursuant to this Bylaw authorizing a development.

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.

Discretionary use means the use of land or building(s) provided for in the Land Use Bylaw for which a development permit may be issued, following receipt by the Development Officer of a competed application with appropriate details and fees.

District means a defined area of a municipality as set out in the land use district Parts of uses and indicated on the Land Use Districts Map.

Drive-in business means an establishment with facilities for on-site service to customers who remain in their motor vehicles.

Drive-in food service means a facility for eating and drinking which offers a limited menu produced in a manner that allows rapid customer service and includes one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

Drive-in restaurant means a restaurant which offers car attendant service or drive-through pick-up service.

Dwelling unit means a building or portion thereof designated or used exclusively as the living quarters (construed as including sleeping, cooking and toilet facilities) for one family.

E

Easement means a right held by one party in land owned by another.

Exotic animals means bison, alpaca, llama, cervid (elk, deer), fur (mink, fox), rabbits, fur-bearing animals, ratites (emu, ostrich), pheasants, and other similar animal types including uncommon, wild or specialized animal breeds.

Extensive agriculture means the science, agronomy or occupation involving cultivating soil, raising and producing field crops, and working or tending to agricultural land by tilling, seeding, ploughing, fallowing, swathing, fertilizing (non-manure), of existing titles or proposed parcels usually 8.1 ha (20 acres) or more in size. For the purposes of this bylaw, this use excludes the stockpiling or composting of manure.

F

Fabric building means a structure, truss or tube-frame building system which is covered with fabric, generally of canvas, vinyl, plastic, or cotton material, which is typically used as an accessory building, garage or for storage. For use purposes these may be considered as an **Accessory building**.

Farm animals means those types of animals typically or commonly associated with farming and ranching practices or livelihood activities, such as cattle, horses, swine, poultry (chickens, turkeys), goats, sheep, mules, donkeys, water fowl (ducks, geese), and their associated species.

Farm machinery sales and service means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the production, operation and maintenance of agricultural uses related to the cultivation, harvesting, seeding, ploughing or irrigating of land for crop, food or forage production and its associated uses. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Farmer's market means an occasional or periodic market held in an open area or in a building or structure where multiple sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

Fascia sign means a sign attached across the face of the building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.3 metre (1 ft.) from the building.

Fence means a structure usually made of wood, rails or wire intended to mark parcel boundaries and provide yard privacy.

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

Floor area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages and open porches. All dimensions shall be outside dimensions. Basement floor areas shall be included only where the building contains a basement suite.

Food or grocery store means a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Food processing means a development for the preparation, processing, or canning and packaging of food products and the wholesale distribution of the same.

Foundation means the supporting base structure of a building which has been designed and engineered to support the associated weight of the building or structure.

Fourplex dwelling means a form of cluster housing containing four dwelling units, where:

(a) each unit has two contiguous or abutting walls which provide fire separation from the adjacent dwelling units;

(b) two of the dwelling units ordinarily face the front yard, and two dwelling units ordinarily face the rear yard; and

(c) each unit is provided with its own separate primary access to the outdoors.

Fraternal organization - see Clubs and Organizations.

Freestanding sign means any sign or display supported by a freestanding column or structure.

Front yard means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building. For *Secondary Front yard* refer to Part 4, Standards of Development.

Frontage means the front lot line and the side of a lot abutting a public roadway. Frontage does not include any side of a lot abutting a lane unless the lane is the only means of physical access.

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

G

Garage (residential) means an accessory building designed and used for storage of motor vehicles. For associated residential use, a garage may be detached or attached to a dwelling.

Garage suite means a dwelling unit located above a rear detached garage, which is accessory to a principal dwelling unit.

Garden centre means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

Grade means the average surface level of the ground when the work of erecting a structure is completed.

Grazing and pasturing of livestock means a parcel of agricultural land that may be ground covered with suitable vegetation, grass or other plants for the grazing, foraging or feeding of livestock, and may include some supplemental outdoor feeding (grain, legume fed) of the livestock on the pasture land.

Greenhouse means a building specially designed and used for the growing of vegetables, flowers or other plants for transplanting or sale. This use does not include Cannabis Production Facility which is a separate use.

Gross floor area means the sum of the areas of all floors of a building measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the centre line of the common firewalls and includes all floors totally or partially above the finished ground surface excluding an artificial embankment but including all mechanical equipment areas.

Group home means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A group home may incorporate accommodation for resident staff as an accessory use.

H

Habitable structure means any building or structure used, or intended for use, on a day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for purposes of a similar nature, that meets minimum health and safety standards.

Health or fitness centre, commercial means the use of a building for the purpose of providing recreation and fitness opportunities to individuals or groups on a user-pay basis. It includes a facility designed for the major purpose of physical fitness or weight reducing which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, lockers, and may include activities such as yoga, Pilates, spin cycling and various martial arts. This shall not include municipal or privately owned recreation buildings.

Home occupation means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

Hotel means a building, typically with multi-floors, used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

I

Illuminated sign means any sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

Industrial equipment sale and rental means a facility for the sale or rental of equipment typically used in building, roadway, pipeline, oilfield and mining construction or agricultural production. This does not include truck and mobile home sales and rentals.

Industrial operation means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, printing, cleaning, servicing, testing, storing and distribution of materials, goods, products or equipment.

Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Interior lot means any lot other than a corner lot.

K

Kennel means a facility where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes a veterinary clinic.

L

Landscaped area means that portion of a site which is to be landscaped pursuant to a development permit, and excludes areas used for parking and driveways.

Landscaping means the modification and enhancement of a site or development through the use of the following elements:

- natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover;
- hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and
- excludes all areas utilized for driveways and parking.

Lane means a public roadway, not exceeding 9.1 metres (30 ft.) in width which provides a secondary means of access to a lot (site).

Liquor store means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off-premises. Full walls must physically separate the premises from any other business.

Livestock means domesticated animals raised in an agricultural setting, typically associated with farms and ranches, to produce commodities such as food, fibre, and labour, and includes but is not limited to, cattle (both beef and dairy), sheep, swine, horses, mules and other useful animals.

Loading space means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

Lodge or boarding houses – see Boarding Houses.

Lot means an area of land the boundaries of which are shown on a plan registered in a Land Titles Office, or are described in the Certificate of Title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. The words **site** and **parcel** shall have the same meaning as the word **lot**.

Lot area means the total horizontal area of a lot.

Lot length means the horizontal distance between the front and rear lot lines vertically projected and measured along the median between the side lot lines.

Lot lines means the legally defined limits of any lot. The term property line shall have the same meaning.

Lot width means the average horizontal distance between the side lot lines.

Lumber yard means a facility where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and includes storage on or about the premises of such material but does not include retail sales of furniture, appliances or other goods not ordinarily used in building construction.

M

Machinery and equipment sales and repair means the use of land or buildings for the display, sale, service and/or rental of machinery.

M**anufactured home 1** (Single-detached dwelling) means a new dwelling unit or portions of a dwelling unit that is built in a factory or portions of dwelling units that are built in a factory or location other than on the lot intended for occupancy. These are a new factory built structure that is manufactured in accordance with CSA and the Alberta Building Code, is transportable in one or more sections, and is used as a place for human habitation; but which is not constructed with a permanent hitch, chassis or other device allowing transport of the unit other than for the purpose of delivery to a permanent site. Single-detached manufactured homes include the following: manufactured, modular, and prefabricated, but this definition does not include ready-to-move, manufactured home 2 (as defined in this Bylaw), park model recreational units, park model trailers or travel trailers.

