

**TOWN OF CALMAR**

**LAND USE BYLAW**

**BYLAW NO. 2004-16**

March 24, 2004

## TABLE OF CONTENTS

<b>PART ONE - GENERAL</b>		<b>Page</b>
1.1	Title _____	1
1.2	Purpose _____	1
1.3	Interpretation _____	1
1.4	Metric and Imperial Measurements _____	16
1.5	Equivalent Terminology _____	16
1.6	Establishment of Districts _____	16
1.7	Establishment of Land Use District Regulations _____	17
1.8	Establishment of Sign Regulations _____	17
 <b>PART TWO - AGENCIES</b>		
2.1	Development Authority _____	18
2.2	Development Authority Officer _____	18
2.3	Municipal Planning Commission _____	18
2.4	Subdivision and Development Appeal Board _____	18
 <b>PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES</b>		
3.1	Control of Development _____	19
3.2	Development Not Requiring a Development Permit _____	19
3.3	Non-Conforming Buildings and Uses _____	21
3.4	Permission for Development _____	21
3.5	Development Permits and Notices _____	25
 <b>PART FOUR - APPEALS</b>		
4.1	Appeal Procedure _____	27
4.2	Appeal Hearing _____	27
4.3	Decision _____	28
 <b>PART FIVE - ENFORCEMENT AND ADMINISTRATION</b>		
5.1	Contravention _____	30
5.2	Application to Amend Bylaw _____	31
5.3	Form of Application _____	31
5.4	Amending Bylaws _____	32
5.5	Schedules _____	32
5.6	Repealing Existing Controls _____	32
5.7	Date of Commencement _____	32
 <b>SCHEDULE A - LAND USE DISTRICT MAP _____</b>		<b>33</b>

**SCHEDULE B - SCHEDULE OF LAND USE DISTRICT REGULATIONS****PART 1 - GENERAL PROVISIONS**

1.1	Subdivision of Land _____	34
1.2	Dwelling Units on a Lot _____	34
1.3	Substandard Lots _____	34
1.4	Top Soil Excavation _____	34
1.5	Fences and Screening _____	34
1.6	Landscaping _____	35
1.7	Objects Prohibited or Restricted in Yards _____	35
1.8	Projection into Yards _____	36
1.9	Corner Sites _____	37
1.10	Building Exteriors _____	37
1.11	Protection from Exposure Hazards _____	38
1.12	Sour Gas Facilities _____	38
1.13	Off-Street Loading _____	38
1.14	Off-Street Automobile Parking _____	39
1.15	Accessory Buildings _____	44
1.16	Relocation of Buildings _____	46
1.17	Lighting _____	46

**PART 2 - SPECIAL PROVISIONS**

2.1	Home Occupations _____	47
2.2	Bed and Breakfast Establishments _____	48
2.3	Service Stations _____	49
2.4	Car Washing Establishments _____	50
2.5	Drive-In Businesses _____	50
2.6	Places of Worship _____	51
2.7	Surveillance Suites _____	51
2.8	Multiple Dwelling Developments _____	51
2.9	Conversion of Single Family Dwellings to Commercial and/or Office Uses _____	52
2.10	Amusement Game Machines and Electronic Games Arcades _____	53
2.11	Communications Towers _____	53
2.12	Private Swimming Pools _____	54
2.13	Show Homes _____	54
2.14	Day Cares _____	55
2.15	Manufactured Home Units _____	55

**PART 3 - DISTRICT PROVISIONS**

3.1	R1 – Residential (Single Family) District _____	56
3.2	R1A – Residential (Special Single Family) District _____	59
3.3	R2 – Residential (General) District _____	62
3.4	R2A – Residential (Manufactured Home) District _____	65
3.5	R3 – Residential (Medium Density) District _____	69
3.6	R4 – Residential (Higher Density) District _____	72

	<b>Page</b>
3.7 RMHP – Residential (Manufactured Home Park) District _____	75
3.8 C1 – Commercial (Central) District _____	81
3.9 C2 – Commercial (Highway) District _____	85
3.10 M1 - Industrial District _____	89
3.11 P - Parks and Recreation District _____	93
3.12 US - Urban Services District _____	94
3.13 DC - Direct Control District _____	95
3.14 UR - Urban Reserve District _____	96

### **SCHEDULE C - SCHEDULE OF SIGN REGULATIONS**

1. Definitions _____	98
2. Exemptions from Sign Regulations _____	99
3. Signs in the C1, C2, and M1 Districts _____	100
4. Signs in Residential Districts _____	103
5. Signs Relating to Institutional Uses _____	103
6. Portable Signs _____	103
7. Signs for “Adult-Exclusive” Businesses _____	104



# **BYLAW NO. \_\_\_\_\_**

## **LAND USE BYLAW**

Pursuant to the Municipal Government Act, R.S.A. 2000, the Council of the Town of Calmar duly assembled, hereby enacts as follows:

### **PART ONE - GENERAL**

#### **1.1 Title**

The title of this Bylaw shall be the Land Use Bylaw of the Town of Calmar.

#### **1.2 Purpose**

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a parcel of land.

#### **1.3 Interpretation**

In this Bylaw

- (1) "accessory building" means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and located on the same parcel of land;

- (2) "accessory use" means a use customarily incidental and subordinate to the principal use or building and located in the same parcel of land with such principal use or building;
- (3) "Act" means the Municipal Government Act, R.S.A., 2000;
- (4) "adjacent land" means land that is contiguous to a particular parcel of land and includes:
  - (a) land that would be contiguous if not for a highway, road, river or stream, and
  - (b) any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 3.5.4(b) of this Bylaw;
- (5) "amenity area" means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or communal use and may be under either individual or common ownership;
- (6) "amusement establishment" means a development providing recreational facilities where patrons are normally, but not necessarily participants. Amusement establishments include amusement parks, go-cart tracks, miniature golf courses, billiard parlours, electronic games arcades, bowling alleys and theatres;
- (7) "amusement game machine" means an electronic or non-electronic device such as a pin-ball machine, an air hockey game, a fussball game, or a video game which is played by persons for recreation or for amusement, usually after depositing either currency or purchased tokens into the game machine. For the purposes of this Bylaw, amusement game machines also includes Provincially-licensed video-lottery terminals and slot machines, and similar devices, whether or not they are used as gambling devices;
- (8) "apartment" means a dwelling containing three (3) or more dwelling units, but shall not mean ground-oriented multi-family dwellings. Apartments include dwellings commonly referred to as triplexes, fourplexes, sixplexes, and the like as well as larger buildings containing more than 6 dwelling units;
- (9) "automotive and equipment repair shop" means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts may be sold. Automotive and equipment repair shops include transmission shops,

muffler shops, tire shops, automotive glass shops, and upholstery shops, but not body repair or paint shops;

- (10) "basement" means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (6.0 ft.) of its clear height which lies below the finished level of the floor directly above;
- (11) "bed and breakfast" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public. The four bedrooms are in addition to those available for use by members of the family;
- (12) "boarding house" means a development, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public;
- (13) "building" includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
- (14) "building height" means the vertical distance measured from the average grade level immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, fire wall, parapet wall, chimney, steeple or antenna;
- (15) "carport" means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- (16) "chattel" means a movable item of personal property;
- (17) "clinic" means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Clinics include medical and dental offices, health clinics and counselling services;
- (18) "commercial school" means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools does not include schools operated by a School Division, but includes, but is not limited to, secretarial, business, hairdressing, beauty culture, dancing, or music schools;

- (19) "community recreation service" means a development without fixed seats and with an occupancy capacity of less than five hundred (500) persons, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents' organization;
- (20) "contractor services" means a development where plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold;
- (21) "convenience retail store" means a development where goods required by area residents or employees on a day to day basis are bought and sold. The gross leasable area of a convenience retail store shall not exceed 275 sq. m (2,960 sq. ft.). Convenience retail stores include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and person care items, hardware, and/or printed matter;
- (22) "corner site" means a site with boundary lines on two separate roads which intersect or a single road that curves at an angle of forty-five (45) degrees or more at the subject site. For the purposes of this definition, a road shall not include a lane;
- (23) "Council" means the Council of the Town of Calmar;
- (24) "curb cut" means the lowering of a curb, sidewalk and/or boulevard to provide vehicular access to a site;
- (25) "day care" means a provincially licensed child care facility operated from a building or a portion thereof used for the provision of care, maintenance and supervision of seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. For the purposes of this definition, a day care shall include all day-care centres, nurseries, and after school or baby-sitting programmes which satisfy this definition. However, this definition shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- (26) "day home" means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;

- (27) "deck" means any open structure attached to the main dwelling having a height greater than 0.6 m (2 ft.) above ground level, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;
- (28) "density" means a measure of the average number of persons or dwelling units per unit of area;
- (29) "developer" means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- (30) "development" means:
- (a) an excavation or stockpile and the creation of either of them, or
  - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
  - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
  - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; or
  - (e) the demolition or removal of a building; or
  - (f) the placement of an already constructed or a partially constructed building on a parcel of land; or
  - (g) the placing of refuse or waste material on any land; or
  - (h) the resumption of the use to which land or buildings have been previously put; or
  - (i) the use of land for the storage or repair of motor vehicles, other machinery, or equipment; or
  - (j) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way.

- (31) "Development Authority" means the Development Authority established pursuant to the Act through the municipality's Development Authority Bylaw;
- (32) "Development Authority Officer" means the Development Authority Officer established and appointed pursuant to the Act through the municipality's Development Authority Bylaw;
- (33) "development permit" means a document authorizing a development issued pursuant to this Bylaw;
- (34) "discontinued" means the time at which, in the opinion of the Development Authority, substantial construction activity or use has ceased;
- (35) "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
- (36) "double fronting site" means a site which abuts two roads and which is not a corner site;
- (37) "drive-in business" means a development which serves customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, drive-in restaurants, and car washes;
- (38) "duplex" means a dwelling containing two (2) dwelling units which are located at least in part one above the other, and which may share a common wall;
- (39) "dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. Dwellings include single family dwellings, semi-detached dwellings, duplexes, row housing, and apartments, but shall not include manufactured home units of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;
- (40) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for

one family, and which, except for an in-law suite, is not separated from direct access to the outside by another separate dwelling unit;

- (41) "eating and drinking establishment" means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises or off the site. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants, which shall be considered to be drive-in businesses;
- (42) "equipment rental" means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented. Equipment rentals do not include developments where motor vehicles or industrial equipment are rented;
- (43) "excavation" means any breaking of ground, except common household gardening and ground care;
- (44) "extensive agriculture" means an agricultural operation which involves the raising of crops, but not livestock;
- (45) "exterior wall" means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2 ft.);
- (46) "family" means:
  - (a) a person, or
  - (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
  - (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,

all living together as a single housekeeping group and using cooking facilities shared in common. A family may also include bona fide servants;

- (47) "family care facility" means a development which provides resident service in a dwelling to six (6) or fewer individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual

needs. Family care facilities include foster or boarding homes for children, group homes and family homes;

- (48) "fence" means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- (49) "flanking site" means a corner site on which a side line is abutting onto a road;
- (50) "floor area" means the total area of all storeys of all buildings including accessory buildings located on any site, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of gross floor area;
- (51) "floor area ratio" means the ratio or decimal resulting from dividing the floor area of all buildings by the total area of the site on which the buildings are located;
- (52) "foundation" means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;
- (53) "front line" means the boundary line of a site lying adjacent to a road. In the case of a corner site, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- (54) "front yard" means a yard extending across the full width of a site from the front line to the nearest exterior wall of the principal building situated on the site. In the case of a curved front line, the front yard will also form a curve;
- (55) "frontage" means the length of all site lines adjacent to roads;
- (56) "garage" means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles;
- (57) "gas bar" means a development where gasoline, lubricating oils, and other automotive fluids are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles;
- (58) "general industrial use" means a development where goods and/or materials are stored, manufactured, distributed, processed, tested, serviced, repaired, or salvaged in such a manner that does not create an adverse environmental impact beyond the immediate site of the general industrial use, and which also does not produce significant toxic or noxious by-

products. General industrial uses include motor vehicle body and paint shops;

- (59) "general retail store" means a development where groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and persona care items, automotive parts and accessories, office equipment, stationary and similar goods are bought and sold and where minor public services, such as postal services and film processing depots are provided from within an enclosed building. General retail stores do not include second hand stores or developments where gasoline, new or used vehicles, heavy agricultural and industrial equipment;
- (60) "grade" means the ground elevation adjacent to the walls of a building or a fence if the grade is level. If the grade is not entirely level, the grade shall be the average of the ground elevation around the perimeter of the building or along the fence;
- (61) "gross leasable area" means the floor area of a building, plus the horizontal area contained within the exterior of the basement walls, excluding the floor areas of mechanical and utility rooms, public washrooms, stairwells, and elevators;
- (62) "ground-oriented multi-family dwelling" means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment";
- (63) "group care facility" means a development which provides resident services to seven (7) or more individuals. These individuals may be handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes;
- (64) "group home" means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults;
- (65) "home occupation" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign as provided for in Section 2.1 of Part 2 of Schedule B of this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications – major home occupations and minor home occupations - with specific regulations for each as indicated in Section 2.1 of Part 2 of Schedule B of this Bylaw. A major home occupation does

not include any business, occupation, trade, profession, or craft in which more than one (1) employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling;

- (66) "hotel" means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, convenience retail stores, and a liquor store but shall not include an establishment where there is a dance floor larger than 5 sq. m (55 sq. ft.) unless specifically approved by the Development Authority;
- (67) "household repair service" means a development where goods, equipment and appliances normally found within the home may be repaired. Household repair services include radio, television and appliance repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;
- (68) "in-law suite" means a subordinate self-contained dwelling unit, separate from the dwelling unit in a single family dwelling, having a common access with the primary dwelling unit;
- (69) "institutional use" means a development of governmental, religious, social, health care, or cultural facilities servicing the municipality, area, or region;
- (70) "interior site" means a site which is bordered by only one road at the front line;
- (71) "kennel" means a development in which dogs, cats, or similarly-sized domesticated animals are maintained, boarded, trained, cared for, or raised for remuneration or for sale;
- (72) "landscaping" means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- (73) "lane" means a road 7.6 m (25 ft.) or less in width;
- (74) "liquor store" means a development where any and all types of alcoholic beverages are sold to the public for consumption off premises. Liquor stores may include the retail sales of related products such as soft drinks and snack foods;
- (75) "livestock" means livestock as defined in the Agricultural Operation Practices Act;

