Town of Bashaw

Bylaw 780-2018

LAND USE BYLAW

Schedule A

Approved October 2, 2018

AMENDMENTS TO LAND USE BYLAW 780-2018

All amendments to the Land Use Bylaw of the Town of Bashaw 780-2018 must be passed as a bylaw. Any bylaw requires three (3) separate hearings by Town Council under Section 187 of the Alberta Municipal Government Act (MGA), and a public hearing must be held by Council prior to Second Reading of the proposed bylaw under Section 692 of the MGA.

Bylaw #	Date	Affected Section	Description
814-2022	October 24, 2022	12.9 Subsection 3. Elimination of 6 meter setback	Central Commercial District (C1) to change the rear yard minimum setback requirements from 6 meters to nil.
827-2024	August 20, 2024	Change District of LL: Lot 1, Block 1, Plan 242 0994 from Urban Expansion to Low Density Residential	District change from Urban expansion (UX) to Low Density Residential (R1).
832-2025	March 19, 2025	Change District of LL: Lot 1, Block 1, Plan 822 2530 from Industrial to Highway Commercial	District Change from Industrial (M) to Highway Commercial (C2).
833-2025	May 21, 2025	2.2, 12.15, 12.16, 12.17, 12.18, Land Use Map	Addition of 3 definitions, 4 Direct Control Districts and updates to the Land Use Map regarding Direct Control Districts

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PART 1 - ENACTMENT

1.1 TITLE

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

1.2 PURPOSE

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

(1) to divide the Town 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 APPLICATION

This Bylaw shall apply to the whole of the Town of Bashaw being all lands and buildings contained within its corporate limits.

1.4 EFFECTIVE DATE

(1) This Bylaw comes into effect upon the date of its third reading.

(2) Land Use Bylaw No.675-2004, as amended, is hereby repealed.

1.5 CONFORMITY WITH THE BYLAW

(1) No person shall commence any development within the Town except in conformity with this Bylaw.

(2) Compliance with the requirements of this Bylaw does not exempt any person from the requirements of any adopted Statutory Plan.

1.6 OTHER LEGISLATIVE REQUIREMENTS

(1) In addition to this Bylaw, an applicant is responsible for complying with any other applicable federal, provincial, or municipal legislation or law. The applicant is also responsible for complying with the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

(2) The Town is not responsible for nor does the Town have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.

(3) The Development Authority shall not approve an application for a development permit that is not in conformity with the Town's Statutory Plans.

1.7 SEVERABILITY

(1) In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected.

1.8 TRANSITION

(1) An application for a Subdivision, Development Permit or amendment to this Bylaw commenced prior to the coming into force of this Bylaw shall be evaluated under the provisions of the Town's Land Use Bylaw No. 675-2004, as amended.

PART 2 – INTERPRETATION

2.1 RULES OF INTERPRETATION

(1) Where a word is used in the singular, such a word may also mean plural.

(2) Where a masculine or impersonal pronoun or adjective is used, such a word may also mean the feminine or impersonal pronoun or adjective.

(3) Where a word is used in the present tense, such a word may also mean the future tense.

(4) The word "person" includes a corporation as well as an individual.

(5) The words "shall" and "must" require mandatory compliance except where a variance has been granted pursuant to the Act or this Bylaw.

(6) Words, phrases, and terms not defined in this part may be given their definition in the Act or the Alberta Building Code. Other words shall be given their usual and customary meaning.

(7) Where a regulation involves two or more conditions or provisions connected by the conjunction "and" means all the connected items shall apply in combination; "or" indicates that the connected items may apply singly; and "and/or" indicates the items may apply singly or in combination.

(8) All units of measure contained within this Bylaw are metric (SI) standards, and are rounded to the nearest decimal place. For the purpose of convenience, the following conversion factors are provided:

Metric	Imperial
1 square metre (m^2)	10.8 square feet (ft^2)
1 hectare (ha)	2.47 acres (ac)
1 kilometre (km)	0.6 mile (mi)
1 metre (m)	3.3 feet (ft)
1 centimetre (cm)	0.4 inch (in)
1 millimetre (mm)	0.04 inches (in)
1 kilogram (kg)	2.2 pounds (lb)

2.2 DEFINITIONS

For the purposes of this Bylaw and any amendments made hereto, the definitions set out in the following shall be used. When no definition is provided hereunder, the Town's dictionary of choice shall be used.

(1) "abattoir" means a building and/or site used as a slaughterhouse, where animals are killed and butchered for human or animal consumption;

(2) "abut" or "abutting" means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;

(3) "accessory building" means a building separate and subordinate to the principle building, the use of which is incidental to that principle building and is located on the same lot. A garage attached to a principle building is deemed to be part of the principle building;

(4) "accessory use" means any use in a building and/or on a parcel of land which is supplementary or subordinate to the principle use located in the same building and/or on the same parcel of land;

(5) "Act" means the Municipal Government Act, R.S.A. 2000, as amended;

(6) "adjacent" means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river or stream;

(7) "adult entertainment" means any building used as "retail" in which books and/or items for a mature audience are displayed and sold, or a building that shows mature films or live entertainment;

(8) "agricultural operation" means an agricultural operation as defined in the Agricultural Operation Practices Act;

(9) "agricultural sales and/or service" means a building or site used for "retail" but in which the goods for sale are vehicles, equipment, or machinery for use in the agricultural industry, and/or the servicing of vehicles, equipment, or machinery related to the agricultural industry;

(10) "amusement arcade" means a building and/or site which operates mechanical and/or electronic games, and rides, for entertainment purposes;

(11) "art gallery" means a building used for the display and "retail" of works of art;

(12) "auction mart" means a building and/or site used for "retail" but in which goods are sold by an auctioneer and where goods are sold to the highest bidder;

(13) "automotive sales and/or rental" means a building or site used for "retail" but in which the goods for sale, and/or lease are automobiles, trucks, boats, trailers, recreational vehicles, or other similar personal vehicles;

(14) "automotive supply store" means a building or site used for "retail" but in which the goods for sale are related to the use and operation of automobiles, trucks, boats, trailers, recreational vehicles, or other similar personal vehicles;

(15) “automotive service and/or paint shop” means a building or site used for the repair, servicing, and/or painting of motor vehicle, boats, trailers, recreational vehicles, or other similar personal vehicles and may include the sale of automotive fuels, lubricating oils or other like automotive fluids;

(16) “bakery” means a building used for baking food as well as the “retail” of said food;

(17) “balcony” means a horizontal structure, with a railing, adjoining a building above the first storey floor level, and intended for use as a private outdoor amenity space with access only from within the building.

(18) "basement" means the portion of a development which is wholly or partially below grade, having above grade no more than 1.8 m of its clear height lying below the finished level of the floor directly above;

(19) “bed and breakfast” means a home based business in which an owner occupying a single-detached dwelling provides temporary accommodation to registered patrons in exchange for compensation;

(20) “brewery, winery and distillery” means a use where beer, wine, spirits and other alcoholic beverages are manufactured and that may have areas and facilities for the storage, packaging, bottling, canning and shipping of the products made;

(21) “brewpub” means a restaurant or drinking establishment where beer, wine or alcoholic spirits are produced on-site for consumption within the development and for retail sale. The facility must be appropriately licensed by the Alberta Liquor and Faming Commission;

(22) "building" includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;

(23) “bulk fuel and/or fertilizer sales and storage” means the storage of and “retail” of large quantities of fuel and/or fertilizer;

(24) “campground” means the use of a site managed for the short term stay of tents, campers, and/or recreational vehicles, but which is not used as year round storage or accommodation;

(25) “cannabis” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and it’s regulations, as amended from time to time and includes edible products that contain cannabis.

(26) “cannabis accessory” means cannabis accessory including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.”

(27) “cannabis lounge” means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution;

(28) “cannabis production and distribution facility” means a development used principally for one or more of the following activities relating to cannabis:

(a) The production, cultivation, and growth of cannabis;

(b) The processing of raw materials

(c) The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products

(d) The storage or shipping of materials, goods or products, or;

(e) The distribution and sale of materials, goods and products to cannabis retail sales stores or to individual customers

(29) "cannabis retail sales" means a retail store licensed by the Province of Alberta where:

(a) where cannabis is sold for consumption off the premises,

(b) where consumption of cannabis must not occur, and

(c) that may include the ancillary retail sale or rental of merchandise;

(30) "car/truck wash" means the use of a building and/or site for the cleaning of motorized vehicles either manually or through an automated process;

(31) "cemetery" means a site used for the burying of the remains of animals and/or humans;

(32) "Certificate of Compliance" means the endorsement by the Development Officer on a survey document indicating that the building locations on a lot are in compliance with this Bylaw.

(33) "Child Care Facility" means a development intended to provide care, educational activities and supervision for groups of seven or more children under thirteen (13) years of age during the day or evening, but does not include overnight accommodation, and is intended to be operated for at least twelve (12) consecutive weeks each year. This includes daycares, pre-schools, out-of-school care, and other programs where the primary purpose is the care of children.

(34) "commercial recreation and entertainment facility" means a facility or establishment that provides recreation or entertainment for gain or profit but does not include a casino or adult entertainment establishment;

(35) "club" means a building and/or site used for the private meeting and social activities of members of a private organization and which may include space for eating, drinking, and congregating;

(36) "community centre" means a building and/or site open to the general public and used for recreational, educational, social and/or cultural activities;

(37) "confined feeding operation" means a confined feeding operation as defined in the Agricultural Operation Practices Act;

(38) "contracting services" means a building or site used for the operation and storage of materials and/or vehicles related to the industries of construction, painting, plumbing, heating, electrical, landscaping, drilling and excavation, paving, maintenance and cleaning;

(39) "convenience store" means "retail" but where the gross floor area does not exceed 186.0 m2 in gross floor area;

(40) "corner lot" means a lot having boundary lines on two or more roads or highways, or with a road and a highway, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot;

(41) "Council" mean the Council of the Town of Bashaw;

(42) "coverage" means the sum of the floor areas at grade of all buildings, both principle and accessory, on a lot divided by the area of the lot;

(43) "date of issue" means the date on which the notice of a decision of the Development Authority is published or mailed;

(44) "deck" means an uncovered horizontal structure with a surface height greater than 0.6m (2 ft) above grade at any point, and intended for use as a private outdoor space;

(45) "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; and without restricting the generality of the foregoing, includes:

(i) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,

(ii) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,

(iii) the display of advertisements or signs on the exterior of a building or on any land,

(iv) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,

(v) the removal of topsoil from land,

(vi) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months,

(vii) the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery, or

(viii) the removal or demolition of a building;

(46) "development authority" means the development authority of the Town as established by this Bylaw;

(47) "development permit" means a document authorizing a development issued pursuant to this Land Use Bylaw;

(48) “direct control (dc) district” means a customized land use district where the Town of Bashaw has established specific regulations and allowable uses for a particular parcel of land. This allows for development in unique circumstances as per the direction of Council.

(49) "discretionary use" means the use of land or a building provided for in this Land Use Bylaw for which a development permit may be issued at the discretion of the development authority upon an application having been made;

(50) “driveway” means a vehicle access route on the parcel which provides access to the driving surface;

(51) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, 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, semi-permanently, or seasonally as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;

(52) “Essential Public Service” means a fire station, police station or similar service.

(53) "family care facility" means a development which provides resident care service in a dwelling unit 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 boarding homes for children and group homes;

(54) “family day home” means a dwelling unit used for the temporary supervision or care for a maximum of six (6) children 0-12 years old, including the residents’ own children. In a family day home a maximum of three (3) children may be under 36 months with a maximum of two (2) children may be under 24 months. These regulations are the same for Before/After School Care or Private Babysitting service.

(55) “farming” means the raising or production of crops, or animals, and includes a single residence for the farmer, but does not include a “Confined Feeding Operation” as defined by the Agricultural Operation Practices Act (Chapter A-7, R.S.A. 2000) and all regulations and amendments passed thereto;

(56) “financial services” means a building used as a bank, credit union, or any other similar monetary enterprise;

(57) "floor area" means the total area of all floors of all buildings including accessory buildings located on any lot, excluding the area of basement floors, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of floor area;

(58) "floor/area ratio" means the ratio or decimal resulting from dividing the floor area of all buildings by the total site area of the parcel of land on which the buildings are located;

(59) "fragmented parcel" means a parcel of land that is separated from the balance of a quarter section by a natural barrier such as a river or a coulee, or by a physical barrier such as a road or highway;

(60) “front line” means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line;

(61) "front yard" means a yard extending across the full width of a lot from the front line of the lot to the nearest wall of the main building situated on the lot. For the purposes of lakefront lots, the front line of the lot shall be considered to be closest to the lake;

(62) “funeral Home” means a building and/or site used for the organization of funerals, the preparation of the deceased for burial or cremation, and/or the holding of funeral services;

(63) “gambling and gaming hall” means a building used as a gaming establishment which offers games of chance including slot machines, table games, video lottery terminals, and/or a bingo hall;

(64) “garage” means a building or portion thereof which is designated and used for the storage, parking or the maintenance of personal vehicles.

(65) “gas bar” means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include automotive service establishments;

(66) “golf course” means a site used for the purposes of playing golf and which may include a clubhouse as an accessory use;

(67) “grade” means the average elevation at the finished level of the ground, excluding an artificial embankment, at any point immediately adjacent to the building. Grade may have been established in conjunction with a subdivision grade plan prepared by a civil engineer.

(68) “greenhouse” means a building and/or site used to grow and “retail” flowers, trees, shrubs, vegetables, and/or other plants;

(69) “grocery store” means a building used for “retail” but which sells primarily food items for consumption off-site, and which has a gross floor area greater than 450 m^2;

(70) “group home” means a building and/or site use in a residential setting for individuals who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times;

(71) “group home – major” means development consisting of the use of a building as a facility which is recognized, authorized, licensed or certified by a public authority as a social care facility intended to provide room and board for seven (7) or more residents live full time in the facility (excluding staff) including non-family disabled persons, or for persons with physical, mental, social or behavioral problems, of its residents either through self-help or professional care, guidance and supervision. The development shall be primary with the occupants living together as a single housekeeping group and using cooking facilities shared in common. A group home requires that at least one staff person is present at the facility at all times when at least one resident is within the facility. Typical uses include foster or boarding homes for children, family homes and long-term care facilities and do not include detoxification centres, rehabilitation facilities, psychiatric hospitals, or uses identified within the Child Care Facility definition. **830-2024**

(72) "guest room" means a room utilized as a temporary living accommodation for overnight stays for a maximum period of time as outlined in an approved development permit. **830-2024**

(73) "habitable floor space" means any room or enclosed space used or useable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens, bathrooms, laundries, pantries, foyers, hallways/entry ways, and areas containing infrastructure/servicing (furnace, circuit panel, water heater, etc.) but excludes any room or space not intended primarily for human occupancy including but limited to storage areas/cellars and undeveloped basements;

(74) "head shop" means a retail outlet which specializes in drug paraphernalia related to consumption of cannabis, other recreational drugs and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales or cannabis production and distribution facility;

(75) "height" means the vertical distance between the grade and the highest point of a building that is not a stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, or a flagpole, or similar device not structurally essential to the building;

(76) "highway" means a highway as defined in the Public Highways Development Act, R.S.A. 2000;

(77) "Home occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential building 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;

(78) "hospital" means a building and/or site used for medical care, examination, treatment, surgery and recovery of patients and which may include an extended stay;

(79) "hotel" means a building used for short term stays through the provision of rooms or suites where rooms are accessed from a common interior corridor, and which may also contain commercial uses such as restaurants, or convention space;

(80) "Housing, apartment (low rise)" means a residential use consisting of more than four dwelling units, but which has a height less than 15 metres, but shall not mean row housing;

(81) "Housing, apartment (high rise)" means a residential use consisting of more than four dwelling units, but which has a height greater than 15 metres, but shall not mean row housing;

(82) "housing, duplex" means a building with two dwelling units that have sharing one common wall in the case of side-by-side units, or having the dwelling area located above the dwelling area of the other in the cases of vertical units, each with a private entry;

(83) "housing, fourplex" means a building that contains four dwelling units;

(84) "housing, guest suite" means an accessory building utilized for temporary living accommodations that does not have all of the requirements for a full dwelling units and requires use of communal facilities for every residential needs. **830-2024**

(85) "housing, manufactured home" means a transportable factory built residential building containing one dwelling unit suitable for long term occupancy, designed to be movable,

transported on its own wheels and chassis or other means and arriving at a site ready for occupancy except for incidental operations such as placement on foundation supports and connection to utilities. Manufactured homes shall have pitched roofs and eaves and shall conform to CAN/CSA Z240 MH Series and A277 certified standards;

(86) "housing, mixed use" means a building and/or site which has a combination of uses but which typically entails "retail" or "office" uses on the ground floor and residential uses on the upper floors;

(87) "housing, mobile" means a factory constructed detached dwelling unit, with an integral frame, readily relocatable singly or in double modules. Due to the age of the home they do not meet the Canadian Standards Association (CSA) A277 Standard or building code standards;

(88) "housing, modular" means a building containing one dwelling unit, built in a factory and transported to a site to be permanently installed on a foundation., and which appears indistinguishable in design and finish from a stick-built house, and does not includes "housing, manufactured home" or "housing, mobile";

(89) "housing, row house" means a building with one of three or more dwellings joined side by side or side to back. Can also include townhouse, garden homes and townhouses attached to high-rise buildings. Have no dwellings above or below them;

(90) "housing, secondary suite" means a self-contained living space either located in the principle building or on the same site as the principle building. Secondary suites have a separate entrance, cooking, sleeping and bathing facilities and are no larger than 70 m^2. Secondary suites shall include basement suites and garage suites;