M**anufactured home 2** (Single-detached dwelling) means a manufactured home that has been either previously occupied, is new or does not meet the definition or standards of Manufactured home 1. These are commonly or have previously been referred to as "Mobile homes" and may consist of "Double-wide", which means a manufactured home consisting of two sections, moved separately, that are joined together into one integrated dwelling unit on site, or "Single-wide" which means a manufactured home designed to stand alone as a single dwelling unit. This definition does not include ready-to-move, manufactured home 1 (as defined in this Bylaw), park model recreational units, park model trailers or travel trailers.

Manufactured home park means a single parcel of land maintained and operated by an owner or a manager providing multiple or grouped spaces on unsubdivided leased plots for the long-term parking and occupancy of manufactured homes and spaces for ancillary facilities including recreation area.

Medical cannabis means a substance used for medical and pharmaceutical purposes authorized by a license issued under the federal government and in accordance with the Government of Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Mixed land use means a concentration of complementary but different land uses that are physically integrated on one site or on one parcel of land.

Mobile home means a dwelling suitable for long-term or permanent occupancy, and designed to be transported on its own wheels or by other means; and which, upon arriving at a residential site is, apart from incidental operations such as placement on foundation supports and connection to utilities, ready for occupancy. Units may be single-wide or double-wide but shall not include prefabricated or sectional dwellings. Typically, these units were constructed prior to the year 2006.

Motel means development primarily providing temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel usually has its own private exterior access and is typically provided with an adjoining or conveniently-located parking stall. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.

Moved-in building means a conventional pre-constructed previously occupied building which is physically removed from one site, transported and re-established on another site and does not include mobile homes.

Moved-in dwelling means a conventional pre-constructed previously occupied building which is physically removed from one site, transported and re-established on another site for use as a residence.

Multi-unit dwelling means a building (other than a row dwelling) containing three or more separate dwelling units.

Multi-tenant sign means any sign advertising or otherwise related to an occupation or use that is not the primary use of the premises.

***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 committee authorized by Council to act as the Subdivision Authority pursuant to section 623 of the *Municipal Government Act* and Development Authority pursuant to section 624 of the *Municipal Government Act*, and in accordance with the municipality's Subdivision Authority Bylaw and Development Authority Bylaw.

Municipality means the Town of Picture Butte in the Province of Alberta.

N

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.

Noxious or hazardous uses are those land uses which may be detrimental to public health, safety and welfare or those uses which because of their toxic gases, noxious smells, wastes, noise, dust or smoke emissions may be incompatible with residential or other development.

O

Off-premises sign means any sign which advertises or otherwise identifies a service, product or activity conducted, sold or offered at a location other than the premises on which the sign is located.

P

Park and playground means land developed for public recreational activities that do not require major buildings or facilities, and includes picnic areas, playgrounds, benches, open green space, pedestrian and bicycle paths, outdoor courts, landscaped areas and associated public washrooms and may include equipment for play purposes usually for children and any associated structures and uses.

Park model trailer means a recreational vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA-Z-240 standard for recreational vehicles; or

(b) a recreational vehicle intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to move on the road and conforms to the CSA-Z-241 standard for recreational vehicles. A park model trailer shall not be used as a permanent dwelling unless certified by a Safety Codes Officer and approved by the Development Authority.

Permitted use means the use of land or building(s) which is permitted in a district for which a development permit shall be issued, following receipt by the Development Officer of a completed application with appropriate details and fees.

Personal service means providing services for personal care and appearance, for the cleaning, servicing, altering and maintenance of personal belongings and effects, and for services such as photographic studios and processing, and includes the supplementary retail sale of associated products. Personal service includes barber shops, beauty or hairdressing salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, funeral homes and such other uses that the Development Authority considers similar to any one or all of these uses.

Places of worship means a building dedicated to the undertaking of religious practices, services and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, or mosques and may include such accessory uses as offices for administration of the place of worship, parsonages, and parish houses.

Portable sign means a sign that is not permanently affixed to a building, structure or the ground and is supported on a structure allowing it to be readily moved from one location to another.

Portable storage structure – see "**Fabric building**".

Primary sign means a sign advertising the primary use of the premises.

Principal building means a building which:

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

(b) is the chief or main building on a lot; or

(c) constitutes, by reason of its use, the primary purpose for which the lot is used.

Principal use means the main purpose, in the opinion of the Development Officer, for which a lot is used.

Private amenity space means a functionally designed space for the use and benefit of the occupants of a development and is partially or wholly visually screened to provide a private social/recreational area, provides reasonable protection from the natural outdoor elements and provides direct access to and from the dwelling unit that it serves.

Professional offices or services means a building, space or use involving the dispensation of a service or advice that requires a specific skill or knowledge and/or registration with a professional administrative/regulatory body that awards a professional designation, for a profit (i.e. lawyers, accountants, engineers, financial planners, insurers, pharmacists, etc.), and which may include the accessory sale of goods.

Projections over yard means portions of, and attributes to, a principal building that may encroach into a required setback or minimum yard area, as outlined in a land use district of the Land Use Bylaw.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to section 622 of the *MGA*.

Public means the use of land or a building which is accessible or visible to all members of the community.

Q

Queing aisle means an area of a lot designed to accommodate vehicles waiting in line at a vehicle-oriented facility.

Queing space means the part of a queing aisle need to accommodate a single vehicle.

R

Ready-to-move dwelling means a residential dwelling that is a conventional stick framed home previously unoccupied that is constructed at a location or site other than on the lot intended for occupancy, and then is later transported and moved to the site.

Rear yard means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building. On a lot with a lane, it would be the portion between the principal building and the lane.

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 purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or

(ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

Restaurant means an establishment where food and beverage is prepared and served on the premises for sale to the public and includes seating areas for patrons, and may include entertainment which is ancillary to the preparation and service of food.

Retail cannabis store means the use of a store, premises or a building for a commercial retail cannabis business, licensed by the Province of Alberta, where legal non-medical cannabis and cannabis accessories are sold to individuals who attend at the premises and the product sales or associated sales are expressly authorized by the Alberta Gaming and Liquor Commission (AGLC).

Retail store means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store. This use does not include Retail Cannabis Store which is a separate use.

Row or town house dwelling means a building containing three or more separate dwelling units with each unit placed side by side, sharing common walls between adjacent units, and each having a separate front and rear entrance.

S

Screening means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Secondary sign means any sign advertising or otherwise related to an occupation or use that is not the primary use of the premises.

Secondary suite means an accessory development consisting of a second self-contained living unit located within a single-detached home, where both dwelling units are registered under the same land title.

Secondary suites (detached garage) means a separate and subordinate self-contained dwelling unit located above a detached garage, in which the sleeping and living areas are combined in an open studio or loft style. The secondary suite garage must be located at the rear of the principal building and shall be ancillary to the primary dwelling unit.

Sectional dwelling means a prefabricated or modular structure moved onto a lot, assembled over a basement/foundation, which has the appearance of and is used as a conventional single-detached dwelling unit.

Semi-detached dwelling means a building containing two separate dwelling units connected by a common wall, with separate exterior access to each unit. For the purposes of this Bylaw, this term may

include a duplex which means a building containing two separate dwelling units connected by a common floor or ceiling.

Semi-public buildings or use means philanthropic and charitable uses, including YMCAs, YWCAs, Salvation Army [facilities], churches, and church-related institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, Red Cross, and other general charitable institutions. This shall also include all buildings and premises used in the operation of the semi-public use.