- (76) "loading space" means an off-street space for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded which is located on the same site as the building or group of buildings the loading space is intended to serve;
- (77) "lot" means:
- (a) a quarter section, or
  - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (78) "manufactured home unit" means a building designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as residential accommodation for a single family. A manufactured home unit shall include a building that would otherwise be considered to be a single family dwelling if the roof pitch were equal to or greater than 1:4, if the depth of eaves were greater than 45 cm (18 in.), if the ratio of depth vs. width (or width vs. depth) were less than 2.5:1 and if the building were located on a permanent basement. If the roof pitch is less than 1:4, if the eaves is less than 45 cm (18 in.), if the ratio noted above is more than 2.5:1, or if the building is not located on a permanent basement, the building shall be considered to be a manufactured home unit;
- (79) "manufactured home park" means any site on which two or more occupied manufactured home units are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park;
- (80) "motel" means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include eating and drinking establishments and convenience retail stores, but shall not include an establishment where there is a dance floor;

- (81) "multi-family dwelling" means a dwelling containing three (3) or more dwelling units, and includes apartments and ground-oriented multi-family dwellings;
- (82) "Municipal Planning Commission " means the Municipal Planning Commission established pursuant to the Act through the municipality's Municipal Planning Commission Bylaw;
- (83) "municipality" means the Town of Calmar;
- (84) "non-conforming building" means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (85) "non-conforming use" means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (86) "nuisance" means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;
- (87) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- (88) "off-street parking lot" means a parking area which is located on a parcel of land;
- (89) "offensive or objectionable" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may

become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;

- (90) "office use" means a development where professional, management, administrative, consulting, health, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, health professionals, and realtors. Office uses also include insurance firms, clerical, secretarial, employment and telephone answering and similar office support services, banks, credit unions, loan offices and similar financial institutions, the offices of governmental and public agencies, printing establishments, film processing establishments, janitorial firms, and business equipment repair shops;
- (91) "owner" means the person shown as the owner of land on the assessment roll prepared under the Act;
- (92) "parapet wall" means that part of an exterior wall, party wall, or fire wall extending above the roof line, or a wall which serves as a guard at the edge of a balcony or roof;
- (93) "parcel of land" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (94) "parking area" means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area;
- (95) "parking space" means an area set aside for the parking of one (1) vehicle;
- (96) "patio" means any developed surface adjacent to the principal dwelling on a site which is less than 0.6 m (2.0 ft.) above ground level;
- (97) "penthouse" means a structure built on a roof to conceal or cover machinery;
- (98) "permitted use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made;
- (99) "personal service shop" means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include

barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and Laundromats, but not clinics;

- (100) "place of worship" means a development where worship and related religious, philanthropic, or social activities occurs. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- (101) "principal building" means a building in which is conducted the main or principal use of the site on which it is erected;
- (102) "principal use" means the primary purpose or purposes for which a building or site is used;
- (103) "private club or lodge" means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site dwellings or hotel or motel rentable units. Private clubs and lodges may include eating and drinking establishments and rooms for assembly;
- (104) "public use" means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by any public utility;
- (105) "public utility" means a public utility, as defined in the Act;
- (106) "public utility building" means a building in which the proprietor of the public utility maintains it office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- (107) "rear line" means the boundary line of a site lying opposite to the front line of the site and/or farthest from a road;
- (108) "rear yard" means a yard extending across the full width of a site from the rear line to the nearest exterior wall of the principal building situated on the site. In the case of a curved rear line, the rear yard will also form a curve;
- (109) "recreational equipment" means any building or structure which is intended to be used for either active or passive recreation activities. Certain types of sidewalk furniture may be considered to be recreation equipment at the discretion of the Development Authority;

- (110) "recreational use" means a development of natural open space, improved parkland, or active and passive recreational areas, and any associated facilities or buildings, including golf courses, but not including large-scale commercial entertainment facilities such as drive-in movie theatres, motor raceways, shooting ranges, or similar developments that may be incompatible with other recreational uses, or difficult to integrate with the natural environment;
- (111) "recycling depot" means a development where bottles, cans, newspapers, and similar household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building;
- (112) "rentable unit" means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;
- (113) "road" means a road as defined in the Act and includes a highway;
- (114) "secondary commercial use" means a development where goods are bought and sold which require a large amount of floor space or land area for the storage or display of its products or the carrying out of its operation. Goods may include, but are not restricted to, farm implements, recreational vehicles, automobiles, and lumber. Secondary commercial uses also include large-scale entertainment establishments;
- (115) "second hand store" means a development where second hand or used household and personal goods are bought and sold, and may include the minor repair and preparation of such goods. Second hand stores do not include the sale of used vehicles, recreation craft, farm equipment, construction equipment, or industrial equipment. Second hand stores include antique furniture stores, thriftshops and pawnshops;
- (116) "semi-detached dwelling" means a dwelling containing two (2) dwelling units which share a common wall, and which are located one entirely beside the other;
- (117) "service station" means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, but not including body repair or paint shops, and a towing service dispatch point. For the purposes of this Bylaw, gas bars are considered to be service stations;
- (118) "shopping centre" means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;

- (119) "show home" means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of the District in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality;
- (120) "side line" means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered the side line;
- (121) "side yard" means a yard extending from the side line to the nearest exterior wall of the principal building situated on the site, and lying between the front and rear yards on the site;
- (122) "single family dwelling" means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, an in-law suite. A single family dwelling shall include a building that would otherwise be considered to be a manufactured home unit if the roof pitch were less than 1:4, if the depth of eaves were less than 45 cm (18 in.), if the ratio of depth vs. width (or width vs. depth) were more than 2.5:1 or if the building were not located on a permanent foundation. If the roof pitch is equal to or more than 1:4, if the eaves is more than 45 cm (18 in.), if the ratio noted above is less than 2.5:1, and if the building is located on a permanent foundation, the building shall be considered to be a single family dwelling;
- (123) "site" means a lot, a part of a lot, or a number of lots located adjacent to one another which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
- (124) "site area" means the total area of a site;
- (125) "site boundaries" means the boundaries of a site;
- (126) "site coverage" means the combined area of all buildings on a site, measured at the level of the lowest storey above grade, including all open or covered porches and verandas, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections. Site coverage shall include air wells, and all other space within a building except inner or outer courts;
- (127) "site depth" means the average horizontal distance between the front and rear lines measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;

- (128) "site width", unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the site width would be shorter, the distance between the side lines at the minimum front yard distance, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- (129) "stall" means an area of land upon which a manufactured home unit is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home unit, located within a manufactured home park;
- (130) "storey" means the space between one floor of a multi-storey building and the floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey. A half storey shall be a storey which has a floor area seventy percent (70%) or less of the floor area of the storey closest to grade;
- (131) "Subdivision and Development Appeal Board" means the Subdivision and Development Appeal Board established pursuant to the Act through the municipality's Subdivision and Development Appeal Board Bylaw;
- (132) "Subdivision Authority" means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;
- (133) "substandard lot" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the Residential District in which the lot is located;
- (134) "surveillance suite" means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development. ;
- (135) "temporary building" means a building that has been allowed to be located and/or used for a limited time only;
- (136) "veterinary service" means a development where small animals are cared for and treated. Veterinary services primarily involve outpatient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary services include pet clinics, small animal veterinary clinics and veterinary offices, but not animal hospitals and animal shelters;
- (137) "yard" means a part of a parcel of land upon or over which no principal building is erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

## **1.4 Metric and Imperial Measurements**

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.

## **1.5 Equivalent Terminology**

Where a word is used in the singular, such a word may also mean plural. Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective. Where a word is used in the present tense, such a word may also mean the future tense. The word “person” includes a corporation as well as an individual.

## **1.6 Establishment of Districts**

- (1) For the purpose of this Bylaw, the Town of Calmar is divided into the following Districts:

- R1 - Residential (Single Family) District
- R1A - Residential (Special Single Family) District
- R2 - Residential (General) District
- R2A - Residential (Manufactured Home) District
- R3 - Residential (Medium Density) District
- R4 - Residential (Higher Density) District
- RMHP - Residential (Manufactured Home Park) District
- C1 - Commercial (Central) District
- C2 - Commercial (Highway) District
- M1 - Industrial District
- P - Parks and Recreation District
- US - Urban Services District
- DC - Direct Control District
- UR - Urban Reserve District

- (2) For the purposes of this Bylaw, the R1, R1A, R2, R2A, R3, R4, and RMHP Districts shall be considered to be Residential Districts, the C1, C2, and DC Districts shall be considered to be Commercial Districts, and the P and US Districts shall be considered to be institutional districts.

- (3) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.
- (4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
  - Rule 1. Where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.
  - Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
  - Rule 3. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:
    - (a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
    - (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (5) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (6) After the Council has fixed a District boundary pursuant to the provisions of subsection (5), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (7) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

## **1.7 Establishment of Land Use District Regulations**

Land Use District regulations shall be as set forth in the Schedule of Land Use District Regulations, being Schedule B hereto.

## **1.8 Establishment of Sign Regulations**

Sign regulations shall be as set forth in the Schedule of Sign Regulations, being Schedule C hereto.

## **PART TWO - AGENCIES**

### **2.1 Development Authority**

- (1) For the purposes of this Bylaw, the Development Authority shall be:
  - (a) the Development Authority Officer,
  - (b) the Municipal Planning Commission, and
  - (c) only within the DC District, the Council,with their duties and responsibilities as described elsewhere in this Bylaw.
- (2) If the Development Authority Officer is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Development Authority Officer.
- (3) If the Municipal Planning Commission is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Municipal Planning Commission.
- (4) If the Council is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Council.

### **2.2 Development Authority Officer**

- (1) The Development Authority Officer shall perform such duties that are specified in subsections (2) and (3) hereof and elsewhere in this Bylaw.
- (2) The Development Authority Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereon.
- (3) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be a designated officer.

### **2.3 Municipal Planning Commission**

The Municipal Planning Commission shall perform such duties that are specified for it in this Bylaw.

### **2.4 Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board shall perform such duties as are specified in Part Four of this Bylaw.

# **PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES**

## **3.1 Control of Development**

No development other than that designated in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

## **3.2 Development Not Requiring a Development Permit**

The following development shall not require a development permit:

- (1) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit;
- (2) the completion of a building which was lawfully under construction at the date of approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
- (3) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
- (4) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (5) the construction, completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a road right-of-way, utility easement or other lands or undertaken to connect the same with any lawful use of buildings or land;
- (6) a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority;
- (7) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days,

or such time as regulated under provincial or federal legislation provided that:

- (a) such signs are removed within one (1) day after the election date,
  - (b) such signs do not obstruct or impair vision or traffic,
  - (c) such signs are not attached to fences, trees, and
  - (d) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (8) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 sq. m (6.5 sq. ft.) in size and are placed or erected no closer than 3 m (10 ft.) to a road right-of-way;
- (9) the placement of signs in commercial developments provided they are inside the window or inside the building;
- (10) the placement of a free-standing portable sign on a site provided that the requirements of Section 6 of Schedule C of this Bylaw are satisfied;
- (11) the erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Section 6(2) of Schedule B hereof;
- (12) hard-surfacing of any yard area in a Residential District for the purpose of providing vehicular access from a road to an on-site parking space, provided that such hard-surfacing does not exceed 8 m (26 ft.) in width;
- (13) an accessory building which is accessory to a dwelling and less than 15 sq. m (160 sq. ft.) in size, except for a deck or patio, that meets the minimum distance requirements outlined in Section 1.15 of Schedule B of this Bylaw, and provided further that it is the only accessory building on the lot on which it is located;
- (14) a deck or patio in a Residential District that meets the minimum distance requirements outlined in Section 1.15 of Schedule B of this Bylaw;
- (15) development within a basement of a dwelling which does not change or add to the uses within the dwelling;
- (16) boarding and foster care, provided these facilities in the opinion of the Development Authority cannot be classified as a boarding house, a day home, a day care, a group home, a family care facility, or a group care

facility as defined;

- (17) in an Urban Reserve (UR) District, extensive agriculture on lots 8 ha (20 acres) or more in area;
- (18) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit; and
- (19) the demolition or removal of any building or structure for the erection of which a development permit would not be required pursuant to subsections (4) through (18) above, both inclusive.

### **3.3 Non-Conforming Buildings and Uses**

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (3) A non-conforming use of part of a lot or site may not be exceeded or transferred in whole or in part to any other part of the lot or site and no additional buildings may be constructed upon the lot or site while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building,
  - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4(10) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

- (6) Except as noted in Section 2.1 Schedule B, the land use or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.
- (7) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

### **3.4 Permission for Development**

- (1) An application for a development permit shall be made to the Development Authority Officer in writing, in the form required by the Development Authority Officer, and shall be accompanied by:
  - (a) a site plan in duplicate showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;
  - (b) a statement of the proposed uses; and
  - (c) a statement of ownership of the land and the interest of the applicant therein.
- (2) Each application for a development permit shall be accompanied by a fee as established by Council.
- (3) The Development Authority Officer may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; grading and landscaping plans; future development plans for a site which is to be partially developed through the applicable development permit; in the case of the placement of an already constructed or partially constructed building on a site, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building; and, in the case of a proposed sign, an indication of the copy (wording or pictures) that may be on the sign together with photographs of the proposed sign (or of a similar sign).
- (4) Within the Central Commercial (C1) District, if the development proposal includes any construction which is or may be visible from a road, the Development Authority shall require additional information respecting the relationship of the proposed development to the Town of Calmar Downtown Plan and to other developments in the Central Commercial

(C1) District before consideration of the development permit application shall commence.

- (5) The Development Authority Officer shall:
- (a) receive and review all applications for a development permit;
  - (b) refer, to the Council for its consideration and decision, all applications for a development permit in the Direct Control (DC) District, unless otherwise provided for in this Bylaw;
  - (c) refer, with his recommendations, to the Municipal Planning Commission for its consideration and decision, any application for development in a Residential District unless that application is for a single family dwelling, a semi-detached dwelling, or a duplex or an accessory building thereto;
  - (d) refer, with his recommendations, to the Municipal Planning Commission for its consideration and decision, any application for development in a Manufactured Home Park Residential District unless that application is for a manufactured home unit or an accessory building thereto;
  - (e) refer, with his recommendations, to the Municipal Planning Commission for its consideration and decision, any application for development in a Commercial or an Industrial District where the buildings on the site are to have a floor area exceeding 2000 sq. m (21,528 sq. ft.), or where the amount of discretion on any regulation requested in the development permit application exceeds 25%, unless that development is to use only existing buildings;
  - (f) refer, at his sole discretion, to the Municipal Planning Commission for its consideration and decision, any application which in his opinion should be decided by the Commission; and
  - (g) consider and decide on all other applications for a development permit.
- (6) In making a decision, the Development Authority may
- (a) approve the application unconditionally,
  - (b) approve the application subject to those conditions considered appropriate,

- (c) approve the application permanently or for a limited period of time, or
  - (d) refuse the application.
- (7) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality
- (a) to construct or pay for the construction of a road required to give access to the development;
  - (b) to construct or pay for the construction of
    - (i) a pedestrian walkway system to serve the development, or
    - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,or both;
  - (c) to install or pay for the installation of public utilities or works, that are necessary to serve the development;
  - (d) to construct or pay for the construction of
    - (i) off-street or other parking facilities, and
    - (ii) loading and unloading facilities;
  - (e) to pay an off-site levy; and/or
  - (f) to give security to ensure that the terms of the agreement are carried out.
- (8) The erection of a building on any site may be prohibited where it would otherwise be allowed under this Bylaw when, in the opinion of the Development Authority, satisfactory arrangements have not been made by the developer for the supply of required improvements as specified under Subsection (7), including payment of the costs of installing or constructing any such facilities by the developer.
- (9) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may

determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.