(91) "housing, single detached" means a residential building containing one dwelling unit which is intended as a permanent residence. Single detached dwellings must be of new construction and be physically separate from any other residential building. Single detached dwellings do not include a manufactured home;

(92) "housing, triplex" means a building that contains three dwelling units;

(93) "internal local roads" includes all roads within subdivisions, and all service roads adjacent to major two-lane highways, minor two-lane highways, and multi-lane highways;

(94) "lane" means a right-of-way on which motorized vehicles are normally allowed to operate which is 10 m or less in width;

(95) "library" means a building which primarily loans reading and/or visual material to the general public;

(96) "livestock" means livestock as defined in the Agricultural Operation Practices Act;

(97) "liquor store" means a building and/or site used for "retail" but in which the goods sold are liquor/alcohol for human consumption;

(98) "lot" means:

(a) a quarter section,

(b) a river lot or a lake lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office,

(c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or

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

(99) "maintenance" means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building;

(100) "major" means, when added as a prefix or suffix to a use, a use which, due to its nature or relatively larger scale, will or could have, in the sole opinion of the Development Authority, an impact on surrounding uses, or which may be intended to serve an area larger than the immediate or local area;

(101) "Manufacturing, processing, packaging or assembly of goods or materials" means a building and/or site where materials are merged to assemble a product and where the product is then packaged for distribution;

(102) "may" is an operative word meaning a choice is available , with no particular direction or guidance intended;

(103) "meat processing plant" means the processing and distributing of animal carcasses to retailers, but does not include a kill floor;

(104) "medical clinic" means a building used for the provision of physical and mental health services on an outpatient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Health services may include dental offices, physical therapy, pharmacy, counselling, doctor's offices, chiropractic offices and medical cannabis clinics;

(105) "medical cannabis clinic" means any business or enterprise whether or not operated for profit intended to serve as a means of distributing or providing cannabis for medical purposes as defined by provincial or federal legislation;

(106) "MGA" means the Municipal Government Act (Chapter M-26, R.S.A. 2000) and all regulations and amendments passed pursuant thereto;

(107) "mini storage" means a building and/or site used for containing separate secured indoor storage units, designed to be rented or leased for private storage of personal goods;

(108) "minor" means, when added as a prefix or suffix to a use, a use which, due to its nature or relatively smaller scale, will or could have, in the sole opinion of the Development Authority, a limited impact on surrounding uses, or which may be intended to serve a small or local area;

(109) "motel" means a building or group of buildings on a parcel of land designed and operated for the provision of rooms or suites for temporary sleeping accommodation where each room has its own exterior access, and may include a restaurant and/or convention services;

(110) "municipality" means the Town of Bashaw;

(111) "museum" means a building and/or site used for the display of artefacts for cultural and educational purposes;

(112) "nightclub" means a building and/or site featuring live entertainment such as music and dancing, and in which alcohol and food may also be served to patrons;

(113) "non-conforming building" means a building:

(a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and

(b) that on the date this land use bylaw becomes effective does not, or when constructed will not, comply with this land use bylaw;

(114) "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 this land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this land use Bylaw;

(115) "office" means a building primarily used for the provision of professional, management, administrative and consulting services but does not include the use as "retail";

(116) "open space" means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options;

(117) "owner" means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or

(b) in the case of any other land, the person shown as the owner on the Land Title.

(118) "parcel of land" means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

(119) "park" means any parcel of land which is for use by the general public for recreational activities, sporting, or gathering, and which may be left in a natural state or may include man-made features including area for sporting activities, playgrounds, picnic areas, and/or walking trails;

(120) "parking facility" means a building and/or site used for vehicular parking as a principal use;

(121) "patio" means an uncovered horizontal structure with a surface height, at any point, no greater than 0.6 m above grade and intended for use as a private outdoor amenity space

(122) "pawn shop" means a building and/or site used for "retail" but in which the goods for sale are second hand personal items;

(123) "permitted use" means the use of land or a building provided for in a land use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been satisfied to the satisfaction of the Development Authority;

(124) "personal service establishment" means a use relating to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include barber shops, beauty parlours, nail salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments (pick-up and drop-off only), laundromats, photographic studios, personal fitness activity, and may include accessory retail sales. This use class does not include escort services, even as an accessory use;

(125) "portable storage container" means a secure, steel/wood structure that is portable in nature. This may include a portable storage container, known as a c-can, sea-can, cargo container and/or shipping container, which is a metal freight container that is used for the temporary storage of materials and equipment. Portable storage containers are considered accessory buildings;

(126) "porch" means a structure abutting a dwelling having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof except for removable screens and storm sashes or awnings, used as a private outdoor amenity space;

(127) "principle building" means a building where the principle use of the site operates from;

(128) "principle use" means the primary purpose or purposes for which a building or lot is used;

(129) "public administration" means the use of a building and/or site for the operation and/or provision of services by the Municipal, Provincial, and/or Federal governments;

(130) "Real Property Report" means a codified standard adopted by the Alberta Land surveyor's Association which contains: (a) the legal description of the property and the municipal address; (b) the dimensions and bearings of all property boundaries as determined by an actual field survey in accordance with the Surveys Act; (c) the designation of adjacent properties, roads, lanes, etc.; (d) the location and description of all pertinent improvements located on the property along with their dimensions and clearances to the property boundaries; (e) the projections of overhangs or eaves are also shown; (f) the location of any easements which may affect the property; (g) the location and dimensions of any visible encroachments onto or off of the property; (h) a list of the registered encumbrances as noted on the title to the property at the date of the survey; (i) a certification by an Alberta Land Surveyor duly signed.

(131) "rear line" means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;

(132) "rear yard" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot, to the rear line of the lot;

(133) "recreational facility" means a building and/or site used for sports or other active recreational activities and may include health and fitness clubs, racquet courts, dance studios, martial arts schools, basketball and volleyball courts, hockey arenas, football and soccer field, and or other similar sporting fields but not including an outdoor golf course;

(134) "recycling depot" means a facility used for the purchasing, collection, sorting, packaging, and temporary storage of empty bottles, cans, and containers or other recyclable and reusable materials and where storage is contained within an enclosed building;

(135) "religious institution" means a building used for the congregation, meeting, study, and prayer related to any religious faith;

(136) "repair shop" – means a building and/or site used for the maintenance, and repair of any goods and/or equipment excluding motor and/or recreational vehicles;

(137) "reserve land" means environmental reserve, conservation reserve, municipal reserve, community services reserve, school reserve or municipal and school reserve;

(138) "Residential Care Facility" means a private or publicly funded seniors lodge, nursing home, extended or congregate care facility.

(139) "restaurant" means a use where food is prepared and served on the premises for sale to patrons, and which may or may not be licensed to serve alcohol, and may include entertainment which is accessory to the preparation and service of food;

(140) "restaurant, drive-thru" means a building where food is prepared and sold for consumption to patrons and which offers service through a drive up window;

(141) "retail" means a use that focuses on the display and sale of goods, wares, or merchandise. This use includes, but is not limited to drug stores, clothing stores, sporting goods stores and other similar uses, but does not includes retail stores where the majority of total sales are generated through the sale of adult-oriented materials (clothing, videos, magazines, etc.);

(142) "retaining wall" means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock, or similar materials;

(143) "road" means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include either a highway or a lane;

(144) "school" means a use operated by a School Board that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Provincial Government;

(145) "screening" means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites;

(146) "setback" means the perpendicular distance that a development must be set back from the front, side or rear property boundaries of the parcel as specified in the particular District in which the development is located;

(147) "shall" is an operative word which means the action is obligatory;

(148) "shoreline" means the bank of the body of water as determined pursuant to the Surveys Act;

(149) "should" is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;

(150) "side line" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;

(151) "side yard" means a yard extending from the front yard of a lot to the rear yard of the lot and lying between the side line of the lot and the nearest wall of the main building;

(152) "site" means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin;

(153) "solar collector" means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.

(154) "subdivision and development appeal board" means a subdivision and development appeal board appointed pursuant to Town Bylaw and the Act;

(155) "subdivision authority" means the Subdivision Authority established pursuant to the Act through the Town's Subdivision Authority Bylaw;

(156) "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 District in which the lot is located;

(157) "temporary development" means a development for which a development permit has been issued and which exists for a limited time only;

(158) "theatre" means a building and/or site used to show entertainment including films, live theatre, or musical performances;

(159) "trucking establishment" means any building and/or site where commercial vehicles may park for a short or long term stay and which may include a "convenience store," "restaurant," and/or "gas bar";

(160) "undeveloped lot" means a lot which does not contain a dwelling or any other building, but which may contain utility services;

(161) "unique site requirements" are a set of site locational requirements which have been demonstrated to the Town's satisfaction to be necessary in order for the development of a commercial or industrial use to be carried out;

(162) "use" means the utilization of a building or parcel of land for a particular type of operation;

(163) "utility" means a utility as defined in the Act, as amended;

(164) "utility installations" means a building and/or site for use by a utility company maintains to maintain or shelter any equipment used in connection with the utility;

(165) "variance" means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Board.

(166) "veterinary clinic" means a building and/or site used for the medical care and treatment of animals on either a short term or long term basis;

(167) "warehouse" means a building and/or site used for the storage of materials, goods, and products which will ultimately be distributed and for sale at "retail" stores;

(168) "yard" means a part of a parcel of land upon or over which no building is to be erected unless otherwise provided for in this Bylaw.

PART 3 – GENERAL ADMINISTRATIVE PROCEDURES

3.1 CONTROL OF DEVELOPMENT

(1) No development shall be undertaken within the Town unless an application for it has been approved and a development permit has been issued.

(2) In the event of a state of emergency (local or provincial) declared pursuant to the Emergency Management Act, RSA 2000, c.E-6.8. as amended, or as a result of such an emergency, such other temporary development or class of temporary development as Council may declare may be approved in any land use district without compliance with the land use bylaw regulations.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

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

(a) The carrying out of works of maintenance or repair to any building or internal alteration, provided that such works do not include:

(i) structural alterations; or,

(ii) major works of renovation that would require a building permit under the Safety Codes Act.

(b) Activities as exempted by Section 618 of the Act;

(c) The use of any such buildings referred to in Section 3.1(2) above, for the purpose which construction was commenced.

(d) The use of land for a farm operation on land situated in the Urban Expansion district, provided that the use or building conforms to the minimum setback requirements specified in the Land Use Bylaw. Notwithstanding this section, all dwellings are subject to obtaining a development permit.

(e) The erection, construction, or maintenance, improvement or alteration of gates or fences or other means of enclosure less than 1.0 m in height in front yards or in side

yards abutting a road, and less than 2.0 m in rear yards or in other side yards, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure. Notwithstanding, barbs and page wire fences are only permitted in the Urban Expansion and Industrial Land Use Districts.

(f) All types of fences and windbreaks in the Urban Expansion district.

(g) A temporary building, 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;

(h) 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;

(i) The development of Town owned structures or public works, services and utilities.

(j) Development within a basement which does not change or add to the uses in a dwelling, which do not require a building permit under the Safety Codes Act;

(k) All accessory buildings which are less than 10 m^2 in area.

(l) The demolition or removal of any building or structure for which a development permit would not have been required pursuant to Subsections (d) to (k) when the building or structure was constructed.

(m) The placement of one hot-tub on a residential property, provided that they meet the setback requirements of the district.

(n) Landscaping provided that the grades and overland water flows are not substantially altered.

(o) The construction of a deck, provided that the deck is uncovered, and the walking surface is less than 60 cm (2 feet) above grade.

3.3 NON-CONFORMING BUILDINGS AND USES

(1) Non-conforming buildings and non-conforming uses shall be treated in accordance with the Act, and any amendments thereto.

3.4 DEVELOPMENT APPROVAL AUTHORITIES

(1) The Development Authority is hereby established by Bylaw pursuant to the Act.

(2) The Development Authority shall exercise development powers and duties on behalf of the Town.

(3) The Development Authority shall be the Development Officer, or where the context of this Bylaw permits, the Council.

PART 4 – DEVELOPMENT APPLICATION PROCESS

4.1 APPLICATION FOR DEVELOPMENT

(1) An application for a development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:

(a) A site plan 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) The presence of abandoned oil and gas wells in accordance with the Subdivision and Development Regulation;

(c) The location and dimensions of all existing and proposed buildings, structures, or uses on the property;

(d) Statement of existing and proposed services (i.e. on-site or municipal);

(e) Identification of existing and proposed road infrastructure that will provide access to the development;

(f) A statement of the current and proposed use on the lands; and

(g) The authorization of the registered landowner.

(2) The Development Authority 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; drainage, grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located. In addition, such additional information may include assessment by a registered professional engineer of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site.

(3) Each application for a development permit shall be accompanied by a fee as established by Council.

(4) All applications for development permits on sites within an area covered by an inter-municipal development plan shall be referred to the other municipality for comments and recommendation.

(5) The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.

(6) In the case where an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal to the Subdivision and Development Appeal Board, the submission of another application for a permit on the same property and for the same or similar use of the land by the same or any other applicant need not be accepted by the Development Authority for at least six (6) months after the date of the previous refusal.

4.2 REFERRAL OF APPLICATIONS

(1) The Development Authority may refer for comment any matter or any application for a Development Permit to any authority he deems necessary.

(2) Notwithstanding 4.2(1), the Development Authority may refer to any adjacent municipality for consideration and recommendation, any matter or any application for a Development Permit that relates to lands that abut the municipal boundary.

(3) Notwithstanding 4.2(1), the Development Authority may refer development in proximity to a Highway:

(a) Applications for development located within 0.8 km of the right of way of a multi-lane highway or a major two-lane highway where the proposed development would have direct access from the highway shall be referred to Alberta Transportation for comment prior to any decision by the Development Authority;

(b) All applications for development located, within 150 m of the right of way of a minor two-lane highway where the proposed development would have direct access from the highway may be referred to Alberta Transportation for comment prior to any decision by the Development Authority.

(4) Having received a reply on a matter referred to any authority, the Development Authority shall make a decision giving due consideration to the recommendations and comments received.

(5) After thirty (30) days from the date of referral, the application may be dealt with by the Development Authority whether or not comments have been received.

4.3 DECISION PROCESS – DEVELOPMENT AUTHORITY

(1) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to conditions, approve the application for a limited period of time as specified in the approval, or refuse the application.

(2) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement in accordance with Section 650 of the Municipal

Government Act to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement are carried out.

(3) 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 the definition of a permitted or discretionary use prescribed for a particular District.

(4) The Development Authority may approve an application for a development permit for new development or an application for a development permit that authorizes a non-conforming building to be enlarged, added to, structurally altered even though the proposed development does not comply with the regulations of this Bylaw, if, in the opinion of the Development Authority:

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

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

(5) Upon receipt of an application, the Development Authority must review the application for completeness within 20 days of the application being received. The Development Authority shall provide the applicant either:

(a) A complete certificate, if in the opinion of the Development Authority, the application contains the information necessary to review the application;

(b) An incomplete certificate if in the opinion of the Development Authority, the application is incomplete. An incomplete certificate shall specify:

(i) the additional information that the Development Authority will require in order for the application to be considered complete;

(ii) the deadline for submission of the additional information or at such other later date as agreed between the applicant and the Development Authority; and

(iii) any other information identified as being necessary by the Development Authority

(c) Applications that have been issued an incomplete certificate, will be

(i) Issued a complete certificate shall be issued once the Development Authority receives the necessary information.

(ii) deemed refused if an applicant fails to submit all the outstanding items indicated as being outstanding in the incomplete certificate by the deadline set in the

incomplete certificate, If an application is deemed refused the Development Authority shall issue a Development Permit refusal. The refusal must give reasons for the refusal.

(d) Despite the issuance of a complete certificate or incomplete certificate, the Development Authority may request additional information from the applicant if, in the course of reviewing the application, the Development Authority determines that additional information is necessary to review the application.

(6) An application for a development permit shall, at the option of the applicant, be deemed to be refused if a decision on the application is not made by the Development Authority within forty (40) days after receipt of the complete application by the Development Authority. The person claiming to be affected by the deemed refusal may appeal in writing as provided for in Part 4 of this Bylaw as though he has received a refusal at the end of the forty (40) day period. The Development Authority and the applicant, may in a written agreement extend the 40 day period in which the Development Authority is to make a decision on the application.

(7) A Development Authority may suspend or revoke a development permit in writing to the applicant at any time:

(a) Where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or

(b) Where the permit was issued in error.

(8) If an application is made for a development that is identified as a temporary development in a land use bylaw, the Development Authority:

(a) May consider and approve a development for a specific period of time, not exceeding one year;

(b) Shall impose a condition on such a permit that the Town is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and

(c) May require the applicant to post acceptable security guaranteeing the cessation or removal of the development. The amount of the security shall be the greater of 25% of the value of the structure or $1,000.

4.4 DECISION PROCESS – SUBDIVISION AUTHORITY

(1) Upon receipt of an application for subdivision, the Subdivision Authority must review the application for completeness twenty (20) days of the application being received. The Subdivision Authority shall provide the applicant either:

(a) A complete certificate, if in the opinion of the Subdivision Authority, the application contains the information necessary to review the application;

(b) An incomplete certificate if in the opinion of the Subdivision Authority, the application

is incomplete. An incomplete certificate shall specify:

(i) the additional information that the Subdivision Authority will require in order for the application to be considered complete;

(ii) the deadline for submission of the additional information or such other later date as agreed between the applicant and the Subdivision Authority; and

(iii) any other information identified as being necessary by the Subdivision Authority

(c) Applications that have been issued an incomplete certificate, will be

(i) Issued a complete certificate once the Subdivision Authority receives the necessary information.