Senior citizen housing means development, including lodges which is used as a residence for elderly individuals not requiring constant or intensive medical care.

Service station means any lot or building used for the retail sale of motor accessories, gasoline or other fuels and the supply of washing, greasing, cleaning and minor repair services for motor vehicles. Convenience stores may be allowed in conjunction with the previously-mentioned uses.

Setback means the distance required between a building, development, or use from a property line facing a street.

Shall means, within the context of a policy, that the action is mandatory.

Shipping container (c-container or sea-container) means any container that was used for transport of goods by means of rail, truck or by sea, they may also be referred to as cargo containers, c-containers or sea-containers. These containers are rectangular in shape and are generally made of metal. When used for any purpose other than transporting freight, a shipping container shall be considered a building and subject to the standards and requirements of the Land Use Bylaw.

Side yard means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.

Sign means a development or location of any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images.

Sign area means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing letters or symbols. Frames and structural members not bearing advertising matters shall not be included in computation of surface area.

Signs – refer to Sign Definitions in Part 5 for additional sign type and signage definitions.

Similar use 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 Municipal Planning Commission 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.

Single-detached dwelling means a building containing one dwelling unit only and excluding moved-in dwellings and mobile homes.

Site coverage means the percentage of the lot area which is covered by all buildings and structures on the lot.

Site density means the average number of families, persons or dwelling units per unit of land.

Small Wind Energy System (SWES) means a wind energy conversion system consisting of a wind turbine (rotor and blades), a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity of 3 kW and which will be used primarily to reduce onsite consumption of utility power and is CSA approved.

Solar collector means a device or structure that is capable of collecting and distributing solar energy for the purpose of transforming it into thermal, chemical or electrical energy.

Stop order means an order issued by the development authority pursuant to section 645 of the *MGA*.

Storage display area means a limited or defined area on a commercial or industrial lot which provides examples of equipment, products, vehicles or items sold by the business use and located on the subject site containing the display area, but not located within any required setback, or located on any required and approved landscaping area unless approved by the Development Authority.

Street means a registered and named public roadway greater than 9.1 metres (30 ft.) in width. The term right-of-way shall have the same meaning as street.

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, billboards and poster panels.

Subdivision and Development Appeal Board means the committee established, by bylaw, to act as the municipal appeal body for subdivision and development applications.

T

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

Telecommunication facility means an antenna or tower, typically constructed of metal and used to convey telecommunications signals and includes any related accessory structures. It may also be a shortened tower or antennae on top of a structure.

Temporary development or uses means a development for a permitted, discretionary, or similar use determined to be non-permanent, seasonal or temporary in nature and whereas the permit is for a period not to exceed one year, or if a part or section of the bylaw stipulates a specific maximum time period for a use different than the one year, then that period shall apply.

Temporary sign means any sign permitted, designed or intended to be displayed for a short period of time, not including portable signs, including posters, banners and sandwich boards.

Temporary structure means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected and ceased.

U

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, Discretionary means those uses as prescribed in Part 2 of this Bylaw for which a development permit may be issued with or without conditions by the Development Authority at its discretion upon application having been made to the development authority if the proposed use conforms with this Bylaw.

Use, Non-conforming, *in* accordance with the *Municipal Government Act*, 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.

Use, Permitted means those uses as prescribed in Part 2 of this Bylaw for which a development permit shall be issued with or without conditions by the Development Authority upon application having been made to the Development Authority if the proposed use conforms to this Bylaw.

Use, Principal means the main purpose or primary activity for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

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.

Utility means any one or more of the following:-

(a) systems for the distribution of gas, whether artificial or natural;

(b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water);

(c) sewage systems (facilities for the collection, treatment, movement of disposal of sanitary sewage);

(d) storm sewage drainage facilities;

(e) telecommunications systems;

(f) systems for the distribution of artificial light or electric power;

(g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and

(h) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation. Within the context of this definition, "**Public Utility**" means a utility that is owned or operated by some level of government, and "**Private Utility**" means the utility is owned or operated by a non-government entity, private company, publicly traded company or utility agency.

V

Veterinary clinic refers to a medical facility which treats animals of all sizes and can consist of inside and outside pens.

Veterinary clinic, Large animal means a facility for the medical treatment of primarily large animals (e.g. typically horse, cows, hogs, etc.) but may treat animals of all sizes and can consist of inside and outside pens and may include associated office space and the supplementary sale of associated products.

Veterinary clinic, Small animal means a facility for the medical treatment of small animals (e.g. typically domestic household pets such as dogs, cats, rabbits, etc.) and includes the provision for their overnight accommodation within the building only, and may include associated office space, with no provision for outside pens or cages. This use may include off-site treatment of animals or livestock of any size and the supplementary sale of associated products.

W

Waiver means the variance of the regulatory sections contained in the Land Use Bylaw.

Warehousing means the use of a building for the storage of materials, products, goods and merchandise.

Welding means a business engaged in the fabrication, assembly or repair of machinery or equipment by heating materials to a fluid state and uniting or consolidating them at a common point known as a weld.

Window sign means a sign permanently or temporarily applied directly to the inside surface of a window and intended to be viewed from the outside.

Workshop means a small establishment where manufacturing or craftwork is carried on by an individual or proprietor with or without helpers or power machinery.

Y

Yard means a part of a lot upon or over which no building or structure other than a boundary fence is erected, unless otherwise hereinafter permitted. Refer to other yard definitions for front, rear and side yard.

NOTE: *All other words and expressions, not otherwise defined, have the same meaning assigned to them in the Municipal Government Act.*

Appendix A

Fees

Appendix A

Fees

This Appendix of fess may be updated from time to time as per a separate Fee Schedule Bylaw as approved by Council. In all instances, the most recent adopted Fee Schedule Bylaw shall apply.

Amended by Council January 11, 2016:

Fee Schedule	Permitted Uses	Permitted Use Requesting Waiver up to 10%	Discretionary Use *or* Use Requesting Waiver Greater than 10%	Fee for undertaking development without an approved development permit
Residential:				
Dwellings (any up to 4 units)	$100	$150	$200	$1000
Additions	$75	$100	$200	$750
Garages (Accessory Buildings)	$75	$100	$200	$500
Accessory Buildings / Structures 100 sq. ft. or greater (excluding garages) and decks	$50	$150	$200	$500
Home Occupations Type A	$75	$100	$150	$500
Home Occupations Type B	$100	$150	$200	$750
Multi-unit more than 4	$150	$200	$300	$1000
Secondary Suites	$150	$200	$300	$750
Commercial:				
Change of Use	$100	$200	$300	$1000
Accessory Buildings / Structures 100 sq. ft. or greater (excluding garages)	$75	$100	$200	$500
Commercial buildings	$200	$250	$300	$2000
Multi-tenancy buildings or complexes	$300	$350	$400	$2000
Additions to buildings	$100	$150	$250	$750
Industrial:				
Change of Use	$150	$250	$300	$1000
Accessory Buildings / Structures 100 sq. ft. or greater (excluding garages)	$75	$100	$200	$500
Single tenancy buildings	$200	$250	$300	$2000
Multi-tenancy buildings or complexes	$300	$350	$400	$2000
Additions to buildings	$100	$150	$250	$750

Fee Schedule	Permitted Uses	Permitted Use Requesting Waiver up to 10%	Discretionary Use *or* Use Requesting Waiver Greater than 10%	Fee for undertaking development without an approved development permit
All other uses	$200	$250	$300	$1000
Sign Permit: Sign Type 1	$50	$100	$150	$400
Sign Type 2	$100	$150	$200	$500

Demolition Permit:	$50
Recirculation Fee:	50% of the original application fee
Land Use Bylaw Amendments:	$500
Other Statutory Plans and Amendments To:	$500
Request to convene a special meeting of the Municipal Planning Commission:	$300
Appeal to the Subdivision and Development Appeal Board:	$350

Additional and separate fees will be required for building permits and inspections.
Whenever an application is received for a development or use not listed in this schedule, the amount of the fee shall be determined by the Designated Officer or the Municipal Planning Commission and shall be consistent with those fees listed herein. Fees are set by Council may be adjusted from time to time.