- (10) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - (a) the proposed development would not:
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (11) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority unless the applicant has entered into an agreement with the Development Authority to extend the forty (40) day period. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this Subsection.
- (12) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may make a decision on a development permit application without all of the information required by Subsections (1), (3) and (4) hereof or where, in his sole opinion, the information supplied by the applicant is sufficient to properly evaluate the application.
- (13) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority refuse to accept an application for a development permit where, in his sole opinion, the information supplied by the applicant in accordance with Subsections (1), (3) and (4) hereof is insufficient to properly evaluate the application.
- (14) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, at his discretion, the Development Authority may or may not accept the submission of another application for a permit on the

same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.

- (15) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made by him on a development permit application was either
- (a) incorrect, that is, not in compliance with the provisions and requirements of this Bylaw, or
  - (b) based on information which was subsequently determined to be incorrect or misunderstood by the Development Authority,

the Development Authority may rescind the approval of the development permit. In such a circumstance, the appeal period provided for under Part Four of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.

### **3.5 Development Permits and Notices**

- (1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date a decision or development permit is publicized as described in Subsections (3) or (4) hereof. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a development permit has been issued for a permitted use and for a development which complies with all of the regulations of this Bylaw, the Development Authority shall immediately post a notice of the decision conspicuously in the Town municipal office for a period of fourteen (14) days.
- (4) When a development permit has been issued for a discretionary use or for a permitted use which has been approved pursuant to Section 3.4(10) of this Bylaw, the Development Authority shall immediately:
  - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (b) mail a notice in writing to all owners of land within 60 m (200 ft.) of the subject site, and to those other owners of land who, in the

sole opinion of the Development Authority, may be affected;  
and/or

- (c) publish a notice of the decision in a newspaper circulating in the municipality.
- (5) The notice indicated in Subsections (3) and (4) shall state:
- (a) the legal description and the street address of the site of the proposed development,
  - (b) the uses proposed for the subject development,
  - (c) any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Officer when the development permit was approved,
  - (d) the date the development permit was issued, and
  - (e) how an appeal might be made to the Subdivision and Development Appeal Board.
- (6) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (7) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (8) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

## **PART FOUR - APPEALS**

### **4.1 Appeal Procedure**

- (1) An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority
  - (a) refuses or fails to issue a development permit to a person, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding Subsection (1) above, if a development permit is issued directly by the Council, there shall be no appeal to the Subdivision and Development Appeal Board.
- (3) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (4) The person applying for the permit or affected by the order, under Subsection (1), or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Subdivision and Development Appeal Board.
- (5) An appeal shall be made by serving a written notice of appeal, together with the appeal fee as determined by Council and reasons for the appeal, to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after
  - (a) the date a notice of the decision or permit issued by the Development Authority was given in accordance with Section 3.5(3) or 3.5(4) of this Bylaw; or
  - (b) the date an order was given in accordance with Section 5.1(1) of this Bylaw; or
  - (c) the forty (40) day period or any extension referred to in Section 3.4(12) has expired.

### **4.2 Appeal Hearing**

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal.

- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those land owners who were notified under Section 3.5(4) and any other person that the Subdivision and Development Appeal Board considers to be affected by the order, decision or permit; and
  - (d) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - (a) the application for the development permit, its refusal and the appeal therefrom; or
  - (b) the order of the Development Authority under Section 5.1,as the case may be.
- (4) At the appeal hearing referred to in Subsection (1), the Subdivision and Development Appeal Board shall hear:
  - (a) the appellant or any other person acting on his behalf;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

### **4.3 Decision**

- (1) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
  - (a) to a judge of the Court of Appeal; and
  - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

## **PART FIVE**

# **ENFORCEMENT AND ADMINISTRATION**

### **5.1 Contravention**

(1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with

- (a) the Act or the regulations made thereunder, or
- (b) a development permit or subdivision approval, or
- (c) this Bylaw,

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

as the case may be.

(2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to Section 566 of the Act.

(4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

- (5) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (6) Violation Tickets
  - (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
  - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Town.
  - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
  - (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
  - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
  - (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

## **5.2 Application to Amend Bylaw**

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 5.3(1)(a).
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

### **5.3 Form of Application**

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
  - (a) an application fee as established by Council for each application; and
  - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
  - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.
- (2) If the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant.

### **5.4 Amending Bylaws**

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

### **5.5 Schedules**

Schedules A, B, and C are adopted as part of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

### **5.6 Repealing Existing Controls**

Bylaw No. 91-04, as amended, is hereby repealed.

### **5.7 Date of Commencement**

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
A.D. 200\_

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\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
A.D. 200\_

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Town Manager

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
A.D. 200\_

\_\_\_\_\_

\_\_\_\_\_  
Mayor

Town Manager

# **SCHEDULE A**

## **LAND USE DISTRICT MAP**

# **SCHEDULE B SCHEDULE OF LAND USE DISTRICT REGULATIONS**

## **PART 1 - GENERAL PROVISIONS**

### **1.1 Subdivision of Land**

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been tentatively approved by the Subdivision Authority.

### **1.2 Dwelling Units on a Lot**

In the R1 and R1A Districts, no permit shall be granted for the erection of more than one (1) dwelling unit on a single lot, or if an in-law suite is approved within the dwelling on the lot, more than two (2) dwelling units.

### **1.3 Substandard Lots**

With the approval of the Development Authority the minimum lot area may be less in the case of existing substandard lots.

### **1.4 Top Soil Excavation**

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of a development, a minimum topsoil coverage of 15.0 cm (6 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.

### **1.5 Fences and Screening**

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.
- (2) No fence, wall or hedge in any Residential District shall be:
  - (a) higher than 1.8 m (6.0 ft.) above grade in side yards and rear yards;  
or
  - (b) higher than 1 m (3 ft.) above grade in front yards, except in the case of a corner or a double fronting site, the side yard adjacent to

the road shall be deemed to be a front yard for the purpose of this subsection; or

- (c) higher than 1 m (3 ft.) above grade within 6.0 m (19.7 ft.) of the intersection of lanes, roads, or any combination of them.
- (3) All commercial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 1 m (3 ft.) and not more than 1.8 m (6 ft.) in height above grade for screening.
- (4) No fences with barbed wire shall be allowed, except in the Industrial (M1) District and in the Urban Reserve (UR) District. In these Districts, barbed wire may be allowed, but not below the elevation of 1.8 m (6 ft.) above grade.
- (5) No electrification of fences shall be allowed.
- (6) All garbage containers and outdoor storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority.

## **1.6 Landscaping**

- (1) When landscaping or planting is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within twelve (12) months of the occupancy or the commencement of operation of the proposed development.
- (2) Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.
- (3) All apartment or row housing developments shall include a landscaped area to be developed to the satisfaction of the Development Authority.
- (4) A minimum of ten percent (10%) of the site area of all commercial developments shall be landscaped, to the satisfaction of the Development Authority.
- (5) Landscaping shall be provided and maintained for all drive-in businesses to the satisfaction of the Development Authority.

## **1.7 Objects Prohibited or Restricted in Yards**

- (1) No person shall keep or permit in any part of any yard in any Residential District:
  - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
  - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
  - (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
  - (d) any vehicle, loaded or unloaded, of a gross vehicle weight in excess of 5000 kg (11,200 lbs.) for longer than is reasonably necessary to load or unload the vehicle.
- (2) No person shall keep or permit in any part of any front yard in any Residential District:
  - (a) any accessory use or parking space, without the specific approval of the Development Authority; or.
  - (b) any recreational vehicle of a gross vehicle weight in excess of 5000 kg (11,200 lbs.).

## **1.8 Projection into Yards**

- (1) Except as provided in this Section and Section 1.9 of Part 1 of this Schedule, and except for fences as noted in Section 1.5(1) of this Schedule, no portion of a building shall be located or project into a required yard.
- (2) Required Front Yards

The following features may project into a required front yard:

- (a) steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- (b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1 m (3 ft.);

- (c) exterior balconies on apartments provided that:
  - (i) they are cantilevered and not enclosed, and designed as an integral part of the building, and
  - (ii) they do not project more than 2 m (6.5 ft.) into the front yard;
- (d) satellite receiving dishes with a diameter of no more than 77 cm (30.3 inches); and
- (e) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

(3) Required Side Yards

The following features may project into a required side yard; except where a side yard of 3 m (10 ft.) is required for vehicular passage:

- (a) steps, chimneys and decks, provided such projection does not exceed 50% of the width of the required side yard;
- (b) patios, which can project to the side line;
- (c) eaves, gutters and sills or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- (d) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1 m (3 ft.);
- (e) exterior balconies on apartments provided that:
  - (i) they are cantilevered and not enclosed, and designed as an integral part of the building, and
  - (ii) they do not project more than 1 m (3 ft.) into a required side yard and in no case are closer than 2 m (6.5 ft.) to a side line;
- (f) satellite receiving dishes with a diameter of no more than 77 cm (30.3 inches); and
- (g) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

## **1.9 Corner Sites**

- (1) On corner sites in a Residential District, no fence, wall, tree, bush, structure or thing more than 1 m (3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road right-of-way lines and a straight line joining points on the road right-of-way lines 6 m (20 ft.) from their intersection. The outer most point on verandas, porches, bay or oval windows, chimneys, etc. shall not project beyond the required yard. Roof eaves will be allowed to project up to 0.6 m (2 ft.).
- (2) On corner sites in all Districts other than Residential Districts, no fence, wall, tree, bush, structure or thing more than 1 m (3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road right-of-way lines and a straight line joining points of the road right-of-way 4.5 m (15 ft.) from their intersection.

## **1.10 Building Exteriors**

- (1) The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.
- (2) Unless forming part of a single project which has been approved under one development permit application, no single family dwellings of identical or, in the opinion of the Development Authority, similar roof or front elevations and fronting on either side of a road shall be located within three (3) sites from each other.
- (3) The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.

## **1.11 Protection from Exposure Hazards**

No anhydrous ammonia (AA) or liquefied petroleum gas tank or (LPG) storage tank with a fluid capacity exceeding 9080 l (2000 gal.) shall be allowed within the municipality.

## **1.12 Sour Gas Facilities**

- (1) No development shall be permitted within 100 m (330 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy and Utilities Board.

- (2) No development shall be permitted within 500 m (1640 ft.) of a Level 2 sour gas facility as determined by the Alberta Energy and Utilities Board.
- (3) No development shall be permitted within 1500 m (4920 ft.) of a Level 3 or Level 4 sour gas facility as determined by the Alberta Energy and Utilities Board.

### **1.13 Off-Street Loading**

- (1) When required by the Development Authority, loading spaces shall:
  - (a) have dimensions of not less than 4 m (13 ft.) in width, 8 m (26 ft.) in length, and 4.5 (15 ft.) in height above grade;
  - (b) provide vehicular ingress to, and egress from, a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in nearby roads or lanes;
  - (c) be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
  - (d) be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority; and
  - (e) be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (5 ft.) and not more than 2.5 m (8 ft.) in height.

#### **(2) Number of Off-Street Loading Spaces**

The number of loading spaces required to be provided in a development shall be as follows:

- (a) For a retail, industrial, warehouse, or similar development,
  - (i) one (1) space for a development of less than 2000 sq. m (21,528 sq. ft.) of gross floor area, and
  - (ii) one (1) additional space for each additional 2000 sq. m (21,528 sq. ft.) of gross floor area or fraction thereof.

- (b) For an office building, place of public assembly, public convalescent home, institution, club or lodge, school or any similar use, one (1) space for a development of less than 3000 sq. m (32,293 sq. ft.) of gross floor area, and one (1) additional space for each additional 3000 sq. m (32,293 sq. ft.) of gross floor area or fraction thereof.
- (c) For apartment or row housing, one (1) space for each ten (10) dwelling units or fraction thereof.
- (d) For any other building or use – as required by the Development Authority.
- (e) Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.

### 1.14 Off-Street Automobile Parking

- (1) Location of Site and Site Standards
  - (a) All off-street parking areas and accessory off-street parking areas:
    - (i) shall not be located within 0.9 m (3 ft.) feet of a lot line common to the lot and to a road,
    - (ii) shall be constructed so that adequate access to, and exit from each parking space is provided at all times by means of manoeuvring aisles designed to the satisfaction of the Development Authority, and
    - (iii) shall have necessary curb cuts located to the satisfaction of the Development Authority.
  - (b) All parking spaces shall conform to the following requirements:

#### Minimum Parking Standards

<b>a</b>	<b>b</b>	<b>c</b>	<b>d</b>	<b>e</b>
Parking Angle in Degrees	Width of Space in M (Ft.)	Depth of Space Perpendicular to Aisle in M (Ft.)	Overall Depth in M (Ft.)	Width of Manoeuvring Aisle in M (Ft.)
0	2.8 (9)	2.8 (9)	9.0 (30)	One Way 3.6 (12)
30	2.8 (9)	4.9 (16)	13.4 (44)	One Way 3.6 (12)
45	2.8 (9)	5.8 (19)	15.2 (50)	One Way 3.6 (12)

*(See following figure for definitions of column headings)*

60	2.8 (9)	6.2 (20)	17.9 (59)	One Way 5.5 (18)
90	2.8 (9)	5.5 (18)	18.0 (59)	One Way 7.0 (23)

(2) Surfacing and Drainage

- (a) Every off-street parking space or access in any front yard or any other yard adjacent to a road shall be paved in concrete to the satisfaction of the Development Authority. In addition, every other off-street parking space provided, and the access thereto, including any parking pads, shall be hard surfaced to the satisfaction of the Development Authority if the access is from a road or lane which is hard surfaced.
- (b) Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

(3) Required Number of Off-Street Parking Spaces

- (a) The minimum number of off-street parking spaces required for each development shall be calculated from the following table.

## **Use of Building or Development**

## **Minimum Number of Parking Spaces**

### Residential Uses

Apartments and row housing

1 bedroom dwelling units

2 bedroom dwelling units

3 or more bedroom dwelling units

1.25 per dwelling unit

1.5 per dwelling unit

2 per dwelling unit

(Where this results in a fractional requirement, the total requirement shall be the next whole number.)

Boarding houses

1.0 per sleeping unit

Senior citizen homes

2 per 3 dwelling units

In-law suites

1 per suite

All other dwellings

2 per dwelling unit

Manufactured home units

2 per unit

### Commercial Uses

Office uses, other than those of

health professionals

1 per 40 sq. m (430 sq. ft.) of gross

leasable floor area

Offices of health professionals and

Clinics

1 per 30 sq. m (325 sq. ft.) of gross

leasable floor area or 3 spaces for each full time or part-time professional, whichever is greater

Retail and personal service shops

For the first 1000 sq. m (10,764) sq. ft.

of gross leasable floor area

1 space for each 30 sq. m (325 sq.

ft.) of gross leasable floor area

For the next 3000 sq. m (32,291) sq. ft.