(ii) deemed refused if an applicant fails to submit all the outstanding items indicated as being outstanding in the incomplete certificate by the deadline set in the incomplete certificate. If an application is deemed refused the Subdivision Authority shall issue a notice to the applicant that the subdivision application has been refused. The refusal must give reasons for the refusal.

(d) Despite the issuance of a complete certificate or incomplete certificate, the Subdivision Authority may request additional information from the applicant if, in the course of reviewing the application, the Subdivision Authority determines that additional information is necessary to review the application.

(9) An application for a subdivision shall, at the option of the applicant, be deemed to be refused if a decision on the application is not made by the Development Authority within forty (40) days after receipt of the complete application by the Development Authority. The person claiming to be affected by the deemed refusal may appeal in writing as provided for in Part 4 of this Bylaw as though he has received a refusal at the end of the forty (40) day period. The Development Authority and the applicant, may in a written agreement extend the 40 day period in which the Development Authority is to make a decision on the application.

4.5 VARIANCE AUTHORITY

(1) Notwithstanding 4.3(3) the Development Authority may approve an application for a development permit for a development that is a Permitted or Discretionary Use, but that does not otherwise comply with the provisions of this Bylaw, if in the opinion of the Development Authority:

(a) The proposed development would not unduly interfere with the amenities of the neighbourhood.

(b) The proposed development conforms with the use prescribed for that land or building in this Bylaw;

(2) In addition to the considerations provided under 4.4(1), a variance may only be granted if, in the opinion of the Development Authority:

(a) The variance requested maintains the intent and purpose of the Municipal

Development Plan;

(b) The variance requested maintains the intent and purpose of this Bylaw;

(c) The variance is desirable for the appropriate and orderly development or use of the land; and

(d) The variance, in the opinion of the Development Authority, is truly minor in nature.

(3) All requests for a variance shall be accompanied by a letter from the applicant clearly stating the reasons for the variance, outlining the applicable criteria identified in 4.4(3), and the nature of the hardship incurred if the variance is not granted.

(4) If a variance is granted pursuant to this Section, the Development Authority shall specify its nature in the Development Permit approval.

(5) The maximum variance that may be granted by the Development Authority for a new development is 20%.

(6) The maximum variance that may be granted by the Development Authority for an existing structure is 35%.

4.6 DEVELOPMENT PERMITS AND NOTICES

(1) A development permit does not come into effect until twenty-one (21) days after the date a decision or development permit is publicized as described in 4.5(5) through 4.5(8). 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 4 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 permit has been issued for the development of a permitted use, and no provisions of this Bylaw have been relaxed or varied, or when Council makes a decision on a development permit application within the DC District, no notification shall be given of the decision except to the applicant.

(4) When a Development Permit has been issued for a Permitted Use, with or without conditions, the Notice of Decision must be delivered to the applicant and may be posted at the town office.

(5) When a Development Permit for a Permitted Use requiring a variance or a Discretionary Use is approved, with or without conditions or variances, the Notice of Decision must be given to the applicant.

(6) In addition to 4.6(6), the Development Officer may, at their discretion, do any or all of the following:

(a) Immediately post a notice of the decision conspicuously on the property for which the development permit application has been issued; and/or

(b) Immediately mail a notice in writing to all owners of land adjacent to the subject site; and/or

(c) Advertise a notice of the decision to be published on the Town of Bashaw's administration office bulletin board.

(d) Advertise a notice of the decision to be published on the Town of Bashaw's website.

(7) The notice indicated in Subsection 4.6(7) shall state:

(a) the legal description and the street address of the site of the proposed development,

(b) the land use designation of 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 may be made to the Subdivision and Development Appeal Board and the deadline for such appeal.

(8) 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 completed within three (3) years of the date of issue, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.

(9) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

4.7 DEVELOPMENT AGREEMENTS AND SECURITIES

(1) Where a development permit has been granted for the development, as a condition of approval, the applicant may be required to provide a cash security, in the sum outlined in current Master Rates and Schedule Bylaw, to ensure the completion of any repairs to Town property. The Town may draw on this security to cover the costs of any repairs to Town property in the event the applicant fails to complete the repairs within thirty (30) days of being notified by the Town of the damages.

(2) The Town may require, any applicant to enter into a development agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities and/or to pay an off-site levy imposed by bylaw or any other conditions as deemed appropriate. This may involve the applicant posting security with respect to the development and paying for construction, where the development requires a road or traffic infrastructure improvement specifically to accommodate the development. The applicant for a development permit may be required to provide dust control adjacent to existing residences located on roads impacted by the development. The Development Authority may require that commercial vehicular traffic be limited to certain roads when gaining access to and from a site.

PART 5 – DEVELOPMENT APPEAL PROCESS

5.1 APPEAL PROCEDURE

(1) The Subdivision and Development Appeal Board, as established by Town Bylaw, shall hear and make a decision on an appeal where a Development Authority:

(a) Refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or

(b) Issues a development permit subject to conditions, or

(c) Issues an order under Part 6 of this Bylaw; and

(i) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority appeals to the Subdivision and Development Appeal Board.

(2) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit by the Council within a DC District, or for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.

(3) An appeal shall be made by serving a written notice of appeal and submitted the applicable fee to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after:

(a) The date the order, decision or permit issued by the Development Authority was publicized in accordance with this Bylaw; or

(b) The forty (40) day period referred to in Section 3.3(5) of this Bylaw has expired.

5.2 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 adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are 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,

(c) 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.

5.3 APPEAL 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 appeal hearing.

(2) If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.

(3) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.

(4) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.

(5) 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 6 – BYLAW AMENDMENT PROCESS

6.1 APPLICATION FOR AMENDMENT

(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.

(2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an amendment.

(3) All applications for amendment to the Land Use Bylaw shall be made to the Council and shall be accompanied by the following, namely:

(a) An application fee according to the governing fee schedule as amended from time to time by resolution of Council shall be submitted for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee may be returned to the applicant;

(b) A title search for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land;

(c) Drawings drawn to the satisfaction of the Development Authority, which shall be fully dimensioned, accurately figured, explicit and complete; and

(d) Any other information deemed necessary by the Development Authority.

(4) Notwithstanding Subsection (3)(a) above, Council may waive payment of an application fee or any part thereof.

(5) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.

(6) Council may request such information as it deems necessary to reach a decision on the proposed amendment.

6.2 PUBLIC HEARING PROCESS

(1) All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a Public Hearing.

(2) Prior to any Public Hearing, the Town shall give notice in accordance with the Act.

(3) First reading of a proposed amendment is given before the Public Hearing, and Council may require that the applicant pay a fee for advertising according to the governing Master Rates and Schedule Bylaw schedule as amended from time to time by resolution of Town.

(4) Prior to any Public Hearing for a site specific land use bylaw amendment only, the Development Authority shall mail a notice in writing to all owners of land adjacent to the subject site.

PART 7 – ENFORCEMENT

7.1 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:

(d) Stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or

(e) Demolish, remove or replace the development, and/or

(f) Take such other measures as are specified in the notice;

(i) 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) above 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, with the support of a Peace Officer or Enforcement Officer, enter upon the land or building and take such action as is necessary to carry out the order. A person who contravenes or fails to comply with any provision of their development permit is guilty of an offence and is liable upon summary conviction of a fine.

(3) 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.

(4) A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding $10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.

(5) A Development Authority may suspend or revoke a development permit which has not been complied with, following notification, stating the reasons for such action.

(6) In addition to the process and penalties described above, the Development Authority, Peace Officer, Bylaw Officer or any other person identified by the CAO for the purposes of this Section, shall be authorized to inspect any development to confirm compliance, and if not in compliance to issue violation tickets in respect to any contravention of this Bylaw.

(7) Violation Tickets:

(a) The Development Authority, Peace Officer, Bylaw Officer or any other person identified by the CAO 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 voluntary payment, or the option of a court appearance on a date specified, and will be dealt with thereafter at the court's discretion.

(c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of $500.00 for a first offence and $1000.00 for a second or subsequent offence within the same calendar year. 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 if the defendant cannot be conveniently found, by leaving it for the defendant at the defendants place of residence with a person on the premises who appears to be at least 18 year of age. 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.

PART 8 – GENERAL REGULATIONS

8.1 ACCESSORY BUILDINGS AND USES

(1) No person shall construct or utilize an accessory building except in compliance with this section.

(2) All accessory buildings shall be located at least 3.0 m from any principal building.

(3) An accessory building shall not be used as a dwelling unit.

(4) An accessory building shall not be constructed within the required front yard setback area of any district.

(5) Accessory buildings shall be constructed with exterior finish materials that compliment those of the principal building.

(6) An accessory building shall not be located on an easement or utility right-of-way.

(7) An accessory building shall not have a wall height exceeding 3 metres.

(8) An accessory building shall not be developed or approved on a lot prior to the issuance of a development permit for the principal building or use on the lot.

(9) Decks, balconies, sunrooms and the like shall not be constructed on top of an accessory building unless the setbacks of the accessory building comply with the allowable setbacks for the principal building in that district.

(10) Accessory buildings under 10 m^2 in size and patios which are uncovered, and the walking surface is less than 0.6 m (2 feet) above grade are not required to meet the setback requirements for the District in which is it located.

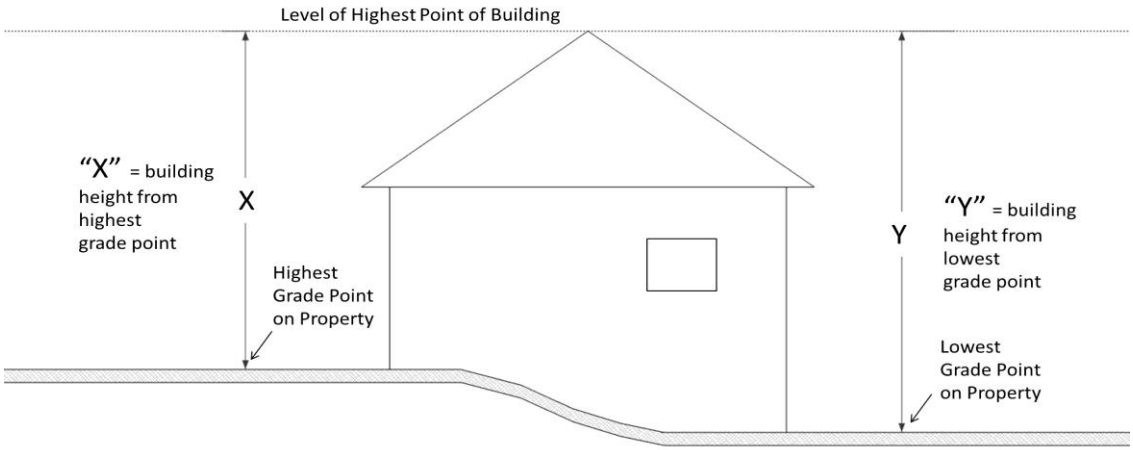
(11) An accessory building, over 10 m^2, is required to meet the setback requirements for the District in which it is located.

8.2 BUILDING HEIGHT

(1) If the height of a building is required to be measured or determined, it shall be measured by calculating the average vertical distance between the natural grade, or the average natural grade in the case of a sloping grade, and the highest point of the building as determined under Subsection (2).

(2) In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilations; a skylight; a steeple; a smokestack; a parapet wall, or a flagpole or similar device not structurally essential to the building.

FIGURE 8.2.1 – BUILDING HEIGHT CALCULATIONS



Height Average = (X+Y)/2

8.3 CORNER AND DOUBLE FRONTING PARCELS

(1) In all districts, a site abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard regulations of this Bylaw.

(2) In all cases, the location of building on corner sites shall be subject to approval of the Development Authority who may, at their discretion, relax the front yard setback requirements taking into account the location of existing adjacent buildings or the permitted setback on adjacent sites where a building does not exist.

(3) On corner parcels contiguous to a highway the Alberta Infrastructure Highway "Minimum Site Triangle" Design Guidelines shall apply.

8.4 CURB CUTS

(1) The nearest edge of a proposed curb cut to the nearest curbline of the street intersection shall not be less than 12.0 m.

(2) The maximum width of the curb cut shall not exceed 9.1 m in industrial districts and 6.0 m in all other districts, unless otherwise specified by the Development Authority for reasons of public safety or convenience.

8.5 DEVELOPMENTS ON OR NEAR SLOPES

(1) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 20.0 m of the top of the bank of any waterbody and no development shall be permitted within 20.0 m of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).

(2) The Development Authority may require greater setback than is prescribed in Section 8.5(1).

(3) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Sections 8.5(1) and 8.5(2), where the application is for development on lands that are or may be subject to subsidence, the Development Authority shall not issue a development permit unless the applicant can demonstrate that preventative engineering and construction measures can be instituted to make the parcel suitable for the proposed development.

(4) Subject to Section 8.5(3), the Development Authority may, at their discretion, reduce the setback requirements established pursuant to 8.5(1) and 8.5(2) if the applicant provides satisfactory proof of bank stability.

8.6 DWELLING UNITS ON A PARCEL

(1) The number of dwelling units allowed on any single parcel shall be one, except where additional dwellings are:

(a) Contained in a building designed for, or divided into, two or more dwelling units and is located in a land use district which permits multiple units; and
(b) A building defined in the Condominium Property Act (Chapter C-22, R.S.A. 2000) and all regulations and amendments thereto and is the subject of an approved condominium plan registered under that Act.

8.7 EMERGENCY ACCESS TO BUILDINGS

(1) Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for firefighting equipment is afforded to all buildings, moreover,

(a) In the case of industrial, commercial, multiple family, or public or quasi-public sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 3.0 m. In the case of single family sites, the distance between the fire hydrant and any driveway or access point shall be a minimum of 1.85m; and

(b) No person shall in any manner obstruct the fire access to any hydrant, valve or curb stop. No vehicle, building, structure, or vegetation higher than 0.5 m, shall be placed within 1.5 m from a hydrant.

(2) On at least two sides, one of which shall be the longest side, of any building used as an apartment building and which exceeds two storeys in height, there shall be firm level areas accessible for firefighting equipment for at least 75% (seventy five percent) of the length of each of the two sides of the building. Such areas shall not be less than 4.25 m in width and not more than 3.0 m from the building, and no permanent structure or vehicular parking shall be permitted thereon.

(3) A lane or lanes for the purpose of permitting the access of firefighting equipment to all major access points of shopping centre buildings shall be provided, and no permanent structures or vehicular parking may be permitted thereon.

8.8 EXCAVATION, STRIPPING AND GRADING

(1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposed, including, but not limited to, sand and gravel mining, topsoil stripping, and construction of artificial bodies of water.

(2) An applicant for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with his or her application the following information:

(a) Location of the lot, including the municipal address if any, and legal description;
(b) The area of the lot on which the development is proposed;
(c) The type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed;
(d) Location on the lot where the excavation, stripping or grading is to be made on the lot; and
(e) The condition in which the excavation, stripping or grading is to be left when the operation is complete or the use of the area from which the topsoil is removed.

(3) Where, in the process of development, areas require levelling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, coverage of 0.15 m shall be provided upon occupancy of the development, and the affected area shall be graded and landscaped to the satisfaction of the Development Authority.

8.9 EXISTING SUBSTANDARD LOTS

(1) Development on existing substandard lots may be considered by the Development Authority who shall have due regard for compliance with the Safety Codes Act and its regulations prior to granting approval.

8.10 FENCES

(1) In any district, except as herein provided,

(a) No fence shall be constructed that is located on public property;

(b) No fence shall be constructed that is:

(i) For internal lots, no higher than 2.0 m for the portion of the fence that does not extend beyond the foremost portion of the principal building on the site and 1.0 m for that portion of the fence that does extend beyond the foremost portion of the principal building on the lot;

(ii) For corner lots, as per Figure 8.10.1, fences shall be no higher than 2.0 m for the portion of the fence that does not extend beyond the foremost portion of the principal building if in the opinion of the Development Authority, it will not prejudice the safety and amenities of the adjoining lots. Fences shall be no higher than 1.0 m for the portion of the fence that does extend beyond the foremost portion of the principal building on the lot.

(iii) In the case of corner lots, no person shall construct a fence or other screening, including landscaping, more than 1.0 m high within the triangular area 6.0 m back from the intersecting front boundary lines of the lot, regardless of whether or not a corner cut-off has been taken; and

(iv) Where lots have both their front and rear yards facing onto a street, special approval of the Development Authority must be obtained prior to the erection of any fences on such properties. Size and specifications for fences in these areas must conform with the overall standard set for the area by the Town.