Appendix B

Forms

LAND USE BYLAW NO. 841-15

Town of Picture Butte

Box 670, Picture Butte, AB T0K 1V0

RESIDENTIAL
DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

FOR OFFICE USE ONLY	
Development Permit Application No.	
Date Deemed Complete	
Tax Roll No.	

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a permit has been issued by the Development Authority. If approval has not been received within 40 days of the date the application is deemed complete, you have the right to file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant (please print): _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone (primary): _____

Phone (alternate): _____

Fax: _____

Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

Municipality: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

Existing use of parcel: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- ❑ Construct a new dwelling

  The dwelling is a:

  - ❑ Single-detached site built dwelling
  - ❑ Single-detached manufactured dwelling – Type 1
  - ❑ Single-detached ready-to-move
  - ❑ 2-unit dwelling
  - ❑ Multi-unit – please specify the number of dwelling units _____
  - ❑ Other _____

- ❑ Locate a single-detached manufactured dwelling – Type 2

  Unit serial # _____

  Make _____

  Model _____

  Age of dwelling _____

- ❑ Alter/renovate the existing building

  The renovation is a:

  - ❑ Addition
  - ❑ Attached garage
  - ❑ Deck(s)
  - ❑ Secondary suite
  - ❑ Other _____

- ❑ Construct an accessory building / structure

  The accessory building is a:

  - ❑ Garage (detached)
  - ❑ Shed/workshop
  - ❑ Other _____

- ❑ Moved-in dwelling
- ❑ Demolish existing building (attach completed ***Demolition Form***)
- ❑ Other

Describe the proposed use, any changes from existing use, and any work to be done.

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft.	❑ m ❑ ft.	
Proposed Setbacks from Property Lines			
Front	❑ m ❑ ft	❑ m ❑ ft	
Rear	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Parcel Type:	❑ Interior Lot	❑ Corner Lot	

Details of VEHICLE PARKING and ACCESS:

Show **location** and **number** of all existing and proposed **parking spaces**, **loading spaces** and **driveways** on the PLOT PLAN.

Details of EXTERIOR BUILDING FINISH:

Describe the type(s) _____ and colour(s) _____ of all material used to finish the existing and proposed structure exteriors.

Details of SERVICES: Indicate as follows: **(A)** = available **(R)** = required

( ) water ( ) sewer ( ) septic field ( ) natural gas ( ) electricity ( ) telephone

ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 sq. ft. (47 m^2), or
- additions to buildings that will result in the building being this size or larger.

If your development proposal fits the criteria above, you are <u>required</u> to do the following:

1. Obtain map and well information

Please go to the ERCB's Abandoned Well Viewer (viewer) on the ERCB website at www.ercb.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the ERCB Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free),** or
- by e-mail at: Inquiries@ercb.ca, or
- the ERCB Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4**.

2. Submit the following as part of your development permit application

- the ERCB information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or ERCB Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the ERCB Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT	Registered Owner (if not the same as applicant)

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Picture Butte.

TOWN OF PICTURE BUTTE
RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ❑ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or sketch)
  - ❑ Legal description and municipal address of subject property
  - ❑ Scale and north arrow
  - ❑ Adjacent roadways and lanes
  - ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks
  - ❑ The proposed distances from the foundation of the building to the front, side, and rear property lines
  - ❑ Location of lot access, existing sidewalk(s) and curbs
  - ❑ Location of any registered utility right of ways or easements
  - ❑ Location and number of off-street parking spaces
- ❑ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
  - ❑ Scale and dimensions of exterior walls and interior rooms
  - ❑ Floor plan of all living space proposed to be developed
  - ❑ Building elevations including front, sides, and rear elevations, building height (from finished grade), roofing material, and roof pitch
- ❑ **Copy of map or additional information from the ERCB regarding location of abandoned wells.**
- ❑ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.
- ❑ **Application fee payable to the Town of Picture Butte.**
- ❑ Security or performance bond if required by **the Town of Picture Butte** (for prefabricated [manufactured] dwellings, moved-in buildings, etc.).

LAND USE BYLAW NO. 841-15

Town of Picture Butte

Box 670, Picture Butte, AB T0K 1V0

NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

FOR OFFICE USE ONLY	
Development Permit Application No.	
Date Deemed Complete	
Tax Roll No.	

***IMPORTANT NOTICE**: This application **does not** permit you to commence construction until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

THIS DOES NOT CONSTITUTE A BUILDING PERMIT.
A SEPARATE BUILDING PERMIT MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

Municipality: _____ **Fax:** _____

Postal Code: _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____ **Applicant's interest in the property:**

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

_____

Municipality: _____

Postal Code: _____

PROPERTY INFORMATION

Municipal Address of Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

Existing use of parcel: _____

DEVELOPMENT INFORMATION

This application is to: (Check all that apply)

- ❑ Construct a new building

  The building is for:

  - ❑ Commercial Use
  - ❑ Industrial Use
  - ❑ Public/Institutional Use
  - ❑ Other, specify _____

- ❑ Alter/renovate the existing building
- ❑ Construct an accessory building
- ❑ Demolish existing building (attach completed ***Demolition Form***)
- ❑ Change or intensification of use (e.g. new type of business in existing building)

Describe the proposed use, any changes from existing use, and any work to be done.

BUILDING REQUIREMENTS

	Principal Building	Accessory Building	*Office Use*
Parcel Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Building Size	❑ m^2 ❑ ft^2	❑ m^2 ❑ ft^2	
Height of Building	❑ m ❑ ft	❑ m ❑ ft	
Proposed Setbacks From Property Lines			
Front	❑ m ❑ ft	❑ m ❑ ft	
Rear	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Side	❑ m ❑ ft	❑ m ❑ ft	
Parcel Type:	❑ Interior Lot	❑ Corner Lot	

Details of VEHICLE PARKING and ACCESS:

Show **location** and **number** of all existing and proposed **parking spaces**, **loading spaces** and **driveways** on the PLOT PLAN.

Details of EXTERIOR BUILDING FINISH:

Describe the type(s) _____ and colour(s) _____ of all material used to finish the existing and proposed structure exteriors.

Details of SERVICES: Indicate as follows: **(A)** = available **(R)** = required

( ) water ( ) sewer ( ) septic field ( ) natural gas ( ) electricity ( ) telephone

ABANDONED WELL INFORMATION

This applies to developments that require a new permit from the municipality for:

- new buildings larger than 500 sq. ft. (47 m^2), or
- additions to buildings that will result in the building being this size or larger.

If your development proposal fits the criteria above, you are <u>required</u> to do the following:

1. Obtain map and well information

Please go to the ERCB's Abandoned Well Viewer (viewer) on the ERCB website at www.ercb.ca. The viewer will provide a map identifying all recorded abandoned well surface locations in the selected area and list any additional details that are available, including the licensee(s) of record and the latitude and longitude of each well's surface location.