1 space for each 20 sq. m (215 sq.

of gross leasable floor area	ft. )of gross leasable floor area
For the any additional gross leasable. floor area beyond 4000 sq. m (43,055 sq. ft.)	1 space for each 17 sq. m (183 sq. ft.) of gross leasable floor area
Eating and drinking establishments	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Drive-in restaurants	1 per 3 sq. m (32 sq. ft.) of gross leasable floor area or 1 per 5 seating spaces, whichever is greater. This figure may be reduced to 1 per 6 sq. m (64 sq. ft.) of gross leasable floor area at the sole discretion of the Development Authority where it can be shown to the Development Authority's satisfaction that a high proportion of clients will regularly consume food purchased at an off-site location.
Eating and drinking establishments  (all food taken off-site to be  consumed)	1 per 13 sq. m (140 sq. ft.) of gross leasable floor area plus 1 per 3 employees on maximum shift
Other drive-in businesses	8
Hotels and motels	1 per rentable unit plus 1 per 3 employees on maximum shift
Bed and breakfasts	1 per sleeping unit
Day homes	1

Day cares 1 per employee on maximum shift, plus 1 per 15 capacity of in the day care

Home occupations 1 in addition to the requirements for the residential use

Places of Public Assembly

Auditoriums, places of worship, halls, clubs, theatres and other recreation places 1 per 7.5 seating spaces or 1 per 7 sq. m (75 sq. ft.) used by patrons, whichever is greater

Schools

Elementary and junior high schools 1 per school employee during regular school hours, plus 5

High schools 1 per school employee during regular school hours, plus 1 per 10 students

Parking for auditoriums, gymnasiums, and swimming pools shall be provided in addition to the above.

Industrial Uses

1 per each employee on maximum shift, provided that this standard may be varied by the Development Authority to no fewer than 1 per 3 employees on maximum shift at the sole discretion of the Development Authority where it can be shown to the Development Authority's satisfaction that fewer parking spaces are required.

Hospitals & Similar Uses

Hospitals, sanitoriums, convalescent homes, of 1 per 100 sq. m (1076 sq. ft.)

senior citizen lodges, nursing homes, etc.

gross floor area or 1 per 4  
beds, whichever is greater,  
plus 1 for every 2 employees  
on maximum shift

- (b) In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority.
- (c) Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.
- (d) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
- (e) The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown to the satisfaction of the Development Authority that the standard is not applicable to the project due to the provision of communally-used parking facilities, differing hours of demand for parking, or the scale or character of the development.
- (f) In the Central Commercial (C1) District, where it is not possible to provide the required parking on the subject site due to the size of the site and the configuration of buildings either existing or proposed, the Development Authority may, at his sole discretion, waive or reduce the required number of parking spaces.
- (g) If insufficient parking is provided by an approved development, the Development Authority may advise the land owner that he may be required to help pay for parking facilities in the future if required by Council in accordance with the Act or any other available legislation.

(4) Combined or Shared Parking

A maximum of 20% of the required parking may be combined or shared parking provided that a legal agreement is entered into between the users or land owners, and further that the parking arrangements are acceptable to the Development Authority. Any change of use will require a development permit and may require a new agreement. The Development Authority has the authority to refuse an application not fully complying with parking requirements.

- (5) Except as provided in Section 1.14(3)(f) hereof, developments to convert existing buildings to eating and drinking establishments shall comply with the parking requirements.

### **1.15 Accessory Buildings**

- (1) An accessory building shall not be used as a dwelling.
- (2) Accessory buildings shall be located such that the minimum distances shown on Figure "A" between the accessory buildings and principal buildings, lot lines, and other buildings, structures, and uses are provided.
- (3) The siting of an accessory building on an irregularly-shaped site shall be as approved by the Development Authority.
- (4) No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
- (5) No accessory building, other than a fence, deck or patio, shall be located closer than 2 m (6 ft.) to a principal building.
- (6) The height of an accessory building shall not exceed 4.5 m (15 ft.) nor one (1) storey.
- (7) Where a structure is attached to the principal building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory building.
- (8) The total area of all accessory buildings on a site shall not exceed 12% of the area of the site.

### **Figure 'A' - Siting of Accessory Buildings**

## **1.16 Relocation of Buildings**

In making his decision on a development permit application to relocate an already constructed or partially constructed building, the Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be located, and may refuse a development permit if the building, in his sole opinion, is or will be incompatible with the neighbourhood.

## **1.17 Lighting**

Any lighting proposed to illuminate off-street parking areas or any other developments shall be located and arranged so that all direct rays of light are directed down only, and not up, and upon the site only and not on any adjoining lots, all to the satisfaction of the Development Authority.

## **PART 2 - SPECIAL PROVISIONS**

### **2.1 Home Occupations**

All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

- (1) A major home occupation shall comply with the following regulations:
  - (a) There may be a limited volume of on-premises sales.
  - (b) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the major home occupation is located.
  - (c) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - (d) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or accessory buildings.
  - (e) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.
- (2) A minor home occupation shall comply with the following regulations:
  - (a) All sales relating to the home occupation shall occur off the premises.
  - (b) No person shall be employed on-site other than a resident of the dwelling unit.
  - (c) There shall be no more than five (5) client or customer visits to the home occupation per week.
  - (d) Storage related to the business activity and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. A minor home occupation does not involve the display of goods in the interior of the residence.
- (3) All home occupations shall comply with the following requirements:

- (a) No home occupation shall change the principal character or external appearance of the dwelling involved.
- (b) No more than 20% or 30 sq. m (323 sq. ft.), whichever is less, of the dwelling unit shall be occupied by the home occupation.
- (c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
- (d) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- (e) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- (f) In addition to a Development Permit Application, each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- (g) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- (h) Home occupations shall not involve:
  - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## **2.2 Bed and Breakfast Establishments**

(1) A bed and breakfast establishment shall comply with the following regulations:

- (a) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and

shall have a maximum of four (4) sleeping bedrooms in addition to those available for use by members of the family.

- (b) Cooking facilities shall not be located within the sleeping units.
- (c) In addition to any other parking requirements of this Bylaw, one (1) additional parking space shall be provided for each sleeping unit.
- (d) A bed and breakfast establishment shall comply with all of the requirements for a major home occupation described in Subsections (1) and (3) of Section 2.1 of Part 2 of Schedule B hereof.

### **2.3 Service Stations**

- (1) Service stations shall be developed in such a manner that:
  - (a) no entrance or exit thereto for motor vehicles shall be located within 60 m (200 ft.) of an entrance to or exit from a firehall, public or private school, playground, library, place of worship, hospital, children's or senior citizen's home, or other similar public or quasi-public institutions;
  - (b) no part of any building or any pump or other accessory building, structure, or use shall be located within 6 m (20 ft.) of a side or rear line;
  - (c) there shall be a front yard of not less than 12 m (40 ft.), provided, however, that gasoline pumps may be located as little as 6 m (20 ft.) from the front line; and
  - (d) all fuel storage tanks shall be set back from adjacent buildings in accordance with Regulations passed pursuant to the Safety Codes Act.
- (2) Site Area and Coverage
  - (a) The minimum site area shall be 670.0 sq. m (7200 sq. ft.) and the maximum building coverage shall be 25% of the site area. When a car wash is included, the minimum shall be 1114.0 sq. m (12,000 sq. ft.).
  - (b) In the case of a service station designed and built as part of a shopping centre, the ratio of building space to parking space shall be as determined by the Development Authority.

(3) Use and Maintenance of Site and Building

The owner, tenant, operator or person in charge of a service station shall, at all times:

- (a) not carry on the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available in any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to residences or businesses in the immediate vicinity of the service station by reason of dust, noise, gases, odour smoke or vibration;
- (b) be responsible for the proper, safe and orderly operation thereof of motor vehicles using said service station, or being repaired or serviced thereat, and without restricting the generality of the foregoing shall see:
  - (i) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service station, and
  - (ii) that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere; and
- (c) maintain on the boundaries of the site, where required by the Development Authority, an appropriate fence not less than 1.5 m (5 ft.) in height.

## **2.4 Car Washing Establishments**

(1) Site Area

The minimum site area shall be 600 sq. m (6,458 sq. ft.). The development shall contain space for eight (8) vehicles or three (3) vehicles per wash bay, whichever is greater, to wait or be parked prior to their entry into any part of the cleaning process for which they are bound, which space shall be paved or of a surface satisfactory to the Development Authority. In the case of service stations including car washes, minimum site area shall be 1114 sq. m (12,000 sq. ft.).

(2) Site and Building Requirements

All site and building requirements pertaining to drive-in businesses shall also apply to car washes.

## **2.5 Drive-In Businesses**

### **(1) Access**

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

### **(2) Site Area**

The minimum lot area shall be 600 sq. m (6,458 sq. ft.), and shall contain space for at least eight (8) customer vehicles to wait or be parked on the lot.

### **(3) Site and Building Requirements**

- (a)** All parts of the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
- (b)** The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- (c)** Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
- (d)** The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the site.

## **2.6 Places of Worship**

- (1)** The site on which a place of worship is situated shall have a frontage of not less than 30 m (100 ft.) and an area of not less than 929 sq. m (10,000 sq. ft.) except in the case where a building for a clergyman's residence is to be erected on the same lot. The combined area of the lot in this case shall not be less than 1395 sq. m (15,000 sq. ft.).
- (2)** Minimum front, side and rear yards shall be those required within the District in which the place of worship is located.

## **2.7 Surveillance Suites**

### **(1) Site Location**

A surveillance suite shall not be allowed within the front half of a principal building or within the required front yards of the site, and is subject to the requirements of Section 2.7(3) of Part 2 of this Schedule as well as the regulations of the District that apply to the site.

(2) Maximum Size

A surveillance suite shall not be larger in area than the principal building and shall not have more than one (1) bedroom or be larger than 75 sq. m (807 sq. ft.).

(3) Building Requirements

(a) The exterior treatment of a surveillance suite must be compatible with the design, character and appearance of the principal building, and comply with the provisions of Section 1.10 of Part 1 of this Schedule.

## **2.8 Multiple Dwelling Developments**

(1) Before any application for development of duplex, row housing or an apartment development can be considered, the applicant must submit to the Development Authority:

(a) design plans and working drawings, including elevations; and

(b) site plans showing the proposed:

(i) location and position of structures on the site, including any "For Rent" or identification signs,

(ii) location and number of parking spaces, exits, entries, and drives from roads, lanes, or highways,

(iii) location of an access to garbage storage areas, and the fencing and landscaping of these facilities, and

(iv) landscape plan of the entire site which shall also show intended surfacing for drives and parking areas.

(2) The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval. The Development Authority may require that security be provided to ensure that the conditions are satisfied.

- (3) The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans. All this information shall be provided to the satisfaction of the Development Authority.

## **2.9 Conversion of Single Family Dwellings to Commercial and/or Office Uses**

- (1) In considering any application for the conversion of a single family dwelling into a commercial and/or office use, the Development Authority shall ensure that the Development complies with the following requirements:
  - (a) Parking shall be provided in accordance with Section 1.14 of Part 1 of this Schedule, except that on-street parking may be taken into account and a number of on-street parking stalls subtracted from the number of off-street parking stalls required.
  - (b) Off-street parking shall be located at the rear of the principal building and accessible from the lane only, except in the case of a corner lot where parking may be allowed between the side of the principal building and the public roadway, if the parking is screened from adjacent public roadways to the satisfaction of the Development Authority.
  - (c) Where the conversion involves exterior renovation, such renovation shall be of a nature which maintains a height, exterior finish, design and coverage to the satisfaction of the Development Authority.
  - (d) Existing healthy vegetation should be retained whenever possible and to the satisfaction of the Development Authority.
  - (e) All signs shall be in keeping with the Sign Regulations of this Bylaw.

## **2.10 Amusement Game Machines and Electronic Games Arcades**

- (1) Any establishment containing amusement game machines as an accessory or principal use shall be located at least 150 m (500 ft.) from a principal school building. The minimum required distance from the principal school building to the location containing the amusement game

machine(s) shall be calculated using the shortest walking distance using roads, lanes, or public walkways between the two points.

- (2) Adequate space shall be provided for each amusement game machine so as to allow its use without overcrowding. There shall be a maximum of one (1) machine per 2.3 sq. m (25 sq. ft.) of net floor area (not including reception area, washrooms, and entrance and exit area).
- (3) A maximum of five (5) amusement game machines shall be considered as accessory to the following uses: convenience retail stores, shopping centres, hotels, and eating and drinking establishments. As accessory to these uses, amusement game machines may be allowed only if the floor area of such business is adequate, in the opinion of the Development Authority, to prevent overcrowding of patrons using the amusement game machines.
- (4) An amusement establishment in the form of an electronic games arcade may be allowed provided that:
  - (a) traffic circulation and parking (vehicular and bicycle) can be adequately accommodated; and
  - (b) the floor area of such businesses is adequate, in the opinion of the Development Authority, to prevent overcrowding of patrons using the amusement game machines.
- (5) Development permits shall be issued for a maximum of one (1) year only, and if the operator wishes to continue the use, must be renewed on an annual basis.

## **2.11 Communications Towers**

- (1) Unless demonstrated to be impractical, all transmission antennae shall be mounted on existing structures (including buildings and towers).
- (2) The tower base shall be setback from abutting parcels and roadways by a distance of twenty percent (20%) of the tower height or the distance between the tower base and guy wire anchors, whichever is greater, unless it can be shown that all ice-fall or debris from tower failure can be contained substantially onsite.
- (3) Guy wire anchors shall be setback at least 1 m (3 ft.) from any property line.
- (4) The maximum height of communication towers shall be 21 m (68 ft.).

- (5) Sites for commercial communication towers shall be fenced with suitable protective anti-climb fencing as required by the Development Authority.
- (6) All obsolete or unused facilities must be removed within twelve (12) months of cessation of operations at the site.

## **2.12 Private Swimming Pools**

### **(1) General Provision**

No private swimming pool shall be developed except as an accessory development to a dwelling or a group of dwellings.

### **(2) Entry Restrictions**

- (a) Every private swimming pool shall be secured against entry by the public other than owners, tenants or their guests.
- (b) No privately owned outdoor swimming pool shall be constructed unless fenced; except that a wall of a building may be considered to provide adequate protection for its length where substituted for any portion of the fence.
- (c) Every fence enclosing an outdoor swimming pool shall be at least 1.8 m (6 ft.) in height above the level of the grade outside the enclosure and shall be of an approved design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock located on the inside of the gate.
- (d) No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool shall be permitted.

### **(3) Safety Requirements**

A private swimming pool shall be provided with at least one (1) exit ladder or stair from the deepest part of the pool where the greatest dimension of the pool does not exceed 9 m (30 ft.). An additional ladder or stair is to be provided at the opposite end of the pool where the pool exceeds 9 m (30 ft.).