(2) Apartments or row houses adjacent to a single detached residential dwelling shall provide a wooden fence, or other such screening approved by the Development Authority, of not more than 2.0 m in height along the side abutting the single detached dwelling;

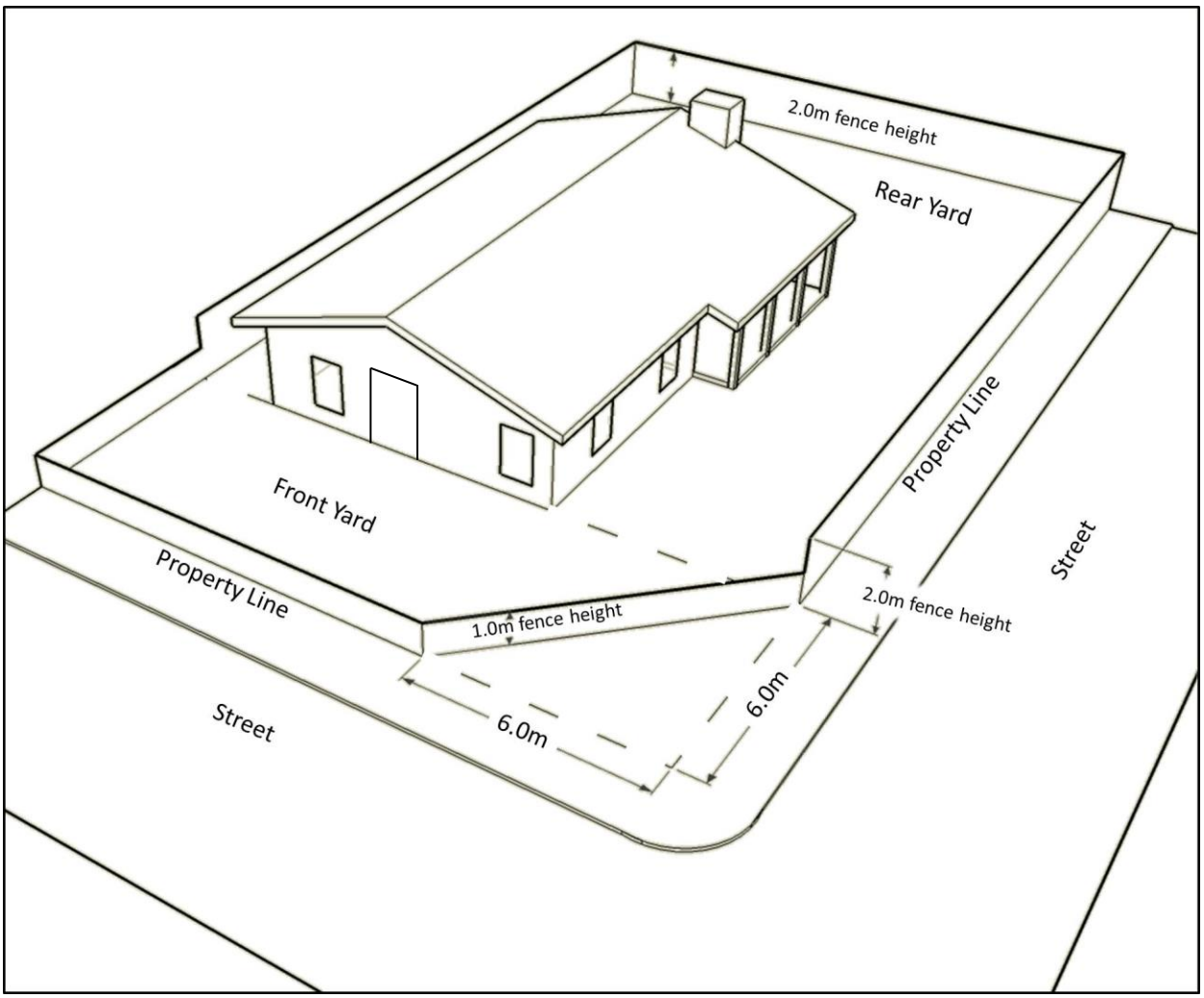
(3) In the case of commercial, public and quasi-public uses abutting a residential area, a solid fence shall be provided of at least 1.5 m in height and no higher than 2.0 m along the sides abutting the residential area;

(4) Notwithstanding Subsection 8.10(3), the maximum height of a fence in an Industrial or Urban Reserve District shall be determined by the Development Authority. Where a fence has been permitted to be higher than 2.0 m in an Industrial or Urban Expansion District, no barbed wire fences shall be permitted below a height of 2.0 m. This requirement may be relaxed by the Development Authority at his/her discretion in an area where residences would not be in close proximity to the fence proposed;

(5) No electrification of fences shall be permitted in any district; and

(6) No barbed wire fences shall be permitted in residential districts.

FIGURE 8.10.1 – FENCE DIAGRAM



8.11 FLOODPLAIN DEVELOPMENT

(1) Notwithstanding 8.6, the Development Authority may require reports to be submitted by qualified consultants to help determine the setback distance from water bodies. The setback may be reduced if supported by a report submitted by a qualified engineer.

(1) Notwithstanding Subsection 8.11(1) no new development or the expansion of existing development shall be allowed within the 1:100 year flood plain of any watercourse or water body as determined by Alberta Environment.

(2) Development Permit Applications where a portion of a parcel in the 1:100 year floodplain, shall be accompanied by the following information requirements:

(a) Elevation of the site as prepared by a qualified surveyor or engineer;

(b) Proposed elevation of main floor of residential buildings as prepared by a qualified surveyor or engineer; and

(c) A statement and/or analysis, which demonstrates the suitability of the development to the site as compared to other locations on the parcel.

8.12 LANDSCAPING

(1) A landscaping plan may be required by the Development Authority. If required, a landscaping plan shall contain the following information for the site and adjacent boulevards: (a) all physical features, existing or proposed, including shrubs, trees, flower beds, berm contours, walls, fences, outdoor furniture, surface utilities, and decorative paving; with (b) all shrubs and trees, whether existing or proposed labelled by their common name and size.

(2) As a condition of the development permit, all landscaping and planting required must be carried out to the satisfaction of the Development Authority, and within one year of occupancy or commencement of operation of the proposed development. All plant material shall be hardy to the Town of Bashaw.

(3) The Development Authority may impose conditions requiring the retention or removal of trees, as well as additional tree planting.

(4) A minimum of 30% soft surfaced green landscaped features (i.e. grass, shrubs and trees) shall be maintained in all residential front yards.

(5) Development Permits are required for all retaining walls over 60 cm (2 feet).

8.12 LIMITED ACCESS TO MAJOR ROADS

(1) No access for vehicles will be permitted from an arterial road as designated by the Municipal Development Plan, or Area Structure Plans to:
   (a) Any residential site, unless the access serves three or more dwelling units; or
   (b) Any site, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the street; or
   (c) Any site where, in the opinion of the Development Authority, there would be an excessive number of access points approved by Alberta Transportation.

(2) Access to Highways 21 and 53 shall be limited to arterial roads, collector and services roads, and where no service roads are provided, access shall be limited to those access points approved by Alberta Transportation.

8.14 OBJECTIONABLE ITEMS IN YARDS & APPEARANCE

(1) No person shall keep or permit in any part of a yard in any residential district:
   (a) Any dismantled or wrecked vehicle for more than fourteen (14) successive days; or
   (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; or
   (c) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, 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 not parked on a prepared hard surface (i.e. concrete pad or gravel) in the front yard; or
   (e) A commercial vehicle loaded or unloaded of a maximum weight in excess of 4000 kg; or
   (f) A commercial vehicle in a front yard; or
   (g) A recreational vehicle in the front yard of a laned subdivision.
   (h) Contravene the Town of Bashaw Nuisance or Unsightly Premises Bylaw.

(2) No person maintaining more than one recreation vehicle or more than two (2) motor vehicles in a residential district shall allow them to be kept in a manner which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district.

(3) No Recreational Vehicle may be parked, kept or stored outside on any parcel in town for the purposes of human habitation for more than 72 hours.

(4) The quality of exterior treatment and design of all buildings shall be to the satisfaction of the Development Authority for permitted uses and discretionary uses.

8.15 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

(1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Authority or is satisfied that such services will be provided or improvements will be undertaken.

(2) No new development permits shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate Municipal or Provincial authorities having jurisdiction.

8.16 PROJECTIONS OVER YARDS

(1) The following encroachments into required front, side and rear yard setbacks in land use districts may be permitted for canopies, balconies, eaves, box-outs, chimneys, gutters, sills, steps/stairs, and, in addition, cantilevers may be permitted to encroach into the front and rear yards only:
   (a) Front Yard: 2.0 m for balconies; and 1.0 m for cantilevers, eaves, gutters, landings, and window sills (see Figure 8.17.1).
   (b) Rear Yard: 2.0 m for balconies; and 1.0 m for box-outs, cantilevers, eaves, gutters, landings, and window sills (see Figure 8.17.2).
   (c) Side Yard (Interior): 1.0 m for balconies; and 0.6 m for box-outs, eaves, gutters, landings and window sills (see Figure 8.17.1).
   (d) Side Yard (Exterior): 1.0 m for balconies; and 0.6 m for box-outs, cantilevers, eaves, gutters, landings and window sills (see Figure 8.17.2).

(2) For multi-attached dwellings, balconies and decks may be extended to the lot line or common wall, provided that the common wall is extended for separation/privacy.

(3) No projection will be permitted if, in the opinion of the Development Authority, it may interfere with a loading space, parking area, driveway, or other vehicle or pedestrian circulation or access.

(4) No projection will be permitted into the side yard required for vehicular access to the rear yard, unless a minimum vertical height of 3.0 m from finished grade to the lowest point of the projection is maintained.

(5) The projection length limitations are as follows:
   (a) The individual projection maximum length shall not exceed 3.0 m; and
   (b) The sum of all projections maximum length shall not exceed one-third (1/3) of the length of the building wall (not including the garage walls). This does not apply to front or rear yards.

FIGURE 8.16.1: PERMITTED PROJECTIONS – FRONT AND INTERIOR SIDE YARD SETBACKS

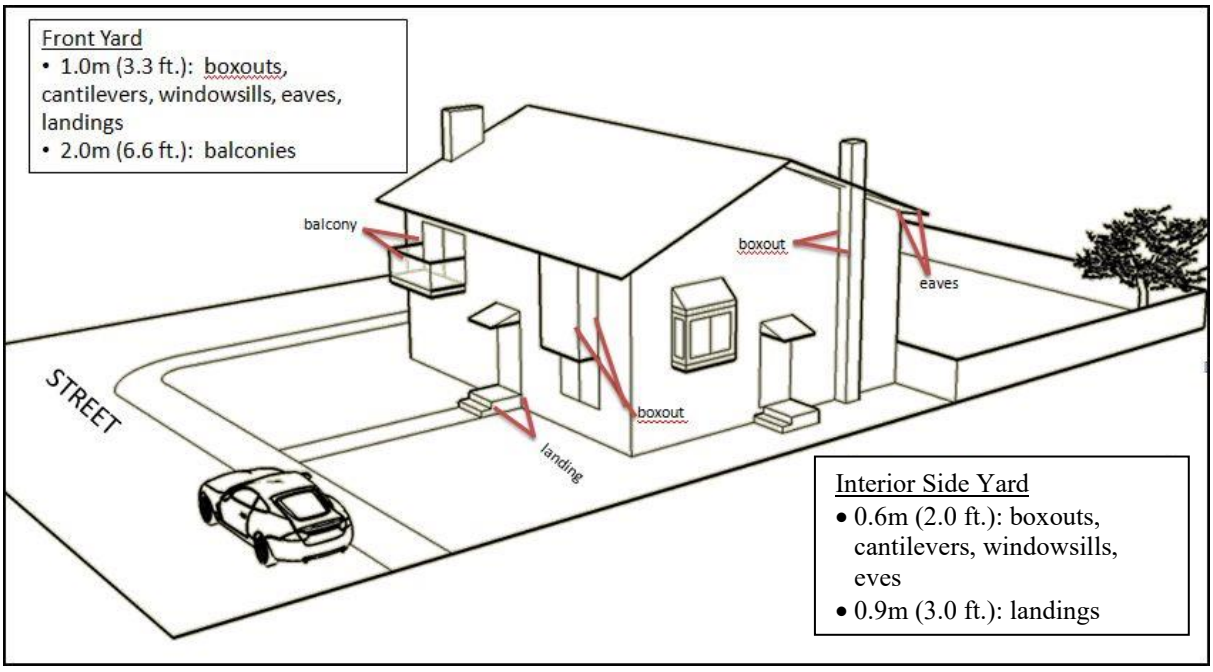
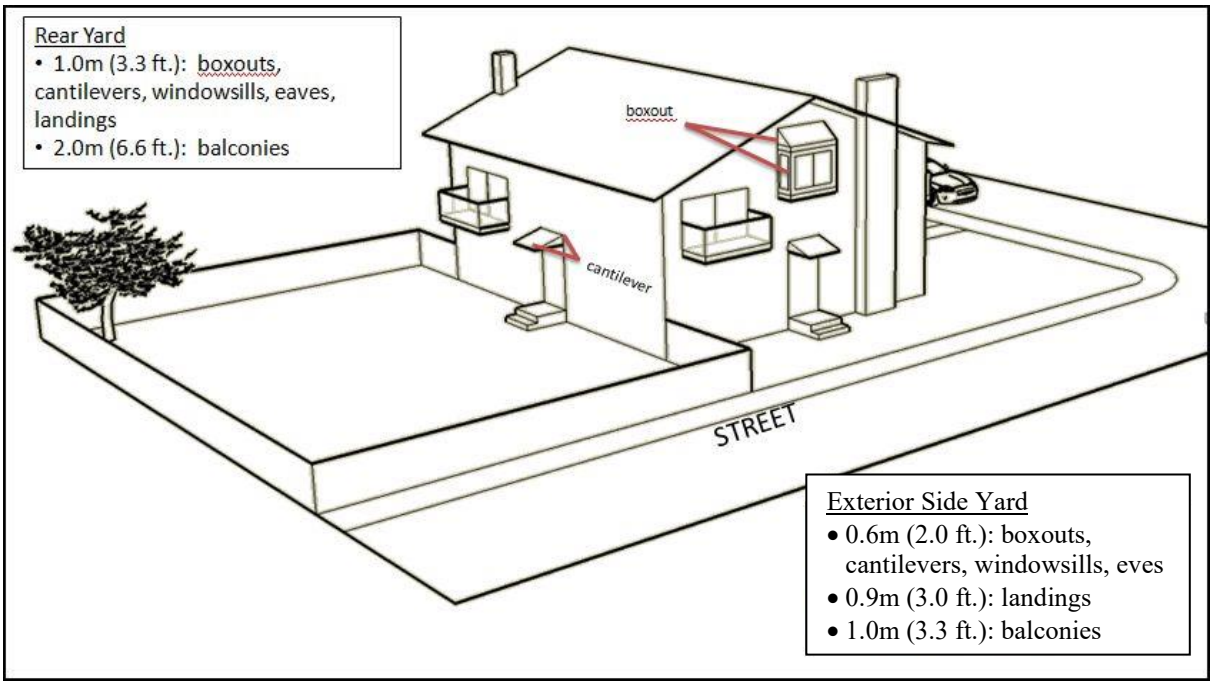


FIGURE 8.16.2: PERMITTED PROJECTIONS – REAR AND EXTERIOR SIDE YARD SETBACK



8.17 PUBLIC LANDS AND TOWN BOULEVARDS

(1) There shall be no unauthorized encroachments onto municipal property, including parks and road rights-of-way. Where an encroachment exists without Town approval, the owner shall be required to remove the encroachment at his/her own expense, or seek permission from the Council for the encroachment to remain.
   (a) There shall be no encroachments into Alberta Transportation Highway Right-Of-Ways without written approval from Alberta Transportation.

(2) All encroachment agreements approved by council shall be registered on title.

(3) All developments on lands owned by the Town of Bashaw shall not require a development permit.

(4) Notwithstanding 8.17(1), the owner(s) of a lot may develop the boulevard abutting their property by excavating, backfilling, levelling or consolidating to final grade, and seed or perform other works that may be necessary to develop a turf boulevard provided that all work shall be entirely at the owner's expense.

(5) Any development, planting or other development not authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the growth, removal or maintenance of such development shall be the responsibility of the owner.

(6) Every owner or occupant of land shall be responsible for maintaining any development allowed under this Section, and for controlling the weeds on boulevards owned by the Town abutting their property.

8.18 PUBLIC UTILITY BUILDINGS AND EASEMENTS

(1) Notwithstanding other regulations in this Bylaw, a person erecting a public utility facility or placing utility equipment on a site shall cause it to be placed in a location and with yard setbacks which are satisfactory to the Development Authority.

(2) Utility lots, utility buildings and publicly owned buildings may be permitted in any district.

(3) Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:
   (a) In the opinion of the Development Authority the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and
   (b) Written consent has been obtained from the person whose use the easement has been granted.

8.19 RELOCATION OF BUILDINGS OR STRUCTURES

(1) No person shall:
   (a) Place on a lot a building which has previously been erected or placed on a different lot; or
   (b) Alter the location on a lot of a building which has already been constructed on that lot,
   (c) Unless the Development Authority approves the placement or alteration.

(2) An approval shall not be granted under Subsection (1) above unless the Development Authority is satisfied that:
   (a) The placement or location of the building would meet the requirements of the Bylaw; and
   (b) The building and the lot meet the requirements of this Bylaw and the land use district in which it is proposed to be located.

(3) Before considering any application for a Moved-in Building and in addition to the requirements of Section 8.19(1) and Section 8.19 (2), the Development Official shall require a development permit application that includes:
   (a) Recent colour photographs of all elevations including additions;
   (b) A statement of the age, size, and structural condition of the building; and
   (c) Documentation from a certified safety code officer that the building meets the requirements of the Safety Codes Act or, if it does not, how the building will be brought up to these requirements.

(4) As a condition of issuing a development permit approval for a Moved-In Building, the Development Authority shall require a letter of undertaking (agreement) and the posting of security in the form of an irrevocable letter of credit or cash, in the amount of the total estimated costs to relocate the building, to be provided prior to the issuance of a building permit and the building being moved on site. This security will ensure that any required modifications to the design, construction, siting, finishing and cladding of the relocated building are completed.

(5) The conditions shall be completed within one year of the issuance of the development permit, as determined by the Development Authority.

(6) The security will be released once all the conditions have been completed by the applicant to the satisfaction of the Development Authority, and are met within the time frame as set out in the development permit.

(7) Upon expiry of the Development Permit, if the required work has not been completed to Town's satisfaction, the Town may use the security to have the work completed and bring the building into compliance.

(8) The applicant shall be advised not less than 30 days prior to the expiration time set out in the development permit, that action will be undertaken by the Town to use the security in completing the required renovations if they have not been completed by the expiration date. Only Council may direct Administration to delay action to complete the requirements of the permit.