If you do not have Internet access or have questions about the information provided by the viewer, you may contact:

- the ERCB Customer Contact Centre by telephone at: **1-855-297-8311 (toll-free),** or
- by e-mail at: Inquiries@ercb.ca, or
- the ERCB Information Services by mail at: **Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4**.

2. Submit the following as part of your development permit application

- the ERCB information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or ERCB Information Services); and
- if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the ERCB Directive 079 (a minimum 5 m radius around the well) in relation to existing or proposed building sites.

If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT	Registered Owner (if not the same as applicant)

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Picture Butte.

TOWN OF PICTURE BUTTE
NON-RESIDENTIAL DEVELOPMENT PERMIT APPLICATION

DEVELOPMENT APPLICATION SUBMISSION REQUIREMENTS

The following items shall be attached to all Development Permit Applications for new buildings or exterior changes to existing buildings. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

- ☐ **Copy of Site Plan.** Site plan shall provide the following information:
  (May be provided on a survey plan or sketch)
  - ☐ Legal description and municipal address of subject property
  - ☐ Scale, north arrow and land use district
  - ☐ Adjacent roadways and lanes
  - ☐ Lot dimensions, lot area, and percentage of lot coverage for all structures
  - ☐ Any buildings with dimensions of foundation and projections
  - ☐ The proposed distance from the front, side, and rear property lines
  - ☐ Location of lot access, existing sidewalk(s) and curbs
  - ☐ Number and location of parking spaces, both on and off-street
  - ☐ Location of any registered utility rights-of-way and easements
  - ☐ Landscaping plan
  - ☐ Lighting plan
  - ☐ Location of fire hydrant, street light, power/telephone/cable pedestal(s) (if located within property frontage)
- ☐ **Copy of Building Plans.** Plans shall be to scale and contain the following information:
  - ☐ Scale and dimensions of exterior walls and interior rooms
  - ☐ Floor plan of the space proposed to be developed
  - ☐ Building elevations including front, sides, and rear elevations, building height (from finished grade), roofing material, and roof pitch
- ☐ **Copy of map or additional information from the ERCB regarding location of abandoned wells.**
- ☐ **If applicant is not the registered owner**, a written statement (or this application) signed by the registered owner consenting to this application.
- ☐ **Application fee payable to the Town of Picture Butte.**
- ☐ Security or performance bond if required by **the Town of Picture Butte** (for moved-in buildings, etc.).

LAND USE BYLAW NO. 841-15

Town of Picture Butte
Box 670, Picture Butte, AB T0K 1V0

HOME OCCUPATION
DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

FOR OFFICE USE ONLY	
Development Permit Application No.	
Date Deemed Complete	
Tax Roll No.	

***IMPORTANT NOTICE**: This application **does not** permit you to operate the business until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

Municipality: _____ **Fax:** _____

Postal Code: _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____ **Applicant's interest in the property:**

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

_____

Municipality: _____

Postal Code: _____

PROPERTY INFORMATION

Municipal Address of Home Occupation: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

BUSINESS DESCRIPTION

(1) Describe the primary function of your business. What goods and/or services are provided? Attach an additional sheet describing the business.

(2) Is there another home occupation already operating out of the residence? ❑ Yes ❑ No

(3) Where will the business operate from? ❑ In-home ❑ Accessory building

(4) How will you interact or do business with your clients or customers?

❑ **In person.** Clients/customers will come to the residence. On average, how many clients will come to the residence?

❑ Less than 1 per day ❑ 1-5 per day ❑ More than 5 per day

❑ **Remotely.** Clients/customers will not be coming to the residence but will only be in contact by:

❑ Phone ❑ Fax ❑ Mail ❑ Courier ❑ Internet/Email

(5) How many on-site parking spaces for any client visits, deliveries, etc. will be available? _____

(6) What will the days of operation be? ❑ Mon-Fri ❑ Weekends ❑ 7 days/wk ❑ Part-time

(7) What will be the hours of operation? _____

(8) Will there be any employees that are not residents of the dwelling? ❑ Yes ❑ No

If YES:

How many employees will come to the residence? _____

Will more than 1 employee come to the residence at a time? ❑ Yes ❑ No

(9) Will there be any equipment or materials stored outside the dwelling that will be used in conjunction with the business?

❑ Yes (list materials & quantities) _____

❑ No

(10) Will any vehicles/machinery/tools be used to operate the business? Please list.

_____

(11) Will there be any flammable or hazardous materials on the premises as a result of the business?

❑ Yes (list materials & quantities) _____

❑ No

(12) Will any goods be displayed at the residence? ❑ Yes ❑ No

(13) Will there be a sign for the business? ❑ Yes ❑ No

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Home Occupation. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

_____ _____

APPLICANT Registered Owner (if not the same as applicant)

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Picture Butte.

LAND USE BYLAW NO. 841-15

Town of Picture Butte

Box 670, Picture Butte, AB T0K 1V0

SIGN DEVELOPMENT PERMIT APPLICATION

Date of Application: _____

FOR OFFICE USE ONLY	
Sign Permit Application No.	
Date Deemed Complete	
Tax Roll No.	

***IMPORTANT NOTICE**: This application **does not** permit you to install the sign until such time as a notice of decision has been issued by the Development Authority. If a decision has not been received within 40 days of the date of application and no extension agreement has been entered into, you have the right to deem the application refused and file an appeal to the Subdivision and Development Appeal Board.*

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Phone (alternate): _____

Fax: _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____

Mailing Address: _____

_____

City: _____

Postal Code: _____

Phone: _____

Applicant's interest in the property:

- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

SIGN INFORMATION

TYPE OF WORK: ❑ New Permanent Sign ❑ Changes to Existing Sign ❑ Temporary Sign

Sign Location (Civic Address): _____

Are there any other signs at this location? ❑ Yes ❑ No

If yes, please state how many: _____

SIGN TYPE*:	PROJECTION STYLE: *Mark any or all that apply*	ILLUMINATION: *Mark any or all that apply*
☐ Temporary ☐ Canopy ☐ Window ☐ Freestanding ☐ Fascia ☐ Mural ☐ Projecting ☐ Other **Billboard signs are not permitted in the Town	☐ Lettering / logo ☐ Manual changeable lettering content ☐ Electronic changeable lettering content ☐ Animation ☐ Movement / rotation	☐ No illumination ☐ Direct illumination ☐ Internal illumination ☐ Flashing

				Office Use
Length of Sign:		❑ m^2	❑ ft^2	
Height of Sign:		❑ m^2	❑ ft^2	
Sign Face Area (length x height):		❑ m	❑ ft	
Top of Sign Height:				
from Grade:		❑ m	❑ ft	
from Roof:		❑ m	❑ ft	

If the sign is only for **temporary** use:

For how many days is the sign proposed to be displayed? _____ days

Is the sign a portable sign type ❑ Yes, or ❑ Other (describe) _____

SITE PLAN

**Please attach a plan drawn to a suitable scale and photographs, if available, illustrating:

- ☐ Location of all existing and proposed sign(s) on the property
- ☐ Size, height, and other dimensions of the proposed sign(s), including any supporting structures
- ☐ Details of sign content (wording, lettering, graphics, colour and design scheme, materials, etc.)
- ☐ Location of the property boundaries of the parcel upon which the proposed sign(s) are to be located
- ☐ Setbacks from property lines of proposed sign(s) and existing building(s)

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Sign.