### **(3) Site Restrictions**

Swimming pools shall not be located within any required front yard.

### **2.13 Show Homes**

- (1) A development permit application for a show home shall be accompanied by information indicating:
  - (a) the location and area intended as the site for the show home,
  - (b) proposed parking, exterior lighting and signs.
- (2) Development permits shall be issued for a maximum of one (1) year only, and if the operator wishes to continue the use, must be renewed on an annual basis.
- (3) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

### **2.14 Day Cares**

- (1) In considering a development permit application, the Development Authority shall consider, among other matters, if the development would be suitable for the proposed location, taking into account, among other matters, potential traffic, proximity to park and recreation areas, isolation of the site from dwellings, buffering or other techniques limiting interference with other uses and the peaceful enjoyment of nearby dwellings, and consistency in term of intensity of use with other development in the area.
- (2) The Development Authority shall establish the maximum number of children for which care may be provided, having regard for the nature of the facility, the density of the District in which the day care is located, and potential impacts, including traffic, on the other uses in the vicinity of the development.
- (3) All day cares shall provide a fenced play area, with the location and size of the area and the composition and height of the fencing to be to the satisfaction of the Development Authority.

### **2.15 Manufactured Home Units**

- (1) Notwithstanding any other provision of this Bylaw to the contrary, no development permit shall be issued for the placement of a manufactured home unit which is more than five (5) years old within the RMHP District.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, no development permit shall be issued for the placement of a manufactured

home unit which is more than six (6) months old within the Town other than in the RMHP District.

## **PART 3 - DISTRICT PROVISIONS**

### **3.1 R1 - RESIDENTIAL (SINGLE FAMILY) DISTRICT**

#### **(1) Permitted Uses**

- (a) Home occupations - Minor
- (b) Public parks
- (c) Single family dwellings
- (d) Buildings and uses accessory to permitted uses

#### **(2) Discretionary Uses**

- (a) Bed and breakfasts
- (b) Day cares
- (c) Day homes
- (d) Family care facilities
- (e) Group care facilities
- (f) Home occupations - Major
- (g) In-law suites
- (h) Public utilities that have no office or workshop as a part of the development
- (i) Show homes
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

#### **(3) Regulations**

##### **(1) Maximum Site Coverage**

Maximum site coverage shall not exceed forty percent (40%) of the site. The principal building shall cover no more than thirty percent (30%) of the site.

##### **(2) Minimum Floor Area of Single Family Dwellings (Not including attached garage)**

1 Storey		111 sq. m	(1,200 sq. ft.)
1.5 Storey	- upper floor	37 sq. m	(400 sq. ft.)
	- lower floor(s)	70 sq. m	(750 sq. ft.)
Split level	- all floors	120 sq. m	(1,300 sq. ft.)
2 Storey	- upper floor	60 sq. m	(650 sq. ft.)

	-	lower floor	60 sq. m	(650 sq. ft.)
Bi-level	-	per floor	79 sq. m	(850 sq. ft.)

**(3) Minimum Site Depth**

34 m (112 ft.)

**(4) Minimum Site Width**

(a) For the purpose of determining the site width provided and compliance with this Subsection, site width shall be measured at the front or rear wall of the building.

(b) Minimum site width in the case of Roadway and Lane Systems

(i) for corner sites - 17 m (55 ft.)

(ii) for all other sites – 15 m (50 ft.)

(c) Minimum site width in the case of Laneless Systems

17 m (55 ft.)

(d) Minimum site width of pie-shaped lots shall be 8 m (25 ft.)

**(5) Minimum Site Area**

The minimum site area is the product of the minimum site depth and the minimum site width.

**(6) Maximum Height**

The height of buildings shall not exceed 10 m (33 ft.) nor 2½ storeys.

**(7) Minimum Required Front Yard**

6 m (20 ft.)

**(8) Minimum Required Side Yard**

(a) 1.5 m (5.0 ft.)

(b) Notwithstanding the above, where a site has vehicular access from the front only and where no attached garage is provided, one (1) side yard shall be a minimum of 3 m (10 ft.) to accommodate a driveway for vehicular passage to the rear of the site.

- (c) Where a corner site is considered by the Development Officer to not be double fronting, the minimum required side yard adjacent to the road shall be 4 m (13 ft.).

**(9) Minimum Required Rear Yard**

A rear yard shall be provided of not less than 8 m (25 ft.) provided that in the case of a corner site, the required yard next to a lane shall not be less than 5 m (16 ft.).

**(10) Parking and Loading**

- (a) Notwithstanding the provisions of Section 1.14 of Part 1 of this Schedule, parking spaces required for single family dwellings and modular units shall be to function as efficient loading and unloading spaces.
- (b) A front side or rear drive garage (either attached or detached) shall be provided for each dwelling.

**(11) Garages and Accessory Buildings**

Garages and accessory buildings shall be as regulated under Section 1.15 of Part 1 of this Schedule.

**(12) In-law Suites**

In-law suites shall not be larger than the principal dwelling on a site and shall be contained in the same building as the principal dwelling.

**(13) Landscaping and Amenity Areas**

- (a) Notwithstanding any other provision of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) There are no requirements in the R1 District for the provision of amenity area.

**(14) Architectural Controls**

- (a) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority shall consider any

architectural controls affecting the development prior to making a decision on an application for a development permit.

- (b) The exterior design of dwellings shall insure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines and elevational treatment of wall openings and finishing materials.

## 3.2 R1A - RESIDENTIAL (SPECIAL SINGLE FAMILY) DISTRICT

### (1) Permitted Uses

- (a) Home occupations - Minor
- (b) Public parks
- (c) Single family dwellings
- (d) Buildings and uses accessory to permitted uses

### (2) Discretionary Uses

- (a) Bed and breakfasts
- (b) Day cares
- (c) Day homes
- (d) Family care facilities
- (e) Group care facilities
- (f) Home occupations - Major
- (g) In-law suites
- (h) Public utilities that have no office or workshop as a part of the development
- (i) Show homes
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

### (3) Regulations

#### (1) Maximum Site Coverage

Maximum site coverage shall not exceed forty percent (40%) of the site.  
The principal building shall cover no more than thirty percent (30%) of the site.

#### (2) Minimum Floor Area of Single Family Dwellings (Not including attached garage)

1 Storey		167 sq. m	(1800 sq. ft.)
1.5 Storey	- upper floor	56 sq. m	(600 sq. ft.)
	- lower floor(s)	111 sq. m	(1200 sq. ft.)
Split level	- all floors	167 sq. m	(1800 sq. ft.)
2 Storey	- upper floor	93 sq. m	(1000 sq. ft.)
	- lower floor	93 sq. m	(1000 sq. ft.)
Bi-level	- per floor	139 sq. m	(1500 sq. ft.)

**(4) Minimum Site Depth**

34 m (112 ft.)

**(4) Minimum Site Width**

(a) For the purpose of determining the site width provided and compliance with this Subsection, site width shall be measured at the front or rear wall of the building.

(b) Minimum site width in the case of Roadway and Lane Systems

(i) for corner sites - 17 m (55 ft.)

(ii) for all other sites – 15 m (50 ft.)

(c) Minimum site width in the case of Laneless Systems

17 m (55 ft.)

(d) Minimum site width of pie-shaped lots shall be 8 m (25 ft.)

**(5) Minimum Site Area**

The minimum site area is the product of the minimum site depth and the minimum site width.

**(6) Maximum Height**

The height of buildings shall not exceed 10 m (33 ft.) nor 2½ storeys.

**(7) Minimum Required Front Yard**

6 m (20 ft.)

**(8) Minimum Required Side Yard**

(a) 1.5 m (5.0 ft.)

(b) Notwithstanding the above, where a site has vehicular access from the front only and where no attached garage is provided, one (1) side yard shall be a minimum of 3 m (10 ft.) to accommodate a driveway for vehicular passage to the rear of the site.

(c) Where a corner site is considered by the Development Officer to not be double fronting, the minimum required side yard adjacent to the road shall be 4 m (13 ft.).

**(9) Minimum Required Rear Yard**

A rear yard shall be provided of not less than 8 m (25 ft.) provided that in the case of a corner site, the required yard next to a lane shall not be less than 5 m (16 ft.).

**(10) Parking and Loading**

(a) Notwithstanding the provisions of Section 1.14 of Part 1 of this Schedule, parking spaces required for single family dwellings and modular units shall be to function as efficient loading and unloading spaces.

(b) A front side or rear drive garage (either attached or detached) shall be provided for each dwelling.

**(11) Garages and Accessory Buildings**

Garages and accessory buildings shall be as regulated under Section 1.15 of Part 1 of this Schedule.

**(12) In-law Suites**

In-law suites shall not be larger than the principal dwelling on a site and shall be contained in the same building as the principal dwelling.

**(13) Landscaping and Amenity Areas**

(a) Notwithstanding any other provision of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.

(b) There are no requirements in the R1A District for the provision of amenity area.

**(14) Architectural Controls**

(a) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority shall consider any architectural controls affecting the development prior to making a decision on an application for a development permit.

- (b) The exterior design of dwellings shall insure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines and elevational treatment of wall openings and finishing materials.

**(15) Basements**

All dwellings shall be constructed on a full-height basement which shall be, at a minimum, the same area as the first floor of the dwelling.

### **3.3 R2 - RESIDENTIAL (GENERAL) DISTRICT**

#### **(1) Permitted Uses**

- (a) Home occupations - Minor
- (b) Public parks
- (c) Semi detached dwelling units
- (d) Single family dwellings
- (e) Buildings and uses accessory to permitted uses

#### **(2) Discretionary Uses**

- (a) Bed and breakfasts
- (b) Day cares
- (c) Day homes
- (d) Duplexes
- (e) Family care facilities
- (f) Group care facilities
- (g) Home occupations - Major
- (h) In-law suites
- (i) Manufactured home units on lots where manufactured home units lawfully exist as of the date of the approval of this Bylaw
- (j) Public utilities that have no office or workshop as a part of the development
- (k) Show homes
- (l) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (m) Buildings and uses accessory to discretionary uses

#### **(3) Regulations**

##### **(1) Regulations for Single Family Dwellings**

Notwithstanding any other provisions of this Section, the regulations for single family dwellings in this District shall be the same as for single family dwellings in the R1 District.

##### **(2) Maximum Site Coverage**

Maximum site coverage shall not exceed forty percent (40%) of the site. The principal building shall cover no more than thirty percent (30%) of the site.

##### **(3) Minimum Floor Area of Dwellings other than In-law Suites (Not including attached garage)**

93 sq. m (1000 sq. ft.), excluding any stairways

**(3) Minimum Site Depth**

34 m (112 ft.)

**(4) Minimum Site Width**

(a) For the purpose of determining the site width provided and compliance with this Subsection, site width shall be measured at the front or rear wall of the building.

(b) Minimum site width in the case of Roadway and Lane Systems

(i) for corner sites - 14 m (46 ft.)

(ii) for all other sites - 11 m (36 ft.)

(c) Minimum site width in the case of Laneless Systems

(i) for corner sites - 14.5 m (48 ft.)

(ii) for all other sites - 12 m (40 ft.)

**(5) Maximum Height**

The height of buildings shall not exceed 10 m (33 ft.) nor 2½ storeys.

**(6) Minimum Required Front Yard**

6 m (20 ft.)

**(7) Minimum Required Side Yard**

(a) 1.5 m (5.0 ft.) on one side, nil on the other

(b) Notwithstanding the above, where a site has vehicular access from the front only and where no attached garage or carport is provided, one (1) side yard shall be a minimum of 3 m (10 ft.) to accommodate a driveway for vehicular passage to the rear of the site in a roadway and lane system, and a minimum of 4 m (13 ft.) in a laneless system.

- (c) Where a corner site is considered by the Development Officer to not be double fronting, the minimum required side yard adjacent to the road shall be 5 m (16 ft.).

**(8) Minimum Required Rear Yard**

A rear yard shall be provided of not less than 8 m (25 ft.) provided that in the case of a corner site, the required yard next to a lane shall not be less than 5 m (16 ft.).

**(9) Parking and Loading**

- (a) Notwithstanding the provisions of Section 1.14 of Part 1 of this Schedule, parking spaces required for dwellings shall be to function as efficient loading and unloading spaces.
- (b) Parking areas shall be provided for each dwelling unit such that a garage (either attached or detached) may be built in the future which will comply with all the requirements of this Bylaw.

**(10) Garages and Accessory Buildings**

- (a) Garages and accessory buildings shall be as regulated under Section 1.15 of Part 1 of this Schedule.
- (b) Where an open carport is attached to the dwelling, the minimum side yard shall not be less than 1.5 m (5 ft.).

**(11) In-law Suites**

In-law suites shall not be larger than the principal dwelling on a site and shall be contained in the same building as the principal dwelling.

**(12) Landscaping and Amenity Areas**

- (a) Notwithstanding any other provision of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) There are no requirements in the R2 District for the provision of amenity area.

**(13) Architectural Controls**

- (a) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority shall consider any architectural controls affecting the development prior to making a decision on an application for a development permit.
- (b) The exterior design of dwellings shall insure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines and elevational treatment of wall openings and finishing materials.

### **3.4 R2A - RESIDENTIAL (MANUFACTURED HOME) DISTRICT**

#### **(1) Permitted Uses**

- (a) Home occupations - Minor
- (b) Manufactured home units
- (c) Public parks
- (d) Buildings and uses accessory to permitted uses

#### **(2) Discretionary Uses**

- (a) Bed and breakfasts
- (b) Day cares
- (c) Day homes
- (d) Duplexes
- (e) Family care facilities
- (f) Group care facilities
- (g) Home occupations - Major
- (h) Public utilities that have no office or workshop as a part of the development
- (i) Show homes
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses

#### **(3) Regulations**

##### **(1) Maximum Site Coverage**

Maximum site coverage shall not exceed forty percent (40%) of the site.  
The principal building shall cover no more than thirty percent (30%) of the site.

##### **(2) Minimum Floor Area of Manufactured Home Units**

75 sq. m (808 sq. ft.)

##### **(3) Minimum Site Depth**

38 m (125 ft.)

##### **(4) Minimum Site Width**

(a) For the purpose of determining the site width provided and compliance with this Subsection, site width shall be measured at the front or rear wall of the building.

(b) Minimum site width

(i) for corner sites – 14.5 m (48 ft.)

(ii) for all other sites - 12 m (40 ft.)

**(5) Maximum Height**

The height of buildings shall not exceed 8 m (26 ft.) nor 2 storeys.

**(6) Minimum Required Front Yard**

6 m (20 ft.)

**(7) Minimum Required Side Yard**

(a) 1.5 m (5.0 ft.) on one side, nil on the other

(b) Notwithstanding the above, where no attached garage or carport is provided, one (1) side yard shall be a minimum of 4 m (13 ft.).