8.20 RESIDENTIAL AND INDUSTRIAL USES ADJACENT

(12) In considering subdivision or development permit applications for residential uses adjacent to existing industrial developments or industrial uses adjacent to existing residential developments, the Development Authority may impose conditions addressing:

(a) Providing proper services and access to the site,
(b) Screening, aesthetics and landscaping,
(c) Control of signage,
(d) Noise control,
(e) A development agreement, with the need to provide security, and
(f) Any other issue deemed necessary by the Development Authority.

PART 9 – SPECIFIC USE REGULATIONS

9.1 BED AND BREAKFAST ESTABLISHMENTS

(1) Bed and Breakfast Accommodation shall be reviewed as Home Occupation.

(2) All persons operating bed and breakfast facilities must provide evidence of compliance with municipal, provincial and/or federal regulations in regard to their operation.

(3) A bed and breakfast is an accessory use to a main residential use.

(4) A Development Authority may permit a Bed and Breakfast Accommodation use only if in the opinion of the Development Authority it will:

(a) Be restricted to the dwelling unit;
(b) Not change the principal character or external appearance of the dwelling involved; except where minimal exterior modification of the structure or grounds are compatible with the character of the area or neighborhood and pursuant to a Development Permit;
(c) Not create a nuisance by way of noise, parking or traffic generation;
(d) Not employ anyone but the residents of the dwelling;
(e) Be limited to one (1) identification sign no more than 0.3 m^2 in size and displayed from within the establishment;
(f) Not occupy more than three (3) bedrooms; and
(g) One on-site parking stall shall be provided for each bedroom provided for compensation.

9.2 CANNABIS PRODUCTION AND DISTRIBUTION FACILITY

(1) Cannabis facilities must have a licence issued by the Health Canada.

(2) The following regulations apply to cannabis facilities:
(a) An ancillary building or structure used for security purposes may be located on the parcel containing the use as an accessory building which meets the regulations of this Land Use Bylaw.
(b) Facilities must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of a ventilation system.
(c) Facilities must not be within 100 metres of a residential district measured from the building containing the use to the nearest property line of a parcel designated as a residential district.

(3) An application for a Development Permit for Cannabis Production and Distribution Facility requires a Development Permit shall be made to the Development Authority and shall include reports prepared by the appropriate professionals for the following:

(a) the incineration of waste products and air borne emission, including smell;
(b) the quantity and characteristics of liquid and waste material discharged by the facility; and
(c) the method and location of collection and disposal of liquid and waste material.
(d) Additional information as required by the Development Authority.

(4) The operator of a Cannabis Production and Distribution Facility must ensure that nuisances, including odour, are addressed to the satisfaction of the Development Authority.

9.3 CANNABIS RETAIL SALES

(1) Cannabis stores and where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility.

(2) Cannabis stores must be licensed by the Alberta Government.

(3) Cannabis stores must be a stand-alone use, which means it cannot be combined with another use, such as a convenience store. However, cannabis stores can occur in a multi-tenant building or as part of a mixed-use development.

(4) The operator of a Cannabis Retail Sales must ensure that nuisances, including odour, are addressed to the satisfaction of the Development Authority.

(5) Cannabis stores shall not be located within 100 metres of any other Cannabis Store, when measured from the closest point of a parcel of land containing a Cannabis Store to the closest point of another parcel of land containing a Cannabis Store with the following exceptions:
(a) A proposed cannabis store is at the same location as an existing retail store that currently sells cannabis-related paraphernalia as its main merchandise,
(b) There is only one other cannabis store within the minimum separation distance,
(c) A proposed cannabis store is located on a different street or on the opposite side of the same street as the existing cannabis store,
(d) A major road, expressway or river separates the proposed cannabis store from the existing cannabis store,
(e) A proposed cannabis store is located in an enclosed shopping centre, or
(f) An existing approved cannabis store proposes to relocate to a new location within 100 metres of its original location, provided that it does not move within the separation distance of a different cannabis store.

(6) Cannabis stores shall not abut a Liquor Store.

(7) Cannabis stores shall not be located within 100 metres of the following:
- (a) A building containing a public school, private school, or a boundary of the parcel of land which the facility is located, or
- (b) All properties which are designated as School Reserve or municipal and school reserve on the certificate of title.
- (c) A provincial health care facility, or a boundary of the parcel of land on which the facility is located, or
- (d) Emergency shelter.

9.4 CHILD CARE FACILITIES AND FAMILY DAY HOMES

(1) Child Care Facilities:
- (a) Shall follow the Child Care Licensing Regulations that may provide programming for the social, creative, educational and physical development of children;
- (b) Shall have privacy screening or other buffering techniques designed to limit impact on other uses or the surrounding residential properties;
- (c) In any Residential District:
  - (i) Shall not change the principal character or external appearance of the dwelling in which it is located;
  - (ii) Shall have an outdoor play area designed and secured according to Provincial regulations and must be shown on the plan submitted for a development permit; and
  - (iii) Shall provide parking according to the regulations outlined in *Part 10 Parking & Loading Facilities* of this Bylaw. In addition, a drop-off area shall be provided at the rate of one (1) drop-off space for every five (5) children, or at the discretion of the Development Authority.

(2) A Family Day Home/ After School Care:
- (a) shall not be located in a dwelling unit containing another Home Business;
- (b) require privacy screening that prevents visual intrusion into any outdoor play areas; and

9.5 HOME OCCUPATIONS

(1) All home businesses shall:
- (a) require a development permit; and,
- (b) be considered temporary uses.

(2) Only one Home Business permit shall be issued per residence. Multiple Home Businesses may be allowed under the single permit provided that the requirements are not exceeded by the combined businesses.

(3) Uses that are not considered Home Businesses include, but are not limited to:
- (a) Adult Entertainment Facilities;
- (b) Auto Body and Paint Shop, Auto Detailing Facility, Automotive, Equipment and Vehicle Services, Automotive Services, and Automotive Specialty;
- (c) Cannabis Retail Sales, Cannabis Production and Distribution;
- (d) Child Care Facilities;
- (e) Escort Services; or
- (f) Veterinary services.

(4) The Development Authority has the discretion to refuse a Home Business permit application if the proposed use would be better suited in a commercial or industrial district.

(5) All home occupations shall comply with the following general regulations:
- (a) All home occupations shall be operated as a secondary use only and shall not change the principal character and external appearance of the dwelling in which it is located.
- (b) One professionally manufactured non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.3 square metres (3.2 square feet) in an area placed within the dwelling unit or any accessory building is permitted.
- (c) A home occupation, whether or not a development permit has been issued, shall be reviewed by the Development Officer, when complaints are registered against a home occupation by an affected landowner. A development permit issued for a home occupation is liable to recall and cancellation on the basis of non-compliance on 60 days notice.

(6) Home occupations shall meet all the requirements of 9.6(5) and shall comply with the following regulations:
- (a) The home occupation shall be operated by the permanent resident(s) of the principal dwelling and shall employ no more than one non-resident, on-site employee.
- (b) There shall be no more than four (4) home occupation clients or customers on site during any period of 24 hours for a minor home business.
- (c) The home occupation shall not occupy more than 30% of the gross floor area of the principal dwelling.
- (d) Any storage of materials or goods related to the home occupation must be located within the principal dwelling and/or accessory structure and no exterior storage is permitted.
- (e) The home occupation shall have no more than two (2) home occupation vehicles used in conjunction with the home occupation, parked and maintained on site. There shall be no heavy vehicles (> 4,500 kg or 9,900 lbs) parked on-site of a home occupation.

9.6 MANUFACTURED HOMES

(1) Development Permits for a Manufactured home units shall have:
- (a) Third party certification from an accredited inspection agency including the Canadian Standard Association (CSA), Intertek or Quality Auditing Institute (QAI).
- (b) Alberta Municipal Affairs Label.
- (c) Model number.
- (d) Manufactured home unit serial number.

(2) All accessory structures, such as patios, porches, additions and skirtings, shall be
- (a) Factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home units,
- (b) Considered as part of the main building, and
- (c) Erected only after obtaining a Development Permit.

(3) A manufactured home unit shall be skirted from the floor level to the ground level. The skirting shall compliment the external finish of the manufactured home unit.

(4) The maximum permitted floor area of porches and additions shall be no more than 50% of the floor area of the manufactured home unit.

(5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home unit.

(6) Furniture, domestic equipment, or seasonally-used equipment shall be stored in adequate covered storage or screened area, either individually on the stall or lot or communally, which storage facility shall conform to the regulations passed under the Safety Codes Act.

(7) The following regulations apply to all manufactured home units:
- (a) The hitch and wheels are to be removed from the manufactured home unit.
- (b) All manufactured home units shall be placed on a foundation or screw-piles.
- (c) The lot or stall is to be fully landscaped within one (1) year from the date of issuance of the development permit for the manufactured home unit.

9.7 SOLAR COLLECTORS

(1) A solar collector may be located on the roof or wall of a building or structure.

(2) A solar collector mounted on a roof with a pitch of less than 4:12, may project:

- (a) A maximum of 0.5 m from the surface of a roof, when the solar collector is located 5.0 m or less from a side lot line, measured directly due south from any point along the side lot line; and

(b) In all other cases, maximum of 1.3 m from the surface of a roof.

(3) A solar collector mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 m from the surface of a roof.

(4) A solar collector mounted on a roof must not extend beyond the outermost edge of the roof.

(5) A solar collector that is mounted on a wall:

(a) Must be located a minimum of 2.4 m above grade; and
(b) May project a maximum of:

(i) 1.5m from the surface of that wall, when the wall is facing a rear lot line; and
(ii) In all other cases, 0.6 m from the surface of that wall.

(6) A solar collector mounted on a structure must meet yard setback and district height regulations.

9.8 USES PERMITTED IN ALL LAND USE DISTRICTS

(1) The following Uses are permitted in all Land Use Designations:
(a) Public utility;
(b) Road;
(c) Highway; and
(d) Park.

PART 10 – PARKING & LOADING FACILITIES

10.1 PARKING FACILITIES – GENERAL REGULATIONS

(1) Parking stalls and loading spaces shall be clearly marked in the parking facility. Such marking shall be regularly maintained to ensure legibility to users and shall be to the satisfaction of the Development Authority.

(2) All off-street parking facilities shall be so constructed that:
- (a) Necessary curb buts are located and flared to the satisfaction of the Development Authority;
- (b) Every off-street parking space provided, and the access thereto, shall be hard-surfaced if the access is from a street or lane which is hard-surfaced;
- (c) Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent residential properties and other properties where in the opinion of the Development Authority they would have adverse effects;
- (d) Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Authority; and
- (e) Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of the number of stalls required for the project.

(3) Where a proposed development will, from time to time, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site to the satisfaction of the Development Authority.

(4) Pursuant to 10.1(3), the Development Authority shall consider the following criteria when reviewing off-street loading regulations:
- (a) Off-street loading spaces shall have dimensions of not less than 4.0 m in width and 8.0 m in length;
- (b) Have overhead clearance of not less than 5.3 m above grade;
- (c) Have vehicular access to and exit from a street or lane wither directly or by a clearly defined traffic aisle;
- (d) Be sited at an elevation or elevations convenient to a major flood level in the building or to a utility elevator serving each major flood level;
- (e) Be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to cross site boundaries or sidewalks without the approval of the Development Authority or Municipal Planning Commission;
- (f) Be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced;

(g) Have adequate lighting to the satisfaction of the Development Authority or Municipal Planning Commission; and

(h) Be screened on each side adjoining or fronting on any property in a residential district by a wall, fence, earth berm or hedge of not less than 2.0 m in height, to the satisfaction of the Development Authority or Municipal Planning Commission.

10.2 PARKING AREAS

(1) Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces as calculated in Table 10.2.1.

Table 10.2.1 – Parking Requirements

Use of a Building or Site	Minimum Number of Parking Spaces
Residential Uses	
Multi-family dwellings	2 per dwelling unit
Seniors apartments	1 per dwelling unit, or as required by the Development Authority
Boarding houses	1 per bedroom
Senior citizen homes	1 per dwelling unit
Secondary suites	1 per bedroom
All other dwellings	2 per dwelling unit
Manufactured home parks	In addition to 2 per dwelling unit, 1 visitor parking space per 4 manufactured home units
Commercial and Industrial Uses	
Cannabis Production Facilities	1 per 100 m^2 (1,076 ft^2) of gross floor area for the first 2,000 m^2, and then 1 per each subsequent 500 m^2
Eating and drinking establishments	1 per 5 seating spaces
Eating and drinking establishments (take out)	1 per 13 m^2 (140 ft^2) of gross leasable area plus 1 per 3 employees on maximum shift
Drive thru restaurants	2 per drive thru window
Other drive thru businesses	2 per drive thru window
Hotels and motels	1.5 per rentable unit
Bed and breakfast	1 per bedroom
Home occupations	1 in addition to the requirements for the residential use
All other commercial uses	1 per 28 m^2 (301.4 ft^2) of gross leasable area
All industrial uses	1 per 46 m^2 (495 ft^2) of gross leasable area
Institutional Uses	
Places of Public Assembly	1 per 5 seating spaces
Schools (elementary/junior high)	2 per classroom
High schools	3 per classroom
Commercial schools	1 per student
Hospitals and similar uses	2 per bed
Nursing homes	0.75 per bed

(a) In the case of a use not specifically mentioned, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority.
(b) Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.
(c) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
(d) If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfill the requirements of this Bylaw.

(2) At the discretion of the Development Authority, minimum parking requirements may be relaxed for existing buildings where historical site design is not being altered, and cannot accommodate the required number of parking stalls.

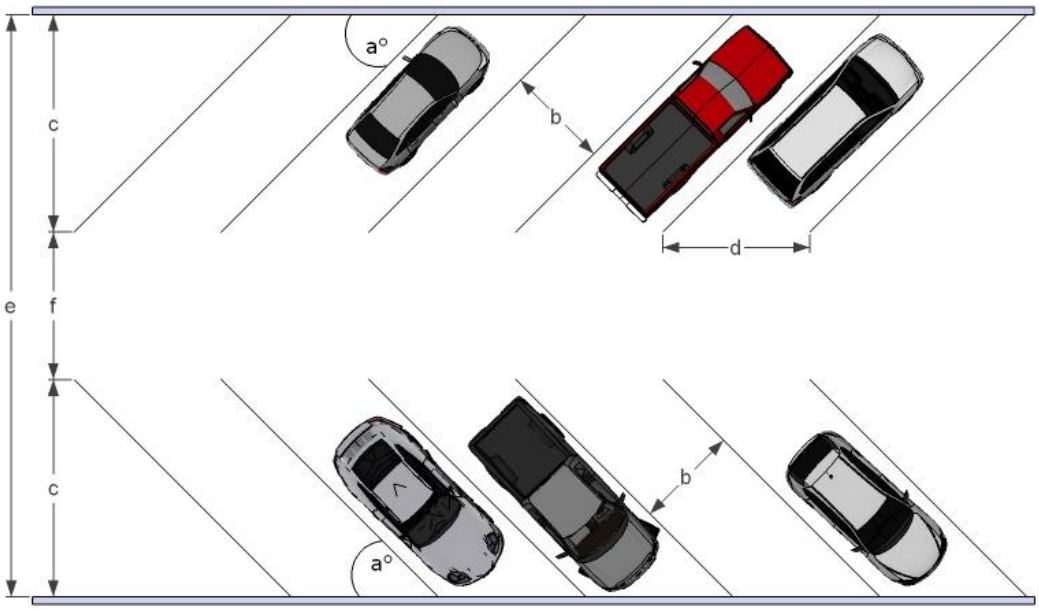
(3) Surfacing and Drainage
(a) All parking areas shall be clearly marked, landscaped and adequately lit with lighting away from adjacent sites, adequately graded and drained to dispose of all stormwater run-off, contain the necessary curb cuts, and surfaced in a manner to match the road or lane from which the parking area gains access.
(b) The approach or access to every off-street parking area shall be surfaced in the same manner as the adjoining road from which access is gained.
(c) Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

(4) All parking areas shall conform to the requirements shown in Table 10.2.2 and Figure 10.2.3.

Table 10.2.2 – Required Parking Stall Dimensions

(a) Parking Angle (in degrees)	(b) Width of Space in m (ft)	façade Stall Depth Perpendicular to Aisle	(d) Width of Space Parallel to Manoeuvring Aisle in m (ft)	façade Overall Depth in m (ft)	(f) Width of Manoeuvring Aisle in m (ft)
0	2.7 (9)	2.7 (9)	7.0 (23)	9.1 (30)	3.6 (12)
30	2.7 (9)	5.2 (17)	5.5 (18)	14.0 (46)	3.6 (12)
45	2.7 (9)	5.9 (19)	4.0 (13)	15.2 (50)	4.0 (13)
60	2.7 (9)	6.1 (20)	3.1 (10)	18.3 (60)	6.1 (20)
90	2.7 (9)	6.1 (20)	2.7 (9)	19.5 (64)	7.3 (24)

Figure 10.2.1 – Parking Guide to Correspond with Table



PART 11 – SIGNS

11.1 PURPOSE

(1) The purpose of this Chapter is to regulate the development and display of signage within the Town of Bashaw. This Chapter provides signage development standards related to:
- (a) Location.
- (b) Type.
- (c) Quantity.
- (d) Height.
- (e) Size.