APPLICANT

Registered Owner (if not the same as applicant)

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Picture Butte.

LAND USE BYLAW NO. 841-15

Town of Picture Butte
Box 670, Picture Butte, AB T0K 1V0

DEMOLITION PERMIT APPLICATION

Date of Application: _____

FOR OFFICE USE ONLY	
Application No.	
Date Deemed Complete	
Tax Roll No.	

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

Municipality: _____ **Fax:** _____

Postal Code: _____

PROPERTY INFORMATION

Municipal Address of Development: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

Land Use District: _____

Existing use: _____

DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

STRUCTURES TO BE REMOVED

Description of Building/Structure(s) _____

_____

Type of Work ❑ Removal to another site (no demolition) ❑ Demolition of building/structure

Building/Structure Size _____ ❑ m^2 ❑ ft^2

Height of Building _____ ❑ m ❑ ft # of storeys _____

DEMOLITION PLAN

Timeframe Expected start date: _____ Expected completion date: _____

Method of Demolition ❑ Manual (no heavy equipment) ❑ Using heavy equipment ❑ Other – please explain _____

Dump/Landfill Site Location _____

Note: Construction debris should be dumped in an approved certified site whenever possible. If that is not possible, approval must be obtained from Alberta Environment.

Name of Contractor responsible for removal/demolition _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a Development Permit. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT

Registered Owner (if not the same as applicant)

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Picture Butte.

APPLICANT IS RESPONSIBLE FOR:

- ❑ **Disconnection of all services** including (if applicable): Signature from agency verifying services disconnected (or attach letter):
  - ❑ Electrical power _____
  - ❑ Natural gas _____
  - ❑ Oil lines _____
  - ❑ Telephone cables _____
  - ❑ Communications cables (includes cable TV) _____
  - ❑ Water lines _____
  - ❑ Storm & sanitary sewer _____
  - ❑ Septic (if applicable) _____

- ❑ **On-site consultation with Public Works Director**. The applicant shall schedule a consultation with the Public Works Director a minimum of 48 hours prior to demolition or removal commencing to determine the state of affected public property.

- ❑ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:
  - ❑ **Copy of grading plans** if property will be vacant after removal or demolition
  - ❑ **Complete development application for new development** where building is being replaced

- ❑ **A completed Development Application**. This form shall accompany a complete development application with the consent of the registered owner and any other required documentation.

- ❑ **Application Fee and any applicable deposit or security required payable to the Town of Picture Butte.**

**NOTE: A building permit is also required before proceeding with demolition.

Town of Picture Butte
Box 670, Picture Butte, AB T0K 1V0

APPLICATION FOR A LAND USE BYLAW AMENDMENT

Date of Application: _____

FOR OFFICE USE ONLY	
Bylaw No.	
Date Deemed Complete	

A refusal is **not** appealable and a subsequent application for amendment involving the same lot and/or the same or similar use may not be made for at least 6 months after the date of refusal.

IMPORTANT NOTE: Although the Designated Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____ **Phone:** _____

_____ **Phone (alternate):** _____

Municipality: _____ **Fax:** _____

Postal Code: _____

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone:** _____

Mailing Address: _____ **Applicant's interest in the property:**

_____ ☐ Agent

☐ Contractor

Municipality: _____ ☐ Tenant

Postal Code: _____ ☐ Other _____

PROPERTY INFORMATION

Municipal Address: _____

Legal Description: Lot(s) _____ Block _____ Plan _____

OR Quarter _____ Section _____ Township _____ Range _____

AMENDMENT INFORMATION

What is the proposed amendment? ❑ Text Amendment ❑ Land Use Redesignation

IF TEXT AMENDMENT:

For text amendments to the *Land Use Bylaw*, **attach** a description including:

- The section to be amended;
- The change(s) to the text; and
- Reasons for the change(s).

IF LAND USE REDESIGNATION:

Current Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

❑ **Map Attached**

Section 51 of the *Land Use Bylaw* regulates the information required to accompany an application for redesignation. Please attach a descriptive narrative detailing:

- the proposed designation and future land use(s);
- if and how the proposed redesignation is consistent with applicable statutory plans;
- the compatibility of the proposal with surrounding uses and zoning;
- the development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);
- availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development; and
- Any potential impacts on public roads.

In addition to the descriptive narrative, an Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land from Urban Reserve to another district;
- multiple parcels of land are involved;
- several pieces of fragmented land are adjacent to the proposal;
- internal public roads would be required;
- municipal services would need to be extended; or
- required by Council or the Subdivision and Development Authority.

The Designated Officer or the Subdivision and Development Authority may also require a:

- geotechnical report; and/or
- evaluation of surface drainage and any other information

if deemed necessary.

SITE PLAN

Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted in **duplicate** with this application, together with a plan sufficient to identify the land. It is desirable that the plans and drawings should be on a scale appropriate to the development. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared. Council may request additional information.

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

APPLICANT	Registered Owner (if not the same as applicant)

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Picture Butte.

Town of Picture Butte
Box 670, Picture Butte, AB T0K 1V0

TELECOMMUNICATION SITING PROTOCOL APPLICATION & CHECKLIST

Date of Application: _____

FOR OFFICE USE ONLY	
Date Deemed Complete	
Land Use District (zone)	

APPLICANT INFORMATION

Name of Applicant (please print): _____
Mailing Address: _____
_____
City: _____
Postal Code: _____

Phone (primary): _____
Phone (alternate): _____
Fax: _____
Email: _____

❑ Check this box if you would like to receive documents through email.

Is the applicant the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____
Mailing Address: _____
_____
City: _____
Postal Code: _____

Phone: _____

Applicant's interest in the property:
- ☐ Agent
- ☐ Contractor
- ☐ Tenant
- ☐ Other _____

PROPERTY INFORMATION

Municipal Address: _____
Legal Description: Lot(s) _____ Block _____ Plan _____
Land Use District: _____
What is the existing use? _____

DETAILS OF THE PROPOSED DEVELOPMENT

What currently exists on the parcel?

What will the tower/antenna be used for?

Are there any other antenna towers located within 800 metres (0.5 miles) of the subject proposal? (If yes, describe what the other tower is used for, who the operator is, and provide a map identifying the location.)

Is Co-utilization with existing antenna systems proposed? If not, explain why not.

TOWER SIZE

Overall tower height _____ ❑ m ❑ ft Commencement Date: _____

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT

Registered Owner (if not the same as applicant)

The personal information provided as part of this application is collected under section 39 of the Safety Codes Act and sections 303 and 295 of the Municipal Government Act and in accordance with section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. If you have any questions about the collection or use of the personal information provided, please contact the Chief Administrative Officer at the Town of Picture Butte.

TOWN OF PICTUTE BUTTE

TELECOMMUNICATION SITING PROTOCOL
APPLICATION & CHECKLIST

TELECOMMUNICATION SITING PROTOCOL CHECKLIST

A COMPLETED APPLICATION REQUIRES:

1. A complete Telecommunication Siting Protocol Application filled out, with the site plan attached
2. A completed checklist
3. Non-refundable application fee
4. Signature of ALL landowners (whose land the proposal will be located on)
5. Any additional information requested by the Development Authority

NOTE: For any proposal which includes uses, buildings or structures in addition to the antenna system, the applicant is required to obtain a development permit approval for such uses, buildings and structures in accordance with the provisions of the land use bylaw. In such a case, a separate development permit application must be filled out and submitted to the town.

CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed, the Town of Picture Butte will either:
  - Issue a municipal concurrence letter to the applicant, or
  - Issue a letter which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada.
- Construction permits may be required for buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations.

FEES	
A. An administrative fee of <u>$200.00 plus</u> the following additional fees if required (whichever is applicable):	
B. Copying and distribution of required notification letters	$1.50/letter
C. Distribution (only) of required notification letters	$1.00/letter
If the applicant can prove that notification to all required adjacent landowners has been done, then no B or C fee is required. If a special meeting of the Development Authority is requested, there may be additional fees in accordance with the bylaw.	
For fees not listed here, please see the full Fee Schedule of the bylaw.	

CHECKLIST

Please attach a description of the project summarizing the information required in the following table.

REQUIREMENT	YES OR NO	SUBMITTED? YES, NO OR N/A
Co-utilization: Are there any other such structures within a radius of **800 metres (0.5 miles)** of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure.		
Stealth Structure Options/Screening: If this structure will be visible from residential areas stealth structure options may be required to be used and a description of the stealth structure options must be submitted to the satisfaction of the Town.		
Lighting and Signage: Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required or not required.		
What signage will be used? Please describe. (Note: No advertising signage shall be permitted.)		
Notification & Public Consultation Process: All landowners within a distance of 500 m (1,640 ft.) from the proposed structure must be notified. Please provide a letter that the Town can circulate on your behalf.		
The fee for copying and distributing these letters is $1.50/letter. _____ x $1.50/letter = _____ total The fee for only distributing these letters is $1.00/letter. _____ x $1.00/letter = _____ total Plus, an administrative fee of $200.00. *If a special meeting of the Development Authority is requested, there may be additional fees in accordance with the Town's fee bylaw.*		

Appendix C

Telecommunication, Radiocommunication and Broadcast Antenna Systems and Supporting Structures (Antenna Systems) Siting Protocol

Appendix C

TELECOMMUNICATION, RADIOCOMMUNICATION AND BROADCAST ANTENNA SYSTEMS AND SUPPORTING STRUCTURES (ANTENNA SYSTEMS)

SITING PROTOCOL

1. PURPOSE

This Appendix serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems and supporting structures (antenna systems) in the Town of Picture Butte. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies the Town of Picture Butte's preferred development and design standards.

2. APPLICABILITY

The federal Minister of Industry is the approval authority for the development and operation of antenna systems, pursuant to the *Radiocommunication Act*. Industry Canada recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages Land Use Authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions and preferences to the proponent of an antenna system and Industry Canada.

The local protocol established in this Appendix applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system and supporting structures within the Town of Picture Butte which is not excluded from the consultation requirements established by Industry Canada in Client Procedures Circular CPC-2-03 [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact the Town of Picture Butte to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in section 5 of this Appendix.

(a) Antenna Systems Siting Protocol Exclusion List:

i. Industry Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. Industry Canada's publication, *Radiocommunication and Broadcast Antenna Systems CPC-2-0-03* lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-03 are therefore excluded from the Town of Picture Butte Land Use Bylaw, Appendix A, Telecommunication, Radiocommunication and Broadcast Antenna Systems and Supporting Structures Siting Protocol, which currently include:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;

- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, as is removed within 3 months after the emergency or special event; and
- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Proponents, who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the Town of Picture Butte or Industry Canada for guidance.

3. MUNICIPAL REVIEW AND ISSUANCE OF CONCURRENCE OR NON-CONCURRENCE

(a) The Town of Picture Butte's Development Authority (MPC) shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within the Town of Picture Butte which are not excluded under section 2 of this Appendix.

(b) Concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna system is proposed, the development and design standards in section 5 of this Appendix, applicable policies of the Town of Picture Butte Municipal Development Plan, and consideration of comment received during the public consultation process (section 7 of this Appendix) and any other matter deemed relevant by the Development Authority:

i. when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the Development Authority documenting its decision and any conditions;

ii. when a proposal is given a non-concurrence decision, the proponent will receive a letter of non-concurrence from the Development Authority describing the reasons for the decision.

(c) Municipal concurrence does not constitute approval of uses, buildings and structures which require issuance of a development permit under the land use bylaw. A proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the land use bylaw.

4. MUNICIPAL REVIEW PROCESSING PERIOD

(a) Except as provided in subsection (b), the Development Authority will issue a decision of either concurrence or non-concurrence within 60 days of receiving a complete application package.

(b) The 60 day processing time period may be extended by the proponent or the Town of Picture Butte, through mutual consent.

5. DEVELOPMENT AND DESIGN STANDARDS

Co-utilization of existing antenna systems is the preferred option within the Town of Picture Butte. However, if co-utilization is not possible, the Town of Picture Butte requests that the following development and design standards be adhered to:

(a) Public Roadway Setbacks

i. An antenna system (including any support structures) proposed within town should be placed no closer than 25 feet (7.62 m) from the property line abutting the public road. A lesser setback may be considered at the discretion of the Development on a site-specific basis.

(b) Lighting and Signage

i. Proponents for antenna structures which are visible from higher density residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the Municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

ii. The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

6. APPLICATION SUBMITTAL REQUIREMENTS

(a) Proponents are encouraged to contact the Town of Picture Butte in advance of making their submission to obtain information about the Town's Antenna Systems Siting Protocol and identify any preliminary issues or concerns.

(b) The following application package shall be submitted to the Town of Picture Butte for consideration of a proposed antenna system:

i. a completed Telecommunication Antenna Siting Protocol application, including site plan;

ii. the prescribed fee, as set in the Town of Picture Butte Appendix or Development Permit Fees;

iii. a description of the type and height of the proposed antenna system and any supporting structures;

iv. the proposed lighting and aeronautical identification markings for the antenna and any supporting structures;

v. documentation regarding potential co-utilization of existing towers within 800 metres (0.5 miles) of the subject proposal; and

vi. any other additional information or material the Development Authority determines to be necessary and appropriate to properly evaluate the proposed submission.

(c) Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit unless buildings or structures are also proposed in addition to the antenna system and supporting structures**.** For such proposals, the following shall be submitted in addition to the requirements of 6(b):

i. a completed development permit application;

ii. the prescribed fee, as set in the Town of Picture Butte Schedule of development Fees.

7. NOTIFICATION AND PUBLIC CONSULTATION PROCESS

(a) Upon receipt of an application package, the Development Authority shall review the application for completeness and, if deemed complete, will:

i. schedule a date for a public development hearing to be held by the Development Authority, at which the proposal will be reviewed and comment received regarding the proposal;

ii. notify the proponent and/or representative of the antenna system of the development hearing date;

iii. post a notice of the development hearing in a newspaper in accordance with section 32 (1)(b) of the land use bylaw; and

iv. notify by mail persons likely to be affected by the proposal of the development hearing date in accordance with section 32 of the land use bylaw, including:

a. landowners within 500 m (1,640 ft.) of the proposed antenna system;

b. any review agencies deemed affected, as determined by the Development Authority;

c. any other persons deemed affected, as determined by the Development Authority.

d. The notifications must be sent 19 days prior to the public meeting date.

(b) The proponent or a representative of the antenna system(s) proposal should attend the development hearing and be prepared to explain all aspects of the proposal including the siting, technology, and appearance of the proposed antenna system.

Appendix D

Planning Bylaws

TOWN OF PICTURE BUTTE

BYLAW NO. 724/95

BEING A BYLAW OF THE TOWN OF PICTURE BUTTE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AUTHORITY.