(c) Where a corner site is considered by the Development Officer to not be double fronting, the minimum required side yard adjacent to the road shall be 5 m (16 ft.).

**(8) Minimum Required Rear Yard**

A rear yard shall be provided of not less than 8 m (25 ft.) provided that in the case of a corner site, the required yard next to a lane shall not be less than 5 m (16 ft.).

**(9) Parking and Loading**

(a) Notwithstanding the provisions of Section 1.14 of Part 1 of this Schedule, parking spaces required for manufactured home units shall be to function as efficient loading and unloading spaces.

(b) Parking areas shall be provided for each manufactured home unit such that a garage (either attached or detached) may be built in the future which will comply with all the requirements of this Bylaw.

**(10) Garages and Accessory Buildings**

- (a) Garages and accessory buildings shall be as regulated under Section 1.15 of Part 1 of this Schedule.
- (b) Where an open carport is attached to the manufactured home unit, the minimum side yard shall not be less than 1.5 m (5 ft.).

**(11) In-law Suites**

In-law suites shall not be allowed in the R2A District.

**(12) Landscaping and Amenity Areas**

- (a) Notwithstanding any other provision of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) There are no requirements in the R2A District for the provision of amenity area.

**(13) Architectural Controls**

- (a) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority shall consider any architectural controls affecting the development prior to making a decision on an application for a development permit.
- (b) The exterior design of dwellings shall insure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines and elevational treatment of wall openings and finishing materials.

**(14) Manufactured Home Units**

- (a) Manufactured home units shall be allowed only if, in the opinion of the Development Authority, all of the following conditions are met:
  - (i) the manufactured home unit is sited to the satisfaction of the Development Authority, and meets the standard of appearance satisfactory to the Development Authority;

- (ii) the manufactured home unit is securely attached to a permanent concrete foundation;
  - (iii) landscaping is undertaken to the satisfaction of the Development Authority'
  - (iv) all the applicable regulations of Section 3.6(3)(2) of Part 3 of this Schedule are satisfied;
  - (v) current photographs showing all sides of the manufactured home unit are submitted with the development permit application, together with an indication by the applicant of how any deficiencies in the manufactured home unit are to be corrected; and.
  - (vi) a proposed plan of development is submitted with the development permit application which shows the location of all existing developments on adjacent properties.
- (b) Notwithstanding that manufactured home units are permitted uses, the Development Authority may refuse to approve a development permit application for a manufactured home unit in the R2A District if, in his sole opinion, the manufactured home unit will not be of a satisfactory quality or if the proposed plan of development does not provide acceptable spacing, taking into account adjacent manufactured home units and adjacent dwellings in adjacent Districts.

### **3.5 R3 - RESIDENTIAL (MEDIUM DENSITY) DISTRICT**

#### **(1) Permitted Uses**

- (a) Duplexes
- (b) Home occupations - Minor
- (c) Ground-oriented multi-family dwellings
- (d) Public parks
- (e) Buildings and uses accessory to permitted uses

#### **(2) Discretionary Uses**

- (a) Day cares
- (b) Family care facilities
- (c) Group care facilities
- (d) Home occupations - Major
- (e) Public utilities that have no office or workshop as a part of the development
- (f) Show homes
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

#### **(3) Regulations**

##### **(1) Regulations for Duplexes**

Notwithstanding any other provisions of this Section, the regulations for duplexes in this District shall be the same as for duplexes in the R2 District.

##### **(2) Maximum Site Coverage**

Maximum site coverage shall not exceed thirty-five percent (35%) of the site. Dwellings shall cover no more than twenty-five percent (25%) of the site. Landscaping shall cover a minimum of thirty-five percent (35%) of the site.

##### **(3) Maximum Density of Dwelling Units**

The maximum density of dwelling units shall be 30 units per ha (12 units per ac.) of that portion of the site upon which the development is proposed. This maximum may be increased up to 35 units per ha (14 units

per ac.) at the sole discretion of the Development Authority if, in his sole opinion, the proposed project and the site warrant such an increase.

**(4) Minimum Floor Area of Dwellings (Not including attached garage)**

70 sq. m (753.5 sq. ft.)

**(5) Minimum Site Depth**

34 m (112 ft.)

**(6) Minimum Site Width**

(a) For corner sites – 27 m (90 ft.)

(b) For all other sites – 24 m (80 ft.)

(c) For condominium plans, the minimum width of the individual units shall be as follows:

(i) for corner units - 12 m (40 ft.)

(ii) for all other units - 11 m (36 ft.)

**(7) Minimum Site Area**

(a) For condominium plans, the minimum site area of the individual units shall be 374 sq. m (4026 sq. ft.)

(b) For all other developments, the minimum site area shall be 816 sq. m (8784 sq. ft.).

**(8) Maximum Height**

The height of buildings shall not exceed 11 m (36 ft.) nor 3 storeys.

**(9) Minimum Required Front Yard**

(a) For one storey – 6 m (20 ft.)

(b) For all other developments – 8 m (26 ft.)

**(10) Minimum Required Side Yard**

3 m (10 ft.) or one half the height of the building, whichever is the greater.

**(11) Minimum Required Rear Yard**

8 m (25 ft.) or one-half the height of the building, whichever is the greater.

**(12) Parking and Loading**

Parking and loading spaces shall be provided in accordance with the provisions of Sections 1.13 and 1.14 of Part 1 of this Schedule.

**(13) Garages and Accessory Buildings**

Garages and accessory buildings shall be as regulated under Section 1.15 of Part 1 of this Schedule.

**(14) Landscaping and Amenity Areas**

- (a) Notwithstanding any other provision of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) In multi-family developments, a minimum of 40 sq. m (431 sq. ft.) of amenity area must be provided for each dwelling unit up to ten (10) units, with an additional 3 sq. m (32 sq. ft.) for each unit above ten (10) units, which shall be aggregated into areas of not less than 50 sq. m (538 sq. ft.). This area shall be used as children's play space or other passive or active recreational space, and recreation equipment shall be provided on this area to the satisfaction of the Development Authority.
- (c) In ground-oriented multi-family dwelling developments, a fenced private outdoor amenity area of at least 21 sq. m (226 sq. ft.) must be provided for each dwelling unit.
- (d) A screen fence shall be required along the side property line between any multi-family development and an abutting single family dwelling or District. The height of the screen fence shall be at the discretion of the Development Authority, but shall not be less than 1 m (3 ft.).

**(15) Architectural Controls**

- (a) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority shall consider any

architectural controls affecting the development prior to making a decision on an application for a development permit.

- (b) The exterior design of dwellings shall insure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines and elevational treatment of wall openings and finishing materials.

## **3.6 R4 - RESIDENTIAL (HIGHER DENSITY) DISTRICT**

### (1) Permitted Uses

- (a) Apartments
- (b) Home occupations - Minor
- (c) Public parks
- (d) Buildings and uses accessory to permitted uses

### (2) Discretionary Uses

- (a) Day cares
- (b) Home occupations - Major
- (c) Public utilities that have no office or workshop as a part of the development
- (d) Senior citizens' housing
- (e) Show homes
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (g) Buildings and uses accessory to discretionary uses

### (3) Regulations

#### (1) **Maximum Site Coverage**

Maximum site coverage shall not exceed thirty-five percent (35%) of the site. Dwellings shall cover no more than twenty-five percent (25%) of the site. Landscaping shall cover a minimum of thirty-five percent (35%) of the site.

#### (2) **Maximum Density of Dwelling Units**

The maximum density of dwelling units shall be 90 units per ha (36.4 units per ac.) of that portion of the site upon which the development is proposed. This maximum may be increased up to 120 units per ha (48.6 units per ac.) at the sole discretion of the Development Authority if, in his sole opinion, the proposed project and the site warrant such an increase.

#### (3) **Minimum Floor Area of Dwellings**

- (a) dwelling unit in senior citizens' housing - 42 sq. m (450 sq. ft.)
- (b) all other dwelling units – 51 sq. m (550 sq. ft.)

**(4) Minimum Site Depth**

34 m (112 ft.)

**(5) Minimum Site Width**

(a) For corner sites – 27 m (90 ft.)

(b) For all other sites – 24 m (80 ft.)

**(6) Minimum Site Area**

The minimum site area for an apartment shall be sufficient to allow for on-site parking at the side or rear of the principal building, all required yards, unobstructed emergency vehicular access to the building, and space for such other activities or things as required by the Development Authority, but in no instance shall be less than 816 sq. m (8784 sq. ft.).

**(7) Maximum Height**

The height of buildings shall not exceed 11 m (36 ft.) nor 3 storeys.

**(8) Minimum Required Front Yard**

8 m (26 ft.)

**(9) Minimum Required Side Yard**

(a) 3 m (10 ft.) or one half the height of the building, whichever is the greater.

(b) Notwithstanding the above, the required side yard may be reduced at the sole discretion of the Development Authority for senior citizens' housing if, in his sole opinion, such reduction will not adversely affect the amenities of the proposed development or of surrounding developments.

**(10) Minimum Required Rear Yard**

8 m (25 ft.) or one-half the height of the building, whichever is the greater.

**(11) Parking and Loading**

Parking and loading spaces shall be provided in accordance with the provisions of Sections 1.13 and 1.14 of Part 1 of this Schedule.

**(12) Garages and Accessory Buildings**

Garages and accessory buildings shall be as regulated under Section 1.16 of Part 1 of this Schedule.

**(13) Landscaping and Amenity Areas**

- (a) Notwithstanding any other provision of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) In apartment developments, a minimum of 40 sq. m (431 sq. ft.) of amenity area must be provided for each dwelling unit up to ten (10) units, with an additional 3 sq. m (32 sq. ft.) for each unit above ten (10) units, which shall be aggregated into areas of not less than 50 sq. m (538 sq. ft.). This area shall be used as children's play space or other passive or active recreational space, and recreation equipment shall be provided on this area to the satisfaction of the Development Authority.
- (c) A screen fence shall be required along the side property line between any apartment development and an abutting single family dwelling or District. The height of the screen fence shall be at the discretion of the Development Authority, but shall not be less than 1 m (3 ft.).

**(14) Architectural Controls**

- (a) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority shall consider any architectural controls affecting the development prior to making a decision on an application for a development permit.
- (b) The exterior design of dwellings shall insure individuality and variety within a unified project and this shall require consideration of setbacks, unit entrances and orientation, massing, roof lines and elevational treatment of wall openings and finishing materials.

### **3.7 RMHP - RESIDENTIAL (MANUFACTURED HOME PARK) DISTRICT**

#### **(1) Permitted Uses**

- (a) Home occupations - Minor
- (b) Manufactured home units
- (c) Public parks
- (d) Buildings and uses accessory to permitted uses

#### **(2) Discretionary Uses**

- (a) Home occupations - Major
- (b) Manufactured home parks
- (c) Places of worship
- (d) Public utilities that have no office or workshop as a part of the development
- (e) Show homes
- (f) Single family dwellings
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (h) Buildings and uses accessory to discretionary uses

#### **(3) Regulations**

##### **(1) Regulations for Single Family Dwellings and Modular units**

Notwithstanding any other provisions of this Section, the regulations for single family dwellings and modular units in this District shall be the same as for single family dwellings in the R1 District.

##### **(2) Development Requirements**

Prior to the granting of a development permit for a manufactured home park, the developer shall enter into an agreement with the municipality specifying the respective obligations to be assumed by the developer and the municipality regarding:

- (a) the establishment, operation and maintenance of service during the life of the manufactured home park for:
  - (i) storm sewers and drainage ditches
  - (ii) sanitary sewers
  - (iii) water, power, gas
  - (iv) roadways, sidewalks, walkways, curbs

- (v) snow clearance
  - (vi) garbage collection
  - (vii) fire fighting equipment
  - (viii) parks, playgrounds and buffers, and
  - (ix) any other service deemed necessary by the Municipality.
- (b) the standards of construction for all the services,
  - (c) the manner in which costs of providing the services are to be met,
  - (d) the periods of time for the completion of construction or installation of the services, and
  - (e) such other matters as may be deemed necessary by the Council.

**(3) General Regulations**

- (a) Manufactured home units shall have Canadian Standard Association Certification and be suitable for residential dwellings under the Safety Codes Act.
- (b) All accessory structures, such as patios, porches, additions and skirtings, shall be
  - (i) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units,
  - (ii) considered as part of the main building, and
  - (iii) erected only after obtaining a development permit.
- (c) A manufactured home unit shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home unit.
- (d) The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit, and this relationship shall be determined by the Development Authority.
- (e) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home unit.
- (f) Any furniture, domestic equipment, or seasonally used equipment shall be stored in adequate covered storage or screened area, either

individually on the site or communally, which shall conform to Provincial regulations.

- (g) The following regulations apply to manufactured home units located in all subdivisions:
  - (i) The hitch and wheels are to be removed from the manufactured home unit.
  - (ii) All manufactured home units shall be placed on a foundation or base. The manufactured home unit is to be attached by means of bolting or otherwise to the foundation or base.
  - (iii) The site is to be fully landscaped within one (1) year from the date of issuance of the development permit.
  - (iv) Minimum lot area and width may be less in the case of existing registered sub-standard lots, with the approval of the Development Authority.
  
- (h) The following regulations also apply to manufactured home parks:
  - (i) The stalls shall be located at least 3 m (10 ft.) from a property boundary line. This 3 m (10 ft.) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
  - (ii) All roadways shall be built and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9 m (30 ft.).
  - (iii) A safe, convenient, all season pedestrian walkway of at least 1 m (3 ft.) in width shall be provided for access between individual manufactured home units, the park roadways, and all community facilities provided for park residents.
  - (iv) Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured home units. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
  - (v) The design of manufactured home parks shall be to the satisfaction of the Development Authority.

- (vi) All municipal utilities shall be provided underground to stalls.
- (vii) A minimum of five percent (5%) of the gross site area shall be devoted to recreational use
- (viii) All areas not occupied by manufactured home units and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
- (ix) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.
- (x) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (xi) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- (xii)
  - (1) Only one main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.
  - (2) Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- (xiii) Manufactured home units shall be separated from each other by at least 3 m (10 ft.) in all directions, and by at least 4.5 m (15 ft.) in all directions when either unit has a

window on the subject side. Any porch or addition to the manufactured home unit shall be regarded as part of the manufactured home unit for the purpose of this separation.

**(4) Maximum Site Coverage**

Maximum site coverage of a manufactured home unit shall not exceed thirty-five percent (35%) of the stall on which it is located. All development shall cover no more than forty percent (40%) of any stall.

**(5) Maximum Density of Manufactured Home Units**

The maximum density of dwelling units shall be 20 units per ha (8 units per ac.).

**(6) Minimum Floor Area of Manufactured Home Units**

- (a) single wide units – 74 sq. m (800 sq. ft.)
- (b) double wide units – 111 sq. m (1,200 sq. ft.)

**(7) Minimum Site Area**

- (a) For manufactured home park – 2 ha (5 ac.)
- (b) For manufactured home stalls – 375 sq. m (4036 sq. ft.)