11.2 DEFINITIONS

(1) For the purpose of this Part the following definitions shall apply, in addition to those contained in Section 2.2:

- (a) "A-Frame Sign" means a temporary, movable, self-supporting A-shaped sign consisting of two flat surfaces joined at the upper end and resting on the ground
- (b) "Awning Sign" means a non-illuminated sign painted on the fabric surface supported by an exterior wall of a building
- (c) "Billboard" means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located
- (d) "Building Face" means the total area of the wall of a building
- (e) "Copy" means the text, illustrations and symbols that make up the message on a sign
- (f) "Dynamic Sign" means a sign or portion of a sign with features that move or appear to move or change, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. A Dynamic Sign includes any display that incorporates a technology or other method allowing the image on the sign face to change, such as rotating panels, LED lights manipulated through digital input, or "digital ink". A Dynamic Sign does not include a sign whose message or image is changed by physically removing and replacing the sign or its components.
- (g) "Electronic Message Centre" means a sign or component of a sign on which the copy can be changed by electrical or electronic means.
- (h) "Freestanding 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 or other structure
- (i) "Identification Sign" any sign which is used to display the address, and name of a building or parcel of land
- (j) "Illuminated Sign" means any sign illuminated either directly from a source of light incorporated in or connected with the sign, or indirectly from an artificial source

(k) "Portable Sign" means a sign, excluding A-board and temporary signs that can be carried or transported from one site to another

(l) "Projecting Sign" means a sign, which is attached to a building or structure so that part of the sign projects beyond the face of the building or structure

(m) "Real-Estate Sign" means any temporary sign which advertises for the sale, lease, or rent of a building or parcel of land

(n) "Roof Sign" means any sign placed on or over a roof

(o) "Rotating Sign" means any sign or part of a sign which moves in a clockwise or counter-clockwise motion

(p) "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 structure, 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 provided for in this Bylaw, is subject to all regulations governing signs.

(q) "Sign Area" means the total surface area within the outer periphery of the said sign, and in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

(r) "Sign Height" means the vertical distance measured from natural grade at the base of the sign to the highest point of such sign.

(s) "Temporary Sign" means a sign or banner that is not permanently installed or affixed, advertising a product, activity or event on a limited time basis and does not include a portable sign.

(t) "Third Party Sign" typically associated with a "Billboard Sign" means a sign, which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premise on which the sign is located

(u) "Vehicle Sign" means a sign mounted, posted or otherwise adhered on or to a motor vehicle, including but not limited to trailers, wagons, tractors, and recreational vehicles

(v) "Wall Sign" means a sign placed flat and parallel to the face of the building so that no part projects more than one foot from the building

(w) "Window Sign" means a sign which is painted on or affixed to a window and faces towards an adjacent sidewalk or roadway

11.3 SIGNS

(1) Development Permit Required:

(a) Except as stated in Section 10.3(2), no sign shall be erected or altered on land or affixed to any exterior surface of a building or structure unless a sign permit for this purpose has been issued by the Development Authority

(b) Unless otherwise specified in this Bylaw a permit is required for the following signs:

(i) Free standing sign
(ii) Wall sign
(iii) Canopy sign
(iv) Rotating sign
(v) Projecting sign
(vi) Roof sign
(vii) Billboard sign
(viii) Portable sign
(ix) Dynamic sign

(2) Unless otherwise specified in this Bylaw no development permit is required for the following signs:

(a) Signs posted or displayed within the interior space of a building

(b) Signs posts or displayed in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign

(c) A statutory or official notice of a function of the Town

(d) Signs posted by a municipal, provincial, or federal government agency

(e) Traffic and directional signs authorized by the Town and/or Alberta Provincial Authorities

(f) The erection of campaign signs for federal, provincial, municipal, or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that

(i) Such signs are removed within ten (10) days of the election date
(ii) The consent of the property owner or occupant is obtained
(iii) Such signs do not obstruct or impair vision or traffic
(iv) Such signs are not attached to utility poles
(v) Such signs indicate the name and address of the sponsor and the person responsible for removal

(g) A non-illuminated sign that is posted or exhibited solely for the identification of the address or name of the land or building on which it is displayed including signs identifying the occupants, if the sign:

(i) Does not exceed 1.0 m^2 in area, and
(ii) Is posted only at each entrance from which access from a public roadway To the building is provided

(iii) Does not advertise for a home-based business or bed and breakfast establishment

(h) A non-illuminated sign that is posted or exhibited for sale, lease or rentals of land or a building if the sign:

(i) Is 3.0 m² of less in area
(ii) Is posted only on each side of the building or land facing a different public roadway

(i) Window Sign

(j) An A-Frame sign:

(i) Provided it is advertising for goods or services which are located for sale or offered on the same lot or on a sidewalk adjacent to the same lot
(ii) Does not obstruct vehicular or pedestrian traffic

(k) A non-illuminated sign of a building contractor relating to construction work in progress on the land on which such signs are erected, provided that:

(i) Such signs are removed within fourteen (14) days of occupancy, and
(ii) Such sign are limited in size to a maximum of 3.0 m², and in number to one sign for each boundary of the property under construction which fronts onto a public street.

(l) A non-illuminated temporary sign advertising a garage sale, estate sale or open house. Such signs may be posted for a maximum period of 48 hours, and may not exceed 1.0 m^2 in area or 1.0 m in height.

11.4 SIGN DEVELOPMENT PERMIT SUBMISSION

(13) An application for a Development Permit to structurally alter or erect a Sign that requires a Development Permit shall be made to the Development Authority and shall include the following:

(a) A letter of consent from the registered owner of the land or building upon which the sign will be located.
(b) A letter outlining the contact information of the owner of the Sign.
(c) The location of all existing and proposed Signs on the building façade or on a site plan of the parcel indicating the front and side property lines, setbacks and distances from existing buildings.
(d) Two copies of a rendering / illustration of the proposed Sign with dimensions and total Sign Area, height of top and bottom of the Sign above average ground level and thickness of the Sign.
(e) Materials, finishes, colours, size of lettering and graphics.
(f) Mounting or installation details: the Development Authority may require that a structural drawing be prepared and sealed by a Professional Engineer.
(g) Mounting height or clearance to grade.
(h) The appropriate fee.

11.5 PROHIBITED LOCATION

(1) No part of any sign, including any accessory components, shall be located on any roadway, boulevard, sidewalk. Only 'A-Frame' type signs may be permitted on a sidewalk abutting a business but must first receive the written consent of the Development Authority.

(2) No part of any sign, including any accessory components, shall be located on any land owned by the Development Authority without a council motion granting use of the land prior to the Development Authority issuing a Development Permit.

11.6 SIGN DEVELOPMENT STANDARDS

(1) Unless provided elsewhere in this Bylaw, signs shall be erected in accordance with the standards specified in Table 11.6.1.

Table 11.6.1 – Sign Development Standards

Type of Sign	Land Use Designation and Development Standards											
	PS			R1, R1A, R2, R3, RE, CR, MHP, MHS			C1			C2, M		
	#	H	SA	#	H	SA	#	H	SA	#	H	SA
Freestanding Sign	1	4.0 m	3.0 m^2	1	1.5 m	1.5 m^2	1	10m	10 m^2	1	10 m	12 m^2
Wall Sign	1	N/A	3.0 m^2	1	N/A	1.0 m^2	1^	N/A	20 m^2	1^	N/A	24 m^2
A-Frame Sign	1*	1.0 m	0.7 m^2	Not Permitted			1*	1.0 m	0.7 m^2	1*	1.0 m	0.7 m^2
Temporary Sign	1	4.0 m	3.0 m^2	Not Permitted			1	6.0 m	9.0 m^2	1	6.0 m	9.0 m^2
Canopy Sign	1*	2.5 m**	1.5 m^2	Not Permitted			1*	2.5 m**	1.5 m^2	1*	2.5 m**	1.5 m^2
Dynamic Sign	1	2.5 m	1.5 m^2	Not Permitted			1	2.5 m	1.5 m^2	1	2.5 m	1.5 m^2
Rotating Sign	Not permitted			Not Permitted			1	10 m	10 m^2	1	12 m	15 m^2
Projecting Sign	Not permitted			Not Permitted			1	2.5 m**	1.5 m^2	1	2.5 m**	1.5 m^2
Roof Sign	Not Permitted			Not Permitted			1	7.5 m	10 m^2	1	10 m	15 m^2
Billboard Sign	Not Permitted			Not Permitted			1	10 m	10 m^2	1	9.5 m	12 m^2
Portable Sign	Not Permitted			Not Permitted			1	2.5 m	3.0m^2	1	2.5 m	3.0 m^2

Key
# = Refers to the maximum Number of Signs permitted per lot
H = Refers to the maximum Sign Height permitted
SA = Refers to the maximum Sign Area permitted
^ = Refers to the maximum number of permitted signs per each side of a building facade
* = Refers to the maximum number of permitted signs per business on a lot
** = Refers to the minimum vertical clearance from grade or, if applicable, a sidewalk to the bottom of the sign

(2) In addition to the standards specified in Table 3, the following regulations will also apply:
  (a) Awning/Canopy Sign
    (i) No portion of the canopy/awning shall be closer than 600 mm to a vertical line drawn from the adjacent curb.

(b) Billboard Sign
- (i) Where a billboard shares a lot with a building, no billboard shall be located in the front or side yard which runs parallel to an adjacent roadway.
- (ii) Billboards shall be spaced at a distance of 90 metres from one another.
- (iii) Where a portable sign is serving as a billboard it shall be spaced 45 metres from other portable or permanent signs serving as billboards.

(c) Dynamic Signs
- (i) No Dynamic Sign may be erected except as permitted in this Section;
- (ii) The Development Authority shall only approve a Dynamic Sign as a portion of a permitted Community, Canopy, Free Standing or Fascia Sign.
- (iii) A Dynamic Sign may display public service announcements, but shall not include third party advertising or sponsor recognition except when it is located on a site in a Public Service (PS) district.
- (iv) Dynamic Signs shall only be permitted as a discretionary use in Commercial, Industrial and Public Service Districts, and must meet the following requirements:
  - (1) not be located within 30.0 m radius of a residential district, and when site or lot of a proposed dynamic sign location is adjacent to a residential district, notification will be sent within a 100.0 m radius of the proposed site,
  - (2) be limited to one sign per building or site, with the exception of Public Service sites over 17 ha will be limited to two (2) signs provided that one of the signs must be a fascia sign and the other must be a portion of a freestanding sign, and further provided that the two (2) signs must be at least 50.0 m apart,
  - (3) not be located on a lot within a 50.0 m radius of the boundary of a lot containing an existing dynamic sign,
  - (4) comprise of not more than 25% of the total freestanding or fascia sign area.
- (v) A development permit for a dynamic sign shall be valid for a maximum of two (2) years, at which time a new permit must be applied for. The conversion of an existing sign to a dynamic sign shall require a development permit.
- (vi) Any digital sign located within 50 m of a residential district may be subject to restricted operating hours at the discretion of the Development Authority.
- (vii) The use, size and location of digital signs must comply with all other relevant municipal and provincial regulations.
- (viii) The sign panel does not contain or display flashing, intermittent, or moving lights, including animated or scrolling text.
- (ix) A sign panel provided as a public service showing the time and temperature shall not be considered a flashing or moving sign.
- (x) The sign content remains fixed/static for a minimum message display duration, where: Min. Display Duration (sec) = Sight distance to sign (m)/ Speed limit (m/sec).

(1) In lower speed areas, the formula above should be used with a minimum sight distance to sign of 350 m.
(2) In areas with speed limit ≥80 km/h, the minimum message display duration is 60 seconds, unless the sight distance to the sign is less than 1 kilometre

(xi) When a message is changed electronically, it must be accomplished within an interval of 0.1 seconds or less so that an approaching driver cannot perceive any blanking of the display screen.
(xii) There shall be no visual effects between successive displays.
(xiii) The sign panel must contain a default design that will freeze the sign panel message in one position if a malfunction occurs.
(xiv) The sign panel shall be equipped with a control system that automatically adjusts light emission level to ambient light conditions so as not to cause glare or excessive brightness.
(xv) In no case shall the light level of any sign panel exceed 300 nits (candelas per square metre) between the time of sunset and sunrise, nor 5,000 nits at other times.
(xvi) The sign must not diminish the conspicuity of nearby traffic control devices.
(xvii) In cases where the sign is adjacent to an Alberta Transportation right-of-way, Alberta Transportation shall have the ongoing discretion to require the brightness, frequency, colours or other qualities of the sign panel be adjusted in order to address safety concerns.
(xviii) All dynamic sign applications fronting onto Alberta Transportation roadways shall be circulated to Alberta Transportation for comment.

(d) Freestanding Signs
(i) No freestanding sign shall be located within 10 m of the intersection of lanes/streets, or a street or lane.
(ii) For any lot located in the C2 or M designations, one Freestanding Sign shall be permitted for every 90 metres of frontage.
(iii) Illuminated Freestanding Signs shall be permitted only in C1, C2 and M designations.
(iv) Copy is permitted on both sides of Freestanding Signs, including signs angled up to 90 degrees, therefore allowing the Sign Area to be double the permitted Sign Area.
(v) Freestanding Signs shall not be located closer than 1.0 m to any front, rear, or side property line.
(vi) In accordance with Alberta Transportation's setback requirements where abutting a highway.

(e) Wall Signs
  (i) Wall signs shall be restricted to the first storey of the building in the R1, R2, R3, MHP, MHS, RCE, PS zone designations.
  (ii) Wall signs shall not project more than 0.4 m horizontally from the Building Face to which it is attached.
  (iii) Illuminated Wall Signs shall be permitted only in C1, C2, and M designations.

(f) Portable Signs
  (i) Copy is permitted on both sides of Projecting Signs, therefore allowing the Sign Area to be double the permitted Sign Area.
  (ii) Maximum one (1) Portable Sign shall be displayed per lot.
  (iii) Portable Signs shall not be located within a required off street parking space or a driveway.

(g) Projecting Signs
  (i) Copy is permitted on both sides of Projecting Signs, therefore allowing the Sign Area to be double the permitted Sign Area.
  (ii) The height of a Projecting Sign shall refer to the minimum vertical clearance from grade or, if applicable, a sidewalk, and shall be a minimum of 2.5m.

(h) Temporary Signs
  (i) Large Temporary Signs relating to the sale or renting of land, the sale of goods or livestock, the carrying out of building or similar work, or announcement of any local event must obtain a development permit and meet the following conditions:
    (1) Maximum two (2) Temporary Signs not exceeding a total Sign Area of 9.0 m^2;
    (2) Copy is permitted on both sides of the Temporary Sign, including signs angled up to 90 degrees, therefore allowing Sign Area to be double the permitted Sign Area;
    (3) The maximum Sign Height shall not exceed 6.0 m;
    (4) The Temporary Sign shall be removed by the advertiser within fifteen (15) days of the completion of the event, sale, or works to which such signs relate.

(i) Signage for a Bed and Breakfast
  (i) Each Bed and Breakfast homestay shall provide one (1) on-site Freestanding Sign for the purpose of identification and shall be regulated in accordance with the following requirements:
    (1) The sign shall be located within the front yard and must be visible from a public road;
    (2) The sign be attached to either existing fencing or on independent posts to the satisfaction of the Development Authority;

(3) The sign shall be constructed using high density plywood or solid wood and shall be finished with high density reflective finish or equivalent, with dye cut lettering or silk screen lettering.

11.7 ADDITIONAL SIGN REGULATIONS

(1) All signs requiring a sign permit shall follow the development permit process as specified under Section 4.1 of this Bylaw.

(2) Council may require the removal of any sign, which is in its opinion, has become unsightly, or is in such a state of disrepair as to constitute a hazard.

(3) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.

(4) Where, in the opinion of the Development Authority, a proposed sign in a Commercial or Industrial District might be objectionable to a resident in any adjacent residential district, the Development Authority may impose such other regulations as they feel would protect the interests of residents.

(5) Flashing, animated or interiorly illuminated signs shall not be permitted in any district where in the opinion of the Development Authority they might:
   (a) Affect residents in adjacent housing, or residential districts;
   (b) Interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.

(6) Notwithstanding 11.7(5), no person shall exhibit or place an illuminated sign, rotating sign or dynamic sign that permits or provides for:
   (a) A current interrupting or flashing device, unless there is a continuous source of concealed illumination on the translucent portions of the sign;
   (b) A flashing beacon of a type that is the same or similar to those used by emergency vehicles;
   (c) A flashing device, animator or revolving beacon within 50.0 m of the intersection of two or more public roadways;
   (d) A device described in 11.7(5) that would be directly visible from any residential building within a distance of 50.0 m of the sign.

(7) No person shall erect or place a sign so that it would be considered, in the opinion of the Development Authority, to be a traffic hazard or an obstruction to the vision of persons driving motor vehicles.
   (a) Billboard signs, electronic signs, dynamic signs and rotating signs which are visible from Highway 21 and 53, but located outside of the Highway Right-Of-Way, shall be circulated to Alberta Transportation for comment.

(8) Notwithstanding section 11.7(7) no the Development Authority may not approve any signs located within an Alberta Transportation Highway Right-Of-Way without written approval from Alberta Transportation.

(9) The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.

(10) The Development Authority may at their discretion require an engineer-approved plan prior to the issuance of a sign permit in order to ensure the safety of a sign, awning or canopy design and placement.

(11) Notwithstanding Part 4 of this Bylaw, the Development Authority may, with respect to an application for a sign permit,
- (a) Grant a sign permit to an applicant subject to such conditions considered necessary to ensure this Bylaw is complied with;
- (b) Refuse the application.

(12) Offensive Signage
- (a) No sign shall be erected which promotes intolerance, hatred or ridicule of any race, religion or other segment of society.

PART 12 – DISTRICTS AND REGULATIONS

12.1 ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

(1) Land use district and land use regulations shall be set forth in Part 12 and may be amended in the same manner as any other Part or Section of this Bylaw.