WHEREAS the Municipal Government Act, Chapter M-26.1, 1994, and amendments, requires the municipality to adopt a bylaw to establish a municipal Subdivision Authority;

AND WHEREAS the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

AND WHEREAS this Bylaw maybe cited as the Town of Picture Butte Subdivision Authority Bylaw;

NOW THEREFORE, the Council of the Town of Picture Butte, in the Province of Alberta, duly assembled, enacts as follows:

1. For the purpose of this Bylaw, the Subdivision Authority for the Town of Picture Butte shall be the Town of Picture Butte Municipal Planning Commission as established by Bylaw No. 516/79.

2. The Municipal Planning Commission may refer any application for subdivision approval to Council for a decision.

3. This Bylaw comes into force on the final passing thereof.

MOVED by Councillor H. Nummi that Bylaw #724/95 be read a first time this 15th day of November, 1995. CARRIED.

MOVED by Councillor A. Vance that Bylaw #724/95 be read a second time this 15th day of November, 1995. CARRIED.

MOVED by Councillor S. Koenen that permission be granted to give third reading to Bylaw #724/95 at this meeting. CARRIED UNANIMOUSLY.

MOVED by Councillor E. Anderson that Bylaw #724/95 be read a third time and finally passed this 15th day of November, 1995. CARRIED.

Mayor

Municipal Administrator

TOWN OF PICTURE BUTTE

BYLAW NO. 725/95

BEING A BYLAW OF THE TOWN OF PICTURE BUTTE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL DEVELOPMENT AUTHORITY.

WHEREAS the Municipal Government Act, Chapter M-26.1, 1994, and amendments, requires the municipality to adopt a bylaw to establish a municipal Development Authority;

AND WHEREAS the Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the municipal Land Use Bylaw;

AND WHEREAS this Bylaw may be cited as the Town of Picture Butte Development Authority Bylaw;

NOW THEREFORE, the Council of the Town of Picture Butte, in the Province of Alberta, duly assembled, enacts as follows:

1. For the purpose of this Bylaw, the Development Authority for the Town of Picture Butte shall be the Town of Picture Butte Municipal Planning Commission as established by Bylaw No. 516/79.

2. The Municipal Planning Commission may refer any application for development approval to Council for a decision.

3. This Bylaw comes into force on the final passing thereof.

MOVED by Councillor H. Nummi that Bylaw #725/95 be read a first time this 15th day of November, 1995. CARRIED.

MOVED by Councillor V. Nemecek that Bylaw #725/95 be read a second time this 15th day of November, 1995. CARRIED.

MOVED by Councillor A. Vance that permission be granted to give third reading to Bylaw #725/95 at this meeting. CARRIED UNANIMOUSLY.

MOVED by Councillor S. Ruaben that Bylaw #725/95 be read a third time and finally passed this 15th day of November, 1995. CARRIED.

Mayor

Municipal Administrator

TOWN OF PICTURE BUTTE

BYLAW NO. 726/95

BEING A BYLAW OF THE TOWN OF PICTURE BUTTE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

WHEREAS the Municipal Government Act, Chapter M-26.1, 1994, and amendments, requires the municipality to adopt a bylaw to establish a municipal Subdivision and Development Appeal Board;

AND WHEREAS the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Subdivision Authority or the Development Authority in accordance with the provincial land use policies, the subdivision and development regulations, the local land use bylaw and statutory plans;

AND WHEREAS this Bylaw may be cited as the Town of Picture Butte Subdivision and Development Appeal Board Bylaw;

NOW THEREFORE, the Council of the Town of Picture Butte in the Province of Alberta duly assembled, enacts as follows:

1. DEFINITIONS:

   (a) **Act** means the Municipal Government Act, Chapter M-26.1, 1994, and amendments.

   (b) **Municipality** means the Town of Picture Butte in the Province of Alberta.

   (c) **Council** means the Council of the Town of Picture Butte.

   (d) **Subdivision and Development Appeal Board** means the tribunal established to act as the municipal appeal body.

   (e) **Member** means a member of the Subdivision and Development Appeal Board.

   (f) **Secretary** means the person or persons authorized to act as secretary for the Subdivision and Development Appeal Board.

   (g) **All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, and amendments.**

2. For the purpose of this Bylaw, the Subdivision and Development Appeal Board shall be composed of not more than three persons who are adult residents of the Town of Picture Butte.

3. Appointments to the Subdivision and Development Appeal Board shall be made by resolution of Council.

4. Appointments to the Subdivision and Development Appeal Board shall be made for a term of three years.

5. The members of the Subdivision and Development appeal Board shall elect one of themselves as Chairman, and one of themselves as Vice-Chairman to hold office for a term of one year from the date of election.

6. Each member of the Subdivision and Development Appeal Board shall be entitled to such remuneration, traveling, and living expenses as may be fixed from time to time by Council; and the remuneration, traveling, and living expenses shall be paid by the Town of Picture butte.

7. The Municipal Administrator or Assistant Municipal Administrator shall be appointed as secretary and shall attend all meetings of the Subdivision and Development Appeal Board, but shall not vote on any matter before the Subdivision and Development Appeal Board.

8. The Subdivision and Development Appeal Board shall hold meetings as required and may also hold special meetings at any time at the call of the Chairman.

9. Three of the members of the Subdivision and Development Appeal Board constitute a quorum.

10. There shall not be a majority of municipal councillors sitting to hear any individual appeal.

11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Appeal Board.

12. The Subdivision and Development Appeal Board may make its orders, decisions, development permits, and subdivision approvals; and may issue notices with or without conditions.

13. The Subdivision and Development Appeal Board may make rules to govern its hearings.

14. Members of the Subdivision and Development Appeal Board shall not be members of the Subdivision Authority or the Development Authority.

15. When a person ceases to be a member of the Subdivision and Development Appeal Board before the expiration of his/her term the Council may, by resolution, appoint another person for the unexpired portion of that term.

16. The secretary of the Subdivision and Development Appeal Board shall attend all meetings of the Subdivision and Development Appeal Board and shall keep the following records with respect thereto:

    (a) the minutes of all meetings;
    (b) all applications;
    (c) records of all notices of meetings and of persons to whom they were sent;
    (d) copies of all written representations to the Subdivision and Development Appeal Board;

(e) notes as to each representation;
(f) the names and addresses of those making representations at the meeting;
(g) the decision of the Subdivision and Development Appeal Board;
(h) the reasons for the decision of the Subdivision and Development Appeal Board;
(i) the vote of the members of the Subdivision and Development Appeal Board on the decision;
(j) records of all notices of decision and of persons to whom they were sent;
(k) all notices, decisions, and orders made on appeal from the decision of the Subdivision and Development Appeal Board;
(l) such other matters as the Subdivision and Development Appeal Board may direct.

17. This Bylaw hereby recsinds Bylaw #517/79.

18. This Bylaw comes into force on the final passing thereof.

MOVED by Councillor H. Nummi that Bylaw #726/95 be read a first time this 15th day of November, 1995. CARRIED.

MOVED by Councillor E. Anderson that Bylaw #726/95 be read a second time this 15th day of November, 1995. CARRIED.

MOVED by Councillor V. Nemecek that permission be granted to give third reading to Bylaw #726/95 at this meeting. CARRIED UNANIMOUSLY.

MOVED by Councillor S. Koenen that Bylaw #726/95 be read a third time and finally passed this 15th day of November, 1995. CARRIED.

Mayor

Municipal Administrator