**(8) Minimum Required Yards**

- (a) From roads – 8 m (26 ft.)
- (b) From all other property lines – 4.5 m (15 ft.)

**(9) Minimum Required Setbacks within Stalls**

- (a) From internal roadways or parking areas - 3 m (10 ft.)
- (b) From all other stall boundaries – 1.2 m (4 ft.)

**(10) Minimum Required Distance between Manufactured Home Units**

4.5 m (15 ft.)

**(11) Parking and Loading**

- (a) Parking spaces shall be provided in accordance with the provisions of Section 1.14 of Part 1 of this Schedule.
- (b) In addition to the requirements of Section 1.14 of Part 1 of this Schedule, at least three (3) parking spaces for each two (2) manufactured home units, which are identified as being for visitors' parking, shall be provided at locations within the manufactured home park which are satisfactory to the Development Authority.
- (c) Adequate loading spaces shall be provided in numbers and locations to the satisfaction of the Development Authority.

**(12) Landscaping and Amenity Areas**

- (a) Notwithstanding any other provision of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) All areas of a manufactured home park not occupied by manufactured homes, buildings, roadways, or pedestrian pathways shall be landscaped to the satisfaction of the Development Authority.
- (c) A screen fence shall be provided along any property line between a manufactured home park and an abutting Residential. The height of the screen fence shall be at the discretion of the Development Authority, but shall not be less than 1 m (3 ft.), nor exceed 2 m (6 ft.).

## **3.8 C1 – COMMERCIAL (CENTRAL) DISTRICT**

### **(1) Permitted Uses**

- (a) Clinics
- (b) Eating and drinking establishments
- (c) General retail stores
- (d) Hotels
- (e) Household repair services
- (f) Office uses
- (g) Parking areas
- (h) Personal service shops
- (i) Public parks
- (j) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Amusement establishments
- (b) Commercial schools
- (c) Day cares
- (d) Dwellings existing as of July 1, 2002
- (e) Equipment rental
- (f) Funeral parlours
- (g) Institutional uses
- (h) Liquor stores
- (i) Motels
- (j) Private clubs and lodges
- (k) Public uses
- (l) Public utilities
- (m) Recorded media sales and rental establishments
- (n) Recreational uses
- (o) Second hand stores
- (p) Secondary commercial uses
- (q) Service stations
- (t) Shopping centres
- (s) Signs which are not accessory to a permitted or a secondary use
- (t) Theatres
- (u) Dwelling units in a building in which any of the above mentioned permitted or discretionary uses (other than dwellings existing as of July 1, 2002) are located
- (v) If the floor space area used is not greater than 372 sq. m (4000 sq. ft.), the manufacture or treatment of products essential to the retail business conducted on the premises, for example:
  - a bakery
  - a dyeing or cleaning plant or establishment
  - the manufacture of candy, confectionary, ice cream or jam

- ceramics manufacture

- (w) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (x) Buildings and uses accessory to discretionary uses

### (3) Regulations

#### (1) **Maximum Site Coverage**

One hundred percent (100%) of site coverage shall be allowed, provided that adequate provision is made for parking spaces, loading spaces, and garbage collection facilities.

#### (2) **Minimum Lot Area**

No new lot shall be created by subdivision with an area of less than 150 sq. m (1614 sq. ft.), a width of less than 6 m (20 ft.), or a depth of less than 30 m (100 ft.).

#### (3) **Maximum Height**

The height of buildings shall not exceed 12 m (40 ft.), nor 2 storeys, nor the maximum height in an adjoining District, whichever is less.

#### (4) **Minimum Required Front Yard**

None

#### (5) **Minimum Required Side Yard**

- (a) None.
- (a) Notwithstanding Subsection (a), the minimum required side yard adjacent to a Residential District shall be 8 m (25 ft.).

#### (6) **Minimum Required Rear Yard**

None, provided that adequate provision is made for parking spaces, loading spaces, and garbage collection facilities.

#### (7) **Parking and Loading**

- (a) Parking spaces shall be provided in accordance with Section 1.14 of Part 1 of this Schedule.
- (b) Each site shall have access to a lane at the side or rear of the site.

- (c) Loading spaces shall be provided in accordance with Section 1.13 of Part 1 of this Schedule.

**(8) Outdoor Storage**

No outdoor storage of goods, materials, machinery or supplies shall be allowed in this District.

**(9) Regulations for Dwellings Existing as of July 1, 2002**

The Regulations for single family dwellings in the R2 District shall apply to development related to dwellings existing as of July 1, 2002.

**(10) Landscaping and Amenity Areas**

- (a) Notwithstanding any provisions of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) There are no requirements in the C1 District for the provision of amenity area.
- (c) When a development in the C1 District is proposed adjacent to a R1 District, a buffer shall be provided and maintained to the satisfaction of the Development Authority. The buffer may be comprised of any or all of the following:
  - (i) landscaped greenspace,
  - (ii) closed or open fencing,
  - (iii) trees, and
  - (iv) earth berming.

**(11) Signs**

Signs shall be developed in accordance with Schedule B of this Bylaw.

**(12) Dwelling Units in a Building Where Commercial Uses are Located**

The following regulations shall apply to dwelling units:

- (a) Dwelling units shall be allowed only in buildings where the first storey or part of the first storey is used for commercial purposes;
- (b) Dwelling units shall have access at grade which is separate from the access for a commercial use;
- (c) Dwelling units shall be developed in accordance with the regulations of the R4 District, excepting minimum required yard and site coverage regulations which shall be at the discretion of the Development Authority.
- (d) Dwelling units shall be developed in accordance with the regulations for surveillance suites in Section 2.7 of Part 2 of this Schedule, excepting minimum required yard and site coverage regulations which shall be at the discretion of the Development Authority.

## **3.9 C2 – COMMERCIAL (HIGHWAY) DISTRICT**

### **(1) Permitted Uses**

- (a) Clinics
- (b) Commercial schools
- (c) Drive-in businesses
- (d) Eating and drinking establishments
- (e) Equipment rental
- (f) General retail stores
- (g) Hotels
- (h) Household repair services
- (i) Motels
- (j) Office uses
- (k) Parking areas
- (l) Personal service shops
- (m) Private clubs and lodges
- (n) Secondary commercial uses
- (o) Service stations
- (p) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Amusement establishments
- (b) Auctioneering establishments
- (c) Automotive and equipment repair shops
- (d) Contractor services
- (e) Day cares
- (f) Dwellings existing as of July 1, 2002
- (g) Funeral parlours
- (h) Institutional uses
- (i) Liquor stores
- (j) Public uses
- (k) Public utilities
- (l) Recorded media sales and rental establishments
- (m) Recreational uses
- (n) Recycling depots
- (o) Second hand stores
- (p) Signs which are not accessory to a permitted or a discretionary use
- (q) Surveillance suites
- (r) Veterinary services
- (s) If the floor space area used is not greater than 372 sq. m (4000 sq. ft.), the manufacture or treatment of products essential to the retail business conducted on the premises, for example:
  - a bakery
  - a dyeing or cleaning plant or establishment

- the manufacture of candy, confectionary, ice cream or jam
- ceramics manufacture
- (t) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (u) Buildings and uses accessory to discretionary uses

### (3) Regulations

#### (1) **Maximum Site Coverage**

Maximum site coverage shall not exceed eighty percent (80%) of the site, provided that adequate provision is made for parking spaces, loading spaces, and garbage collection facilities.

#### (2) **Minimum Lot Area**

No new lot shall be created by subdivision with an area of less than 185 sq. m (2,000 sq. ft.), a width of less than 6 m (20 ft.), or a depth of less than 30 m (100 ft.).

#### (3) **Maximum Height**

The height of buildings shall not exceed 12 m (40 ft.) nor 2 storeys.

#### (4) **Minimum Required Front Yard**

- (a) 8 m (25 ft.)
- (b) A buffer of a minimum of 6 m (20 ft.) shall be required adjacent to a highway right-of-way within which no facilities or development, including parking spaces and signs, may be erected.

#### (5) **Minimum Required Side Yard**

- (a) The minimum required side yard shall be 10 percent of the width of the site or 4.5 m (15 ft.), whichever is the lesser.
- (b) Notwithstanding Subsection (a), the minimum required side yard may be reduced to as little as 1.5 m (5 ft.) at the sole discretion of the Development Authority if, in his opinion, the location of buildings and appearance of the site would be improved.

#### (6) **Minimum Required Rear Yard**

- (a) The minimum rear yard shall be 6 m (20 ft.) for the first storey and 8 m (25 ft.) for storeys above the first.

- (b) Notwithstanding Subsection (a), the minimum required rear yard may be reduced to as little as 1.5 m (5 ft.) at the sole discretion of the Development Authority if, in his opinion, the location of buildings and the appearance of the site would be improved.
- (b) Notwithstanding Subsections (a) and (b), upper storeys of the building may extend to the rear property line
- (d) Notwithstanding Subsections (a), (b) and (c), the minimum required rear yard adjacent to a Residential District shall be 8 m (25 ft.) at all storeys.

**(7) Parking and Loading**

- (a) Parking spaces shall be provided in accordance with Section 1.14 of Part 1 of this Schedule.
- (b) Loading spaces shall be provided in accordance with Section 1.13 of Part 1 of this Schedule.
- (c) The number and design of any accesses provided to a highway from a development or service road shall be to the satisfaction of the Development Authority and Alberta Transportation.

**(8) Regulations for Dwellings Existing as of July 1, 2002**

The Regulations for single family dwellings in the R2 District shall apply to development related to dwellings existing as of July 1, 2002.

**(9) Landscaping and Amenity Areas**

- (a) Notwithstanding any provisions of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (b) There are no requirements in the C2 district for the provision of amenity area.
- (c) When a development in the C2 District is proposed adjacent to a R1 District, a buffer shall be provided and maintained to the satisfaction of the Development Authority. The buffer may be comprised of any or all of the following:

- (i) landscaped greenspace,
- (ii) closed or open fencing,
- (iii) trees, and
- (iv) earth berming.

**(10) Signs**

Signs shall be developed in accordance with Schedule C of this Bylaw.

**(11) Surveillance Suites**

Surveillance suites shall be developed in accordance with the regulations for dwelling units in the C1 District.

## **3.10 M1 - INDUSTRIAL DISTRICT**

### **(1) Permitted Uses**

- (a) Auctioneering establishments
- (b) Contractor services
- (c) Equipment rentals
- (d) General industrial uses
- (e) Office uses
- (f) Public uses
- (g) Secondary commercial uses
- (h) Service stations
- (i) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Amusement establishments
- (b) Contractor services
- (c) Convenience retail stores
- (d) Drive-in businesses
- (e) Grain elevators
- (f) Greenhouses and plant nurseries
- (g) Institutional uses
- (h) Outdoor storage facilities
- (i) Public utilities
- (j) Recreational uses
- (k) Recycling depots
- (l) Retail stores as an accessory to a manufacturing or fabrication use
- (m) Surveillance suites
- (n) Veterinary services
- (o) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (p) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

#### **(1) General Regulations**

No development shall be allowed in the M1 District that, in the sole opinion of the Development Authority, is likely to be offensive or objectionable, or to create a nuisance.

#### **(2) Maximum Site Coverage**

Maximum site coverage shall not exceed fifty percent (50%) of the site area unless the site is served or intended to be served by a sewage collection system, a water distribution system and a storm drainage system, in which case the maximum site coverage shall be sixty percent (60%) of the site area.

**(3) Minimum Site Area**

Minimum site area shall be based on the merits and needs of a proposed development but shall not be less than 0.6 hectares (1.5 acre) unless the development is intended to be served by a sewage collection system, a water distribution system and a storm drainage system; in which case the minimum site area shall be at the sole discretion of the Development Authority, who shall assess the minimum site area in relation to the actual development proposed.

**(4) Maximum Building Height**

The height of buildings shall not exceed 12 m (40 ft.), excluding grain elevators.

**(5) Minimum Required Front Yard**

- (a) 6 m (20 ft.)
- (b) Notwithstanding Subsection (a), no loading space, parking space, or outdoor storage area, or any other like facility, shall be permitted within 6 m (20 ft.) of the front yard. However, the front yard may be used for such facilities as walkways or driveways.

**(6) Minimum Required Side Yard**

- (a) All buildings shall provide one (1) side yard of not less than 6 m (20 ft.).
- (b) Buildings need not provide a second side yard; however, where a second side yard is provided, it shall not be less than 3 m (10 ft.).

**(7) Minimum Required Rear Yard**

At the discretion of the Development Authority, but in no case shall a rear yard be less than 5 m (16 ft.) where abutting a railway line.

**(8) Parking and Loading**

- (a) Parking spaces shall be provided in accordance with Section 1.14 of Part 1 of this Schedule.
- (b) Each site shall have access to a lane at the side or rear of the site.
- (c) Loading spaces shall be provided in accordance with Section 1.13 of Part 1 of this Schedule.
- (d) Each development shall have not more than two (2) approaches to any road and shall be laid out having regard to continuity of traffic flow, safety of vehicles and avoidance of dangerous intersections to the satisfaction of the Development Authority.

**(9) Outdoor Storage**

- (a) Outdoor storage shall be allowed only when accessory to a principal use or when it is deemed by the Development Authority to be a temporary development.
- (b) An outdoor storage area shall be screened to the height considered necessary by the Development Authority to screen the storage of materials.

**(10) Landscaping and Amenity Areas**

- (a) All yards shall be landscaped with trees, shrubs and planted groundcover in accordance with plans approved by the Development Authority. The entire site and all buildings shall be maintained in a neat, tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- (b) Notwithstanding any provisions of this Bylaw to the contrary, as a condition of the approval of a development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority and within twelve months of occupancy or commencement of operation of the development.
- (c) There are no requirements in the M1 district for the provision of amenity area.
- (d) When a development in the M1 District is proposed adjacent to a Residential District, a public park or a recreational use, a buffer shall be provided and maintained to the satisfaction of the Development Authority. The buffer may be comprised of any or all of the following:

- (i) landscaped greenspace,
- (ii) closed or open fencing,
- (iii) trees, and
- (iv) earth berming.

**(11) Architectural Controls**

Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority shall consider any architectural controls affecting the development prior to making a decision on an application for a development permit.

**(12) Signs**

Signs shall be developed in accordance with Schedule C of this Bylaw.

**(13) Surveillance Suites**

Surveillance suites shall be developed in accordance with the regulations for dwelling units in the C1 District.

## **3.11 P – PARKS AND RECREATION DISTRICT**

### **(1) Permitted Uses**

- (a) Public parks
- (b) Recreational uses
- (c) Buildings and uses accessory to permitted uses

### **(2) Discretionary Uses**

- (a) Eating and drinking establishments which are accessory to permitted or discretionary uses
- (b) Public uses
- (c) Public utilities
- (d) Schools, not including commercial schools
- (e) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (f) Buildings and uses accessory to discretionary uses

### **(3) Regulations**

#### **(1) General Regulations**

- (a) All regulations shall be as required by the Development Authority
- (b) The design, siting, landscaping, screening and buffering of development in the P District shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Districts.