12.2 LAND USE DISTRICTS

(1) The Town is hereby divided into the following districts:

Designation Name	Designation Acronym
Low Density Residential	R1
General Residential	R2
Medium Density Residential	R3
Manufactured Housing Park	MHP
Manufactured Housing Subdivision	MHS
Central Commercial	C1
Highway Commercial	C2
Industrial	M
Institutional and Public Uses	IPU
Urban Expansion	UX
Direct Control	DC

12.3 LAND USE DISTRICT MAP

(1) Land use districts specified under 12.2 are described in the short form on the LAND USE DISTRICT MAP which is an integral part of this Bylaw.

(2) Throughout this Bylaw and amendments thereto, a District may be referred to either by its full name or its abbreviation.

(3) The district regulations are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the property of any district, the following rules shall apply:

(a) Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centreline thereof.

(b) Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

(c) In circumstances not covered by 12.3(a) and 12.3(b) above the location of the district boundary shall be determined by:

(i) Where dimensions are set out on the Land Use District Map, by the dimensions so set, or

(ii) Where 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.

(4) 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 a 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 regulations of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

(5) After Council has fixed a district boundary pursuant to the provisions of 12.3, the portion of the boundary so fixed shall not be thereafter altered except by an amendment to this Bylaw.

(6) The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

12.4 LOW DENSITY RESIDENTIAL (R1)

(1) Purpose

The R1 – Low Density Residential designation is intended to accommodate the development of low-density residential development on moderately sized lots throughout the community.

(2) Permitted and Discretionary Uses

Table 12.4.1 outlines the permitted and discretionary uses contemplated in the R1 designation where approval is subject to the issuance of an authorized development permit.

Table 12.4.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Housing, modular • Housing, secondary suite • Housing, single-detached • Home based business • Park	• Additional Accessory Buildings • Bed and breakfast • Child care facility • Church • Family care facility • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be in accordance with the following table:

Table 12.4.2

Use	Minimum Lot Area
Housing, single-detached	550 m^2
Other principle uses listed in Table 12.4.1	Satisfaction of the Development Authority

(4) Lot Width

The minimum mean lot width shall be in accordance with the following table:

Table 12.4.3

Use	Minimum Mean Lot Width
Housing, single-detached (with adjacent rear lane)	15 metres
Housing, single-detached (without adjacent rear lane)	18 metres
Housing, single-detached (corner lots	17 metres
Other principle uses listed in Table 12.4.1	To the Satisfaction of the Development Authority

(5) Lot Coverage

The maximum lot coverage of buildings (principle and accessory) shall be in accordance with the following table:

Table 12.4.4

Use	Maximum Lot coverage (%)
Housing, single-detached	40%
Other principle uses listed in Table 12.4.1	40%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.4.5

Use	Minimum Front Yard Setback (m)
Housing, single-detached	6 metres
Other principle uses listed in Table 12.4.1	6 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.4.6

Use	Minimum Rear Yard Setback (m)
Housing, single-detached	6 metres
Other principle uses listed in Table 12.4.1	6 metres
Accessory buildings	1.0 metres

(8) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.4.7

Use	Minimum Side Yard Setback (m)
Housing, single-detached (side property line of a flanking street)	3.0 metres
Housing, single-detached (on one side of the lot where there is no road or lane access from the rear yard)	3.0 metres
Other principle uses listed in Table 12.4.1	1.5 metres
Accessory Buildings	1 metre

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.4.8

Use	Maximum Building Height (m)
Housing, single-detached	11 metres
Other principle uses listed in Table 12.4.1	11 metres
Accessory Building	3 metres

(10) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.5 GENERAL RESIDENTIAL (R2)

(1) Purpose

The R2 – Low Density General Residential designation is intended to provide opportunities for innovation in residential development. Through the provision of narrower lots the development of low density housing types will be provided at higher than conventional densities.

(2) Permitted and Discretionary Uses

Table 12.5.1 outlines the permitted and discretionary uses contemplated in the R2 designation where approval is subject to the issuance of an authorized development permit.

Table 12.5.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Housing, duplex • Housing, modular • Housing, single-detached • Housing, secondary suite • Home based business • Park	• Additional Accessory Buildings • Bed and breakfast • Child care facility • Church • Family care facility • Housing, manufactured • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be in accordance with the following table:

Table 12.5.2

Use	Minimum Lot Area
Housing, duplex	200 m^2 (per unit)
Housing, single detached (with adjacent rear lane	400 m^2
Housing, single detached (without adjacent rear lane)	445 m^2
Other principle uses listed in Table 12.5.1	325 m^2

(4) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.5.3

Use	Minimum and Maximum Lot Frontage (m)
Housing, duplex	Minimum 7.5 metres but maximum 10.5 metres
Housing, single detached (with adjacent rear lane)	Minimum 7.5 metres but maximum of 10.5 metres
Housing, single detached (without adjacent rear lane)	Minimum 10.5 metres but maximum of 12 metres
Other principle uses listed in Table 12.5.1	Minimum 7.5 metres but maximum 10.5 metres

The minimum mean lot width shall be in accordance with the following table:

Use	Minimum Mean Lot Width
Housing, duplex	7.5 metres
Housing, single detached (with adjacent rear lane)	12 metres
Housing, single detached (without adjacent rear lane)	12 metres
Other principle uses listed in Table 12.5.1	Satisfaction of the Development Authority

(5) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.5.4

Use	Maximum Lot coverage (%)
Housing, duplex	50%
Housing, single detached (with adjacent rear lane)	50%
Housing, single detached (without adjacent rear lane)	50%
Other principle uses listed in Table 12.5.1	50%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.5.5

Use	Minimum Front Yard Setback (m)
Housing, duplex	6 metres
Housing, single detached (with adjacent rear lane)	6 metres
Housing, single detached (without adjacent rear lane)	6 metres
Other principle uses listed in Table 12.5.1	6 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.5.6

Use	Minimum Rear Yard Setback (m)
Housing, duplex	6 metres
Housing, single detached (with adjacent rear lane)	6 metres
Housing, single detached (without adjacent rear lane)	6 metres
Other principle uses listed in Table 12.5.1	6 metres
Accessory buildings	1 metres

(8) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.5.7

Use	Minimum Side Yard Setback (m)
Housing, duplex	1.5 metres
Housing, single-detached (side property line of a flanking street)	3.0 metres
Housing, single-detached (on one side of the lot where there is no road or lane access from the rear yard)	3.0 metres
Other principle uses listed in Table 12.5.1	1.5 metres
Accessory Building	1 metre

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.5.8

Use	Maximum Building Height (m)
Housing, duplex	11 metres
Housing, single detached (with adjacent rear lane)	11 metres
Housing, single detached (without adjacent rear lane)	11 metres
Accessory Buildings	3 metres
Other principle uses listed in Table 12.5.1	11 metres

(10) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.6 MEDIUM DENSITY RESIDENTIAL (R3)

(1) Purpose

The R3 - High Density Residential designation is intended to provide opportunities for the development of higher density residential in the form of duplex, triplex, fourplex, and row housing.

(2) Permitted and Discretionary Uses

Table 12.6.1 outlines the permitted and discretionary uses contemplated in the R3 designation where approval is subject to the issuance of an authorized development permit

Table 12.6.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Housing, apartment (low rise) • Housing, duplex • Housing, triplex • Housing, fourplex • Housing, row housing • Housing, secondary suite • Public parks and recreation areas	• Additional Accessory Buildings • Bed and breakfast • Child care facility • Church • Family care facility • Housing, single detached • Housing, secondary suite • Housing, modular • Home businesses • Religious institution • Utility installations • Solar Collectors

(3) Lot Area

The minimum lot area shall be as specified in the following table:

Table 12.6.2

Use	Minimum Lot Area (m2)
Housing, duplex	250 m²
Housing, low rise/high rise apartment	500 m²
Housing, triplex	500 m²
Housing, fourplex	500 m²
Housing, row	120 m² (per unit)
Other principle uses listed in Table 12.6.1	445 m²

The minimum lot width shall be as specified in the following table:

Table 12.6.3

Use	Minimum Mean Width (m)
Housing, duplex	7.5 m
Housing, low rise/high rise apartment	12 m
Housing, triplex	12 m
Housing, fourplex	12 m
Housing, row	12 m
Other principle uses listed in Table 12.6.1	12 m

(4) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.6.4

Use	Minimum Lot Frontage (m)
Housing, duplex	7.5 metres (per unit)
Housing, low rise/high rise apartment	15 metres
Housing, triplex	15 metres
Housing, fourplex	15 metres
Housing, row	4 metres (per unit)
Other principle uses listed in Table 12.6.1	15 metres

(5) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.6.5

Use	Maximum Lot coverage (%)
Housing, duplex	50%
Housing, low rise/high rise apartment	50%
Housing, triplex	50%
Housing, fourplex	50%
Housing, row	50%
Other principle uses listed in Table 12.6.1	50%

(6) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.6.6

Use	Minimum Front Yard Setback (m)
Housing, duplex	6 metres
Housing, low rise/high rise apartment	6 metres
Housing, triplex	6 metres
Housing, fourplex	6 metres
Housing, row	6 metres
Other principle uses listed in Table 12.6.1	6 metres

(7) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.6.7

Use	Minimum Rear Yard Setback (m)
Housing, duplex	6 metres
Housing, low rise/high rise apartment	6 metres
Housing, triplex	6 metres
Housing, fourplex	6 metres
Housing, row	6 metres
Other principle uses listed in Table 12.6.1	6 metres
Accessory Buildings	1 metre

(7) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Use	Minimum Side Yard Setback (m)
Housing, duplex (with adjacent rear lane)	1.5 metres
Housing, duplex (without adjacent rear lane)	3 metres
Housing, low rise/high rise apartment	3 metres
Housing, triplex	1.5 metres
Housing, fourplex	1.5 metres
Housing, row	1.5 metres
Other principle uses listed in Table 12.6.1	1.5 metres
Accessory Building	1 metre

(9) Height

The maximum building height shall be in accordance with the following table:

Table 12.6.9

Use	Maximum Building Height (m)
Housing, duplex	11 metres
Housing, low rise/high rise apartment	20 metres
Housing, triplex	11 metres
Housing, fourplex	11 metres
Housing, row	11 metres
Accessory Buildings	3 metres
Other principle uses listed in Table 12.6.1	11 metres

(10) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.7 MANUFACTURED HOUSING PARK (MHP)

(1) Purpose

The MHP – Manufactured Home Park designation is intended to provide for and regulate the development of land for the use of manufactured homes on lots in comprehensively designed parks wherein no individually titled parcels have been created.

(2) Permitted and Discretionary Uses

Table 12.7.1 outlines the permitted and discretionary uses contemplated in the MHP designation where approval is subject to the issuance of an authorized development permit.

Table 12.7.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Housing, manufactured home • Park	• Additional Accessory Buildings • Childcare facilities • Group homes • Home businesses • Utility installations • Solar Collectors

(3) General Regulations

(a) A Comprehensive site plan shall be required for manufactured home parks developed after 2018.

(b) Prior to the development of a new Manufactured Home Park the applicant will submit to the Development Authority a comprehensive site plan and/or any other supporting documentation that will identify the following elements:

(i) Site area with lot lines of the manufactured home park and any titled lots clearly delineated.
(ii) Proposed layout and placement of individual housing units.
(iii) Internal and adjacent pedestrian or walkway connections.
(iv) Internal and adjacent roadways.
(v) Internal and perimeter landscaping.
(vi) Garbage areas.
(vii) Parking areas.
(viii) Recreational areas.
(ix) Storage areas.
(x) Servicing standards and requirements.

(c) A development permit are required anytime a new manufactured home unit is moved onto a Manufactured Home Park site. Move-in permits shall require:
  (i) Third party certification from an accredited inspection agency including the Canadian Standard Association (CSA), Intertek or Quality Auditing Institute (QAI).
  (ii) Alberta Municipal Affairs Label.
  (iii) Model number.
  (iv) Manufactured home unit serial number.

(d) A move-out permit is required when units vacate a site. A new move-in development permit shall not be issued until a move-out permit has been completed for the lot.

(e) All permits are the responsibility of the Manufactured Home Park site landowner.

(4) Manufactured Home Park Size

(a) The gross density of a residential home park is 17 manufactured homes per hectare

(b) A residential home park shall have a minimum park area of 2 hectares but a maximum park area of 4 hectares

(5) Setbacks

(a) The minimum yard requirements for manufactured homes shall be at least:
  (i) 3.5 m from a similar manufactured home unit.
  (ii) 6.0 m from the rear lot line of the manufactured home park.
  (iii) 2.4 m from any internal access road or common parking area.
  (iv) 1.2 m from front lot line of the manufactured home park.

(6) Height

(a) The maximum building height shall be in accordance with the following table:

Table 12.7.2

Use	Maximum Building Height (m)
Housing, manufactured home	5 metres
Accessory Buildings	3 metres

(7) Design Regulations

(a) All additions shall be designed in a manner that complements the manufactured homes.

(b) Five percent of the gross area of a manufactured home park shall be developed for recreational use either in the form of indoor community building and/or outdoor recreational space.

(8) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Manufactured Home developments in this designation shall be subject to the regulations in **9.6**.

(e) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.8 MANUFACTURED HOUSING SUBDIVISION (MHS)

(1) Purpose

The MHS – Manufactured Home Subdivision designation is intended to provide for and regulate the development of land for the use of manufactured homes on separately titled parcels.

(2) Permitted and Discretionary Uses

Table 12.8.1 outlines the permitted and discretionary uses contemplated in the MHS designation where approval is subject to the issuance of an authorized development permit.

Table 12.8.1

Permitted Uses	Discretionary Uses
• First Accessory Buildings 10 m^2 and under • First Accessory Buildings 10 m^2 and over • Accessory Uses • Housing, duplex • Housing, manufactured home • Housing, modular • Housing, single detached • Public parks and recreation areas	• Additional Accessory Buildings • Bed and Breakfast • Childcare facilities • Group homes • Home businesses • Utility installations • Uses accessory to the above • Solar Collectors

(3) Manufactured Home Subdivision

The following development standards apply to areas where individually titled parcels have been created.

(4) Lot Area

The minimum lot mean width shall be as specified in the following table:

Table 12.8.2

Use	Minimum Lot Width (m)
Housing, manufactured home	13.5 meters
All other principle uses	Discretion of Development Authority

The minimum lot depth shall be in accordance with the following table:

Use	Minimum Lot Width (m)
Housing, manufactured home	30 metres
All other principle uses	Discretion of Development Authority

(5) Lot Frontage

The minimum lot frontage shall be in accordance with the following table:

Table 12.8.3

Use	Minimum Lot Frontage (m)
Housing, manufactured home (with adjacent rear lane)	10 metres
Housing, manufactured (without adjacent rear lane)	15 meters
All other principle uses	15 metres

(6) Lot Coverage

The maximum coverage of buildings (principle and accessory) on a lot shall be in accordance with the following table:

Table 12.8.4

Use	Maximum Lot coverage (%)
Housing, manufactured home	40%
All other principle uses	40%

(7) Front Yard Setback

The minimum front yard setback shall be in accordance with the following table:

Table 12.8.5

Use	Minimum Front Yard Setback (m)
Housing, manufactured home	5 metres
All other principle uses	5 metres

(8) Rear Yard Setback

The minimum rear yard setback shall be in accordance with the following table:

Table 12.8.6

Use	Minimum Rear Yard Setback (m)
Housing, manufactured home	5 metres
Accessory building	1 metre
All other principle uses	5 metres

(9) Side Yard Setback

The minimum side yard setback shall be in accordance with the following table:

Table 12.8.7

Use	Minimum Side Yard Setback (m)
Housing, manufactured home	3 metres
Accessory building	1 metre
All other principle uses	1.5 metres

(10) Height

The maximum building height shall be in accordance with the following table:

Table 12.8.8

Use	Maximum Building Height (m)
Housing, manufactured home	5 metres
Accessory Buildings	3 metres

(11) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**
(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**
(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**
(d) Manufactured Home developments in this designation shall be subject to the regulations in **9.6**.
(e) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**
(f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.9 CENTRAL COMMERCIAL (C1)

(1) Purpose

The C1 – Central Commercial designation is intended to provide for a wide variety of commercial, institutional and residential uses within the core of the town. The intent is to foster mixed-use development and encouraging vibrancy in a manner that facilitates pedestrian movement.

(2) Permitted and Discretionary Uses

Table 12.11.1 outlines the permitted and discretionary uses contemplated in the C1 designation where approval is subject to the issuance of an authorized development permit.

Table 12.11.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Art gallery • Bakery • Club • Convenience store • Dry cleaning/Laundromat services • Financial Services • Funeral home • Grocery store • Hotel • Housing, mixed use • Housing, apartment (low rise), second story and above • Housing, apartment (high rise), second story and above • Office • Medical clinic • Motel • Park • Personal Services • Professional Services • Public administration • Religious Institution • Restaurant • Retail	• Additional Accessory Buildings • Adult entertainment • Automotive sales and/or rental • Automotive supply store • Brewery, winery and distillery • Brewpub • Cannabis retail sales • Car/Truck wash • Child care facility • Commercial recreation & entertainment facility • Contracting services • Drive-In Businesses • Dynamic Sign • Gas bar • Head shop • Liquor store • Lumber retail • Nightclub • Parking facility • Pawn shop • Repair shop • Restaurant – drive thru • Solar Collectors • Utility installations

• Sign, excluding dynamic sign • Theatre	

(3) Development Standards

The Development Standards for all uses listed in Table 12.11.1 shall adhere to the standards listed in Table 12.11.2.

Table 12.11.2

Development Standard	Site Standard
Minimum Lot Area (m^2)	250 m^2
Minimum Lot Frontage (m)	6 m
Maximum Lot Coverage (%)	80%
Minimum Front Yard Setback (m)	nil
Minimum Rear Yard Setback (m)	6 m
Minimum Side Yard Setback (m)	Nil
Maximum Height	15 m
Accessory Building Height	3 m

(4) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.10 HIGHWAY COMMERCIAL (C2)

(1) Purpose

The C2 – Highway Commercial designation is intended to accommodate the development of a wide array of commercial uses on lots adjacent to roadways that facilitate large volumes of automotive traffic.