#### **(2) Parking and Loading**

Parking spaces shall be provided in accordance with Section 1.14 of Part 1 of this Schedule.

## 3.12 US – URBAN SERVICES DISTRICT

### (1) Permitted Uses

- (a) Libraries
- (b) Places of worship
- (c) Public parks
- (d) Recreational uses
- (e) Schools, not including commercial schools
- (f) Buildings and uses accessory to permitted uses

### (2) Discretionary Uses

- (a) Uses which are listed as permitted or discretionary uses in the P District which are not listed as permitted uses in this District
- (b) Cemeteries
- (c) Clinics
- (d) Community recreation services
- (e) Day cares
- (f) Family care facilities
- (g) Fire halls
- (h) Group care facilities
- (i) Hospitals
- (j) Private clubs and lodges
- (k) Senior citizens apartments and lodges
- (l) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (m) Buildings and uses accessory to discretionary uses

### (3) Regulations

#### (1) General Regulations

- (a) All regulations shall be as required by the Development Authority
- (b) The design, siting, landscaping, screening and buffering of development in the US District shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Districts.

#### (2) Parking and Loading

Parking spaces shall be provided in accordance with Section 1.14 of Part 1 of this Schedule.

## **3.13 DC - DIRECT CONTROL DISTRICT**

### **(1) General Purpose of District**

This district is intended to provide Council with direct control over the use and design of development in areas of unique character or special environmental concern. To assist Council in its decisions, an Area Redevelopment Plan or an Area Structure Plan for the subject area may be required by Council.

### **(2) Discretionary Uses**

Council may permit any use in this District which is consistent with stated policies and statutory plans affecting the area.

### **(3) Development Regulations**

A development may be evaluated by Council with respect to its compliance with:

- (a) the objectives and policies of an applicable Statutory Plan;
- (b) the regulations of this Bylaw; and
- (c) the regulations of adjacent Districts.

## **3.14 UR - URBAN RESERVE DISTRICT**

### (1) Permitted Uses

- (a) Cultivation of land, but not including the keeping of livestock, whether or not the keeping of livestock is considered to be a confined feeding operation which requires either a registration or an approval in accordance with the Regulations under the Agricultural Operation Practices Act
- (b) Buildings and uses accessory to permitted uses

### (2) Discretionary Uses

- (a) Confined feeding operations which do not require either a registration or an approval in accordance with the Regulations under the Agricultural Operation Practices Act.
- (b) Any strictly temporary use or building which, in the sole opinion of the Development Authority, will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
- (c) Greenhouses and plant nurseries
- (e) Public parks
- (f) Public uses
- (g) Public utilities
- (d) Single family dwellings, whether or not they are accessory to cultivation
- (h) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (i) Buildings and uses accessory to discretionary uses

### (3) Regulations

#### **(1) Development Regulations for Permitted and Discretionary Uses**

- (a) The maximum building height shall be 10 m (33 ft.) except in the case of buildings accessory to cultivation other than dwellings.
- (b) The minimum side yard, rear yard, and front yard shall be at the discretion of the Development Authority.
- (c) Water supply and sewage disposal shall be provided in accordance with regulations under the Safety Codes Act.
- (d) The Development Authority may specify the length of time a development is approved in this District having regard to the servicing and future development of the subject land.

- (e) A development may be permitted in the UR District, which does not conform to the minimum requirements of this Bylaw, provided that the lot is considered to be a remnant parcel by the Development Authority.

**(2) Subdivision Regulations**

- (a) One of the following three subdivision options may be allowed in this district:
  - (i) the subdivision of an unsubdivided quarter section of land into two lots of 32 hectares (80 acres), more or less, or
  - (ii) the subdivision of one residential lot from an unsubdivided quarter section of land to accommodate a single family dwelling and accessory uses, of an area not exceeding 1 hectare (2.5 acres); or
  - (iii) the subdivision of an existing dwelling from the remnant part of a quarter section of land where part of the quarter section has been previously subdivided for urban uses, urban service or public utility uses. The maximum lot area shall be 2 ha (5 ac.) unless in the opinion of the Subdivision Authority a greater area is necessary to accommodate an existing dwelling and other related improvements.

For the purposes of this Subsection, “existing dwelling” means a single family dwelling which is fully constructed and habitable prior to a decision on the application for subdivision being rendered by the subdivision authority.

For the purposes of this Subsection, “farmstead” means an existing single family dwelling and any accessory buildings and/or improvements which are required for the agricultural production of the quarter section of land.

- (b) Notwithstanding Subsection (a) above, the following additional subdivisions may be allowed in this District:
  - (i) the subdivision of one or more lots to accommodate an essential public use or public utility use; and
  - (ii) the subdivision of one or more lots to accommodate an extensive agricultural use whereby the lots are physically severed from the balance of the titled area by a permanent man-made or natural feature. The presence of an

underground pipeline does not constitute a physical severance for the purpose of this Subsection.

# **SCHEDULE C**

## **SCHEDULE OF SIGN REGULATIONS**

### 1. Definitions

For the purposes of this Bylaw, certain terms or words herein shall be interpreted or defined as follows:

- (1) "sign" means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any building or portion thereof which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without the generality of the foregoing, a sign includes posters, notices, panels, boardings, and banners;
- (2) "area of a sign" means the total area within the outer periphery of a sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign;
- (3) "business frontage" means
  - (a) any side of a lot or building which abuts a road, or
  - (b) in the case of individual business or tenants within a building, any business which has separate access to a road.
- (4) "canopy" means a projection outward from the face of a building, primarily designed to provide protection from climatic elements;
- (5) "canopy sign" means a sign which is part of or attached to a canopy;
- (6) "free-standing sign" means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building;
- (7) "free-standing portable sign" means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- (8) "general advertising" means advertising which relates to goods or services other than those produced, offered for sale, or obtainable at the site on which the sign is displayed;

- (9) "off-site sign" means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- (10) "projecting sign" means a sign which is attached to a building so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building;
- (11) "roof" means the top of any enclosure, above or within the vertical walls of a building;
- (12) "roof sign" means any sign placed on or over a roof;
- (13) "wall sign" means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1 ft.) from the building.

## 2. Exemptions from Sign Regulations

- (1) In addition to the exceptions indicated in Section 3.3 of this Bylaw, the following signs shall be exempted from the provisions of the regulations in this Schedule:
  - (a) signs which are not visible to the public;
  - (b) signs displayed in or on an operated vehicle;
  - (c) signs displayed on door plates, door boards, or kick plates.
- (2) The following specified signs, provided that the development of the sign satisfies any requirements specified in this Bylaw for the particular sign:
  - (a) statutory and official notices and functional advertisements of local authorities,
  - (b) traffic and directional signs authorized by Council,
  - (c) signs of identification in respect to the land or buildings on which they are displayed, or to the businesses or occupants of the land or buildings on which they are displayed, provided that;
    - (i) each notice or name plate does not exceed 0.2 sq. m (2 sq. ft.) in area, and
    - (ii) no more than one (1) notice is provided for each occupant or each firm or company represented within the building, at one (1) entrance on each different road or highway;

- (d) notices on land or buildings used for religious, educational, cultural, recreational, hospital or similar public uses, provided that:
  - (i) each notice does not exceed 1.1 sq. m (12 sq. ft.) in area, and
  - (ii) no more than one (1) notice is provided for each side of the land or buildings on each different road;
- (e) temporary signs referring to sales which are displayed upon the site at which such sales will be or are being conducted, provided that:
  - (i) such signs are not illuminated and are displayed for a short period of time only, and
  - (ii) such signs are not be erected more than seven (7) days before the commencement of the sale to which they refer, and are removed within eight (8) days of the completion of the said sale;

### 3. Signs in the C1, C2, and M1 Districts

#### (1) General Provisions

- (a) For each building which contains office uses, one identification sign only, not to exceed 3 sq. m (32 sq. ft.) in area, shall be allowed.
- (b) No part of any sign shall be higher than 6 m (19.7 ft.) above grade.
- (c) Where a sign is not detached, it shall be placed flat against the building or be designed as part of an architectural feature thereof, or be a canopy sign.
- (d) Only one wall sign on a building shall be allowed to indicate each occupancy within that building. The sign shall not exceed a total area of 1 sq. m (10 sq. ft.) of copy for each lineal metre of building occupancy.
- (e) If the occupancy is on a corner site, one wall sign shall be permitted for each face of the building.
- (f) If the building includes a canopy, each tenant shall be permitted one under-canopy sign of no more than 0.5 sq. m (5 sq. ft.).

- (g) No sign shall be erected which would be in view of the public from public or private property except where a permit specifying permitted locations has been granted, or where a permit for such a sign is not required pursuant to this Bylaw.
- (h) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.
- (i) Where, in the opinion of the Development Authority, a proposed sign might be objectionable to a resident in an adjacent Residential District, he may impose such other regulations as he feels would protect the interest of residents.

**(2) Size of Signs**

Except as otherwise specified in this bylaw, the maximum area of any sign shall be 20 sq. m (215 sq. ft.).

**(3) Sign Location**

Minimum yard requirements shall be observed for any sign located on a parcel and, at the discretion of the Development Authority, the sign shall not be further than 30 m (98 ft.) from the principal building.

**(4) Removal of Signs**

The Development Authority may refer to Council for its consideration of a resolution on the removal, repair or renovation of any sign which, in his opinion, is or has become unsightly, or is in such a state of disrepair as to constitute a hazard.

**(5) Flashing Signs**

Flashing, animated or interiorly illuminated signs shall not be allowed where, in the sole opinion of the Development Authority, they might:

- (a) affect residents in adjacent housing, or Residential Districts, or
- (b) interfere with the interpretation of traffic signs or controls.

**(6) Freestanding Signs**

- (a) One freestanding sign may be allowed per site, except

- (i) where a site has in excess of 90 m (295 ft.) business frontage, one additional freestanding sign may be erected for each additional 90 m (295 ft.) or portion thereof of business frontage abutting the developed portion of the said site, or
  - (ii) where a site is considered to be double fronting by the Development Authority, each frontage may have a freestanding sign provided that the signs are no closer than 90 m (295 ft.) apart.
- (b) The total area of all freestanding signs on each site shall not exceed 0.3 sq. m (3 sq. ft.) in area for each metre of business frontage of the developed site, to a maximum of 19 sq. m (204 sq. ft.) for each sign.

**(7) Projecting Signs**

- (a) No sign shall project across lot boundaries unless permission in writing has been granted as a condition of an approved development permit.
- (b) The absolute limits of projection shall be 1 m (3 ft.) from the property line and 0.6 m (2 ft.) back from the existing or proposed curb.
- (c) No projecting sign shall have less than 3 m (10 ft.) clearance between the bottom of the sign and the ground level immediately below it.
- (d) In no case shall projecting signs for the same development be located closer than 90 m to each other, except on corner sites where the signs are located around the corner from each other.

**(8) Roof Signs**

- (a) Roof signs shall be developed so that they appear as an architectural feature of the building on which they are located.
- (b) No supporting structure shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (c) Roof signs shall be set back at least 1 m (3 ft.) from the edge of the building.

**(9) Wall Signs**

- (a) Buildings fronting on more than one road right-of-way may not combine permissible signs for one frontage with another frontage for the purposes of placing the combined area or types of signs on one frontage.
- (b) Any identification wall signs with non-illuminated letters up to but not exceeding 7.5 cm (3 in.) in height or 0.4 sq. m (4 sq. ft.) in area are not restricted and may be permitted in addition to regulated signs.

**(10) Off-Site Signs**

Notwithstanding other regulations in this Bylaw, at the sole discretion of the Development Authority, off-site signs may be developed subject to the following regulations:

- (a) On the same road and facing the same traffic flow, off-site signs shall not be placed closer together than 90 m (295 ft.). Double-face off-site signs shall be considered to face both directions of flow.
- (b) The maximum size of the off-site sign face shall not exceed 28 sq. m (301 sq. ft.).
- (c) Where the back of the off-site sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (d) No part of an off-site sign shall be in a front yard, except where an off-site sign is located between two buildings that are each within 30 m (100 ft.) of the said sign, in which case no part shall be closer to any road right-of-way than a line drawn from the nearest front corner of the two buildings.
- (e) No part of any off-site sign within 200 m (656 ft.) of the edge of the pavement of a highway shall be more than 7.5 m (25 ft.) above the grade of the highway or 15 m (50 ft.) above the grade of the site of the sign, whichever is the highest.

**4. Signs in Residential Districts**

- (1) Except as provided in Subsections (2) to (5) below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions, in which case Subsection (5) shall apply.
- (2) An approved home occupation may display a sign, not larger than 0.2 sq. m (2 sq. ft.) on the dwelling. If outside, the sign shall be placed flat against the wall of the dwelling or may be displayed from the inside of a window of the dwelling.
- (3) Name or number signs shall have a surface area of no more than 0.3 sq. m (3 sq. ft.).
- (4) For multiple family dwellings and boarding houses, one (1) identification sign not exceeding 1 sq. m (10 sq. ft.) in area may be allowed on each site.
- (5) All exterior signs shall be placed flat against the building or designed as part of an architectural feature.

## 5. Signs Relating to Institutional Uses

In any District where an institutional use is allowed, one sign of not more than 2 sq. m (21 sq. ft.) in area shall be permitted to be erected on the site occupied by the institutional use.

## 6. Free-standing Portable Signs

### (1) Number of Free-Standing Portable Signs on a Site

- (a) Not more than one free-standing portable sign shall be displayed on a site.
- (b) Notwithstanding Subsection (1), one free-standing portable sign shall be permitted for each business in a multiple occupancy development provided that no free-standing portable sign is located closer than 15 m (49 ft.) from another.

### (2) Location of Free-standing Portable Signs

- (a) Free-standing portable signs shall not be allowed in the UR District.
- (b) Free-standing portable signs shall not be placed on a site so as to conflict with parking, loading and walkways.

**(3) Prohibition on Public Lands**

- (a) No free-standing portable signs shall be permitted within a road right-of-way or at any location where the intent is to have the sign seen from a highway or the direct access or egress of a highway.
- (b) No free-standing portable sign shall be permitted on land owned by the Crown or the municipality.

**7. Signs for “Adult-Exclusive” Businesses**

Notwithstanding any other provision of this Bylaw to the contrary, the construction or placement of any sign for any adult-exclusive business, that is, any business into which premises only adults may be allowed in accordance with Provincial or Federal legislation or regulation, shall require approval of a development permit by the Development Authority, and such approval shall be given only at the sole discretion of the Development Authority. Application for such a permit shall include details as to the copy (that is, words or pictures) that may be on the sign and the lighting of the sign. In considering approval of the sign, the Development Authority shall give due consideration to all matters that he deems reasonable from the perspective of the municipality’s amenities. If approved by the Development Authority, the copy and lighting of the sign may not vary beyond that which is approved by the Development Authority.