(2) Permitted and Discretionary Uses

Table 12.12.1 outlines the permitted and discretionary uses contemplated in the C2 designation where approval is subject to the issuance of an authorized development permit.

Table 12.12.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Automotive sales, service, repair and/or rental • Automotive supply store • Bakery • Car/Truck wash • Church • Club • Convenience store • Dry cleaning/laundromat services • Financial Services • Funeral home • Gas bar • Grocery store • Hotel • Office • Medical clinic • Motel • Park • Personal services • Professional services • Public administration • Religious Institution • Restaurant	• Additional Accessory Buildings • Any permitted use with a height exceeding 10 metres • Adult entertainment • Amusement arcade • Auction mart • Automotive paint shop • Brewery, winery and distillery • Brewpub • Bulk fuel and/or fertilizer sales and storage • Campground • Cannabis retail sales • Child care facility • Commercial recreation & entertainment facility • Contracting services • Drive-in businesses • Dynamic Sign • Fertilizer storage and sale • Gambling and gaming hall • Head shop • Liquor store • Lumber retail • Nightclub • Pawn shop

• Restaurant – drive thru • Retail • Sign, excluding dynamic sign	• Recycling depot • Repair shop • Solar Collectors • Theatre • Trucking establishment • Utility installations • Warehouse

(3) Development Standards

The Development Standards for all uses identified in Table 12.12.1 shall adhere to the standards listed in Table 12.12.2.

Table 12.12.2

Development Standard	Site Standard
Minimum Lot Area (m^2)	1000 m^2
Minimum Mean Lot Width	30 m
Maximum Lot Coverage (%)	65%
Minimum Front Yard Setback (m), if used as part of a service station or a drive-in business	12 m
Minimum Front Yard Setback (m), all others	8 m
Minimum Rear Yard Setback (m)	5 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	15 m
Accessory Building Height	3 m

(4) Additional Regulations

(a) No access to a lot shall be provided from Highway 21 or Highway 53 without obtaining the approval of Alberta Transportation.
(b) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**
(c) Accessory uses in this designation shall be subject to the regulations as per **8.1.**
(d) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**
(e) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**
(f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.11 INDUSTRIAL (M)

(1) Purpose

The M – Industrial designation is intended to accommodate the development of a wide array of industrial uses but which will not cause any objectionable or noxious conditions, be it noise, odour, dust, vibration or any other similar sensation, beyond the lot on which they are located.

(2) Permitted and Discretionary Uses

Table 12.13.1 outlines the permitted and discretionary uses contemplated in the M designation where approval is subject to the issuance of an authorized development permit.

Table 12.13.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Agricultural sales and/or service • Automotive sales and/or rental • Automotive supply store • Bakery • Car/Truck wash • Club • Convenience store • Contracting services • Dry cleaning/Laundromat services • Gas bar • Greenhouse • Manufacturing, processing, packaging or assembly of goods or materials • Mini storage • Public Administration • Repair shop • Retail business • Sign, excluding dynamic sign • Trucking establishment • Warehouse • Wholesale distributors • Veterinary clinic	• Additional Accessory Buildings • Abattoir • Automotive service and/or paint shop • Amusement arcade • Adult entertainment • Auction mart • Bulk fuel and/or fertilizer sales and storage • Cannabis facility • Casinos and bingo halls • Dynamic Sign • Gambling and gaming hall • Hatcheries • Liquor store • Meat processing plant and slaughterhouses • Recycling depot • Restaurant • Restaurant, drive-thru • Salvage yard • Solar Collectors

(3) Development Standards

The Development Standards for all uses identified in Table 12.13.1 shall adhere to the standards listed in Table 12.13.2.

Table 12.13.2

Development Standard	Site Standard
Minimum Lot Area (m^2)	500 m^2
Minimum Lot Frontage (m)	15 m
Maximum Lot Coverage (%)	50%
Minimum Front Yard Setback (m), if used as part of a service station or a drive-in business	12 m
Minimum Front Yard Setback (m), all others	8 m
Minimum Rear Yard Setback (m)	6 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	15 m
Accessory Building Height	3 m

(4) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.12 INSTITUTIONAL AND PUBLIC USES (IPU)

(1) Purpose

The PS – Public Services designation is intended to accommodate the development of uses which serve the public and which are of benefit to the community.

(2) Permitted and Discretionary Uses

Table 12.14.1 outlines the permitted and discretionary uses contemplated in the PS designation where approval is subject to the issuance of an authorized development permit.

Table 12.14.1

Permitted Uses	Discretionary Uses
• First Accessory Buildings 10 m^2 and under • First Accessory Buildings 10 m^2 and over • Cemetery • Church • Community centre, hall or auditorium • Crematorium • Hospital • Library • Museum • Park • Public administration • Recreational facility - public • Residential care facility • School • Stormwater Management Facility • Tourism information centre • Utility installations	• Additional Accessory Buildings • Campground • Child care facility • Group homes • Golf course • Medical clinic • Recreational facility – privately owned • Retail • Restaurant • Sign • Solar Collectors

(3) Development Standards

The Development Standards for all uses identified in Table 12.14.1 shall adhere to the standards listed in Table 12.14.2.

Table 12.14.2

Development Standards	Site Standard
Minimum Lot Area (m^2)	500 m^2
Minimum Lot Frontage (m)	15 m
Maximum Lot Coverage (%)	75%
Minimum Front Yard Setback (m)	7.5 m
Minimum Rear Yard Setback (m)	5 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	12.2 m
Accessory Building Height	3 m

(4) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.13 URBAN EXPANSION (UX)

(1) Purpose

The UX – Urban Expansion designation is intended to retain land in an undeveloped manner for future urban expansion, while contemplating a limited number of interim uses, and allowing existing uses including agricultural to remain until development proceeds

(2) Permitted and Discretionary Uses

Table 12.15.1 outlines the permitted and discretionary uses contemplated in the UX designation where approval is subject to the issuance of an authorized development permit.

Table 12.15.1

Permitted Uses	Discretionary Uses
• Accessory Uses • Agriculture, excluding intensive livestock operations or spreading of manure • Park • Public administration • Stormwater Management Facility • Utility installations	• Campground • Golf course • Sign • Solar collectors

(3) Development Standards

The Development Standards for all uses identified in Table 12.15.2 shall adhere to the standards listed in Table 12.15.2.

Table 12.15.2

Development Standards	Site Standard
Minimum Lot Area (m^2)	500 m^2
Minimum Lot Frontage (m)	15 m
Maximum Lot Coverage (%)	75%
Minimum Front Yard Setback (m)	7.5 m
Minimum Rear Yard Setback (m)	5 m
Minimum Side Yard Setback (m)	3 m
Maximum Height	12.2 m
Accessory Building Height	3 m

(4) Additional Regulations

(a) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(b) Accessory uses in this designation shall be subject to the regulations as per **8.1.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.14 DIRECT CONTROL (DC)

(1) Purpose

The DC – Direct Control designation is intended to provide control over the use and development of land or buildings for which Council has determined that, because of unique land use characteristics, innovative ideas, or special environmental concerns, such development could not be effectively accommodated under any other land use designation in this Bylaw.

(2) Development Authority

The Development Authority in the DC District shall be the Council.

(3) Permitted and Discretionary Uses

(a) All permitted and discretionary uses shall be as prescribed in any previously written Statutory Plan.

(b) In the absence of an adopted Area Structure Plan or Area Redevelopment Plan, any use which, in the opinion of the Development Authority, is compatible with the character of existing surrounding uses and adjacent designated Land Use Districts may also be allowed.

(4) Development Standards & Regulations

(a) The Development Authority may require additional information to properly evaluate the proposed development in terms of its compliance with this Bylaw, and any applicable Statutory Plan.

(b) All development shall comply with the lot sizes, building setback requirements and other development criteria as prescribed in any applicable Statutory Plan or as determined by the Development Authority.

(c) All other development requirements shall be at the discretion of the Development Authority. In determining the appropriate requirements for a development in the DC District, the Development Authority shall have regard to any provisions in this Bylaw for similar uses or developments.

(d) In the absence of an adopted Area Structure Plan or Area Redevelopment Plan, the regulations which will be applied to a development will be those which, in the opinion of the Development Authority, are compatible with the character of existing surrounding uses and adjacent designated Land Use Districts.

12.15 DIRECT CONTROL (DC-1) DISTRICT #1

830-2024

(1) Purpose

The Direct Control (DC-1) District #1 designation is intended to accommodate the existing development of an institutional use and appropriate accessory and complementary uses at Lot A, Block 40, Plan 2533 NY.

(2) Development Authority

The Development Authority in the DC District shall be the Council.

(3) Permitted and Discretionary Uses

Table 12.16.1 outlines the permitted and discretionary uses contemplated in the Direct Control (DC-1) District designation where approval is subject to the issuance of an authorized development permit.

Table 12.16.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Club • Community Centre • Office • Park • Public Administration • Recreational Facility – Public	• Additional Accessory Buildings • Child Care Facility • Group Home • Group Home - Major • Residential Care Facility • Religious Institution

(4) Development Standards

(a) The Development Standards for all uses identified in Table 12.16.1 shall adhere to the standards listed in Table 12.16.2.

Table 12.16.2

Development Standard	Site Standard
Minimum Lot Area (m^2)	The size of the lot as of the adoption of this Bylaw
Minimum Mean Lot Width	The size of the lot as of the adoption of this Bylaw
Maximum Lot Coverage (%)	60%
Minimum Front Yard Setback (m)	6m
Minimum Rear Yard Setback (m)	6m
Minimum Side Yard Setback (m)	3m
Maximum Height	15m
Accessory Building Height	3m

(5) Additional Regulations

(a) The Development Authority (Council), may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:
- (i) Location and maximum size of facilities to be constructed.
- (ii) Development setbacks.
- (iii) Hours of operation.
- (iv) Number of guest rooms.
- (v) Maximum number of days of stay in a guest room.
- (vi) Number of employees.
- (vii) Number of vehicle visits per day.
- (viii) Number, duration, and size of events permitted.
- (ix) Noise.
- (x) Buffering.
- (xi) Lighting.
- (xii) Outdoor storage.
- (xiii) Parking requirements.
- (xiv) Screening of facilities.
- (xv) Proof of compliance with fire and safety code inspections of the facility
- (xvi) Requirements for evacuation and emergency response planning

(b) Mandatory public consultation, including but not limited to one (1) or more open houses, mail-outs, newspaper advertisements and public notice postings may be required at the discretion of the Development Authority in advance of Council consideration of a development permit within this DC district.

(c) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(d) Landscaping in this designation shall be provided in accordance with the regulations in **8.12**.

(e) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10**.

(f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11**.

12.16 DIRECT CONTROL (DC-2) DISTRICT #2

830-2024

(1) Purpose

The Direct Control (DC-2) District #2 designation is intended to accommodate a modular dwelling and accessory residential uses given the larger size of this lot and appropriate natural buffering from adjacent uses. DC-2 applies to Block G, Plan 4350 HW.

(2) Development Authority

The Development Authority in the DC District shall be the Council.

(3) Permitted and Discretionary Uses

Table 12.17.1 outlines the permitted and discretionary uses contemplated in the Direct Control (DC-2) District designation where approval is subject to the issuance of an authorized development permit.

Table 12.17.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Housing, modular • Housing, single-detached • Housing, secondary suite • Home based business • Park	• Additional Accessory Buildings • Bed and breakfast • Child care facility • Housing – guest suite • Housing, manufactured • Utility installations • Solar collectors

(4) Development Standards

The Development Standards for all uses identified in Table 12.17.1 shall adhere to the standards listed in Table 12.17.2.

Table 12.17.2

Development Standard	Site Standard
Minimum Lot Area (m^2)	The size of the lot as of the adoption of this Bylaw
Minimum Mean Lot Width	The size of the lot as of the adoption of this Bylaw
Maximum Lot Coverage (%)	50%
Minimum Front Yard Setback (m)	6m
Minimum Rear Yard Setback (m)	6m
Minimum Side Yard Setback (m)	1.5m
Maximum Height	11m
Accessory Building Height	3m

(5) Additional Regulations

(a) The Development Authority (Council), may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:
- (i) Location and maximum size of facilities to be constructed.
- (ii) Development setbacks.
- (iii) Hours of operation.
- (iv) Number of Housing – guest suites.
- (v) Maximum number of days of stay in a guest suite.
- (vi) Number of employees.
- (vii) Number of vehicle visits per day.
- (viii) Number, duration, and size of events permitted.
- (ix) Noise.
- (x) Buffering.
- (xi) Lighting.
- (xii) Outdoor storage.
- (xiii) Parking requirements.
- (xiv) Screening of facilities.
- (xv) Proof of compliance with fire and safety code inspections of the facility
- (xvi) Requirements for evacuation and emergency response planning

(b) Mandatory public consultation, including but not limited to one (1) or more open houses, mail-outs, newspaper advertisements and public notice postings may be required at the discretion of the Development Authority in advance of Council consideration of a development permit within this DC district.

(c) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(d) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(e) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(f) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.17 DIRECT CONTROL (DC-3) DISTRICT #3

830-2024

(1) Purpose

The Direct Control (DC-3) District #3 designation is intended to provide the continued residential and accessory uses of larger, primarily residential parcels of land within the developed area of Bashaw. DC-3 applies to Lot K, Plan 723 MC, 5420 – 52 Avenue, and NW 33 41-21 -4, 5004 45 Ave.

(2) Development Authority

The Development Authority in the DC District shall be the Council.

(3) Permitted and Discretionary Uses

Table 12.18.1 outlines the permitted and discretionary uses contemplated in the Direct Control (DC-3) District designation where approval is subject to the issuance of an authorized development permit.

Table 12.18.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses • Housing, modular • Housing, single detached • Housing, secondary suite • Home based business • Park	• Additional Accessory Buildings • Bed and Breakfast • Child care facility • Church • Family care facility • Religious institution • Utility installations • Solar collectors

(4) Development Standards

The Development Standards for all uses identified in Table 12.18.1 shall adhere to the standards listed in Table 12.18.2.

Table 12.18.2

Development Standard	Site Standard
Minimum Lot Area (m^2)	The size of the lot as of the adoption of this Bylaw
Minimum Mean Lot Width	The size of the lot as of the adoption of this Bylaw
Maximum Lot Coverage (%)	40%
Minimum Front Yard Setback (m)	6m
Minimum Rear Yard Setback (m)	6m
Minimum Side Yard Setback (m)	1.5m
Maximum Height	11m
Accessory Building Height	3m

(5) Additional Regulations

(a) The Development Authority (Council), may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:
  (i) Location and maximum size of facilities to be constructed.
  (ii) Development setbacks.
  (iii) Hours of operation.
  (iv) Number of employees.
  (v) Number of vehicle visits per day.
  (vi) Number, duration, and size of events permitted.
  (vii) Noise.
  (viii) Buffering.
  (ix) Lighting.
  (x) Outdoor storage.
  (xi) Parking requirements.
  (xii) Screening of facilities.

(b) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**

12.18 DIRECT CONTROL (DC-4) DISTRICT #4

830-2024

(1) Purpose

The Direct Control (DC-4) District #4 designation is intended to provide for a recycling depot directly adjacent to residential dwellings. DC-4 applies to Lot 2B, Block J, Plan 802 2413, 4720 – 49 Avenue and walkway beside Lot 2B, Block J, Plan 802 2413, 4720 – 49.

(2) Development Authority

The Development Authority in the DC District shall be the Council.

(3) Permitted and Discretionary Uses

Table 12.19.1 outlines the permitted and discretionary uses contemplated in the Direct Control (DC-4) District designation where approval is subject to the issuance of an authorized development permit.

Table 12.19.1

Permitted Uses	Discretionary Uses
• First Accessory Building 10 m^2 and under • First Accessory Building 10 m^2 and over • Accessory Uses	• Additional Accessory Buildings • Recycling depot • Utility installations • Solar collectors

(4) Development Standards

The Development Standards for all uses identified in Table 12.19.1 shall adhere to the standards listed in Table 12.19.2.

Table 12.19.2

Development Standard	Site Standard
Minimum Lot Area (m^2)	The size of the lot as of the adoption of this Bylaw
Minimum Mean Lot Width	The size of the lot as of the adoption of this Bylaw
Maximum Lot Coverage (%)	60%
Minimum Front Yard Setback (m)	6m
Minimum Rear Yard Setback (m)	6m
Minimum Side Yard Setback (m)	1.5m
Maximum Height	11m
Accessory Building Height	3m

(5) Additional Regulations

(a) The Development Authority (Council), may, as a condition of issuing a Development Permit impose any condition that addresses a relevant planning and development matter, including but not limited to:
  (i) Location and maximum size of facilities to be constructed.
  (ii) Development setbacks.
  (iii) Hours of operation.
  (iv) Hazardous materials allowed on-site
  (v) Number of employees.
  (vi) Number of vehicle visits per day.
  (vii) Number, duration, and size of events permitted.
  (viii) Noise.
  (ix) Buffering.
  (x) Lighting.
  (xi) Outdoor storage.
  (xii) Parking requirements.
  (xiii) Screening of facilities.

(b) Non-conforming uses in this designation shall be subject to the regulations in **3.3.**

(c) Landscaping in this designation shall be provided in accordance with the regulations in **8.12.**

(d) Parking and loading facilities in this designation shall be provided in accordance with the regulations in **Part 10.**

(e) The construction of signs in this designation shall be in accordance with the regulations in **Part 11.**