



# TOWN OF SMOKY LAKE LAND USE BYLAW

OCTOBER 2018

BYLAW NO. 007-18

**BYLAW CONSOLIDATION: VERSION 1.8**





<u>ITERATION</u>	<u>BYLAW NO.</u>	<u>RE:</u>	<u>EFFECTIVE DATE</u>
<u>1.0</u>	007-18	New Land Use Bylaw	October 2018
<u>1.1</u>	007-19	Automotive & Minor RV Sales, Truck and RV Sales	May 7, 2019
<u>1.2</u>	012-19	Rezoning from R1 to DC	October 15, 2019
<u>1.3</u>	011-2020	Rezoning from R1 to R3	July 7, 2020
<u>1.4</u>	012-2020	Rezoning from M to R3	July 7, 2020
<u>1.5</u>	014-2020	Nekinan Rezoning, I - Institutional to R3 – Residential High-Density District	August 4, 2020
<u>1.6</u>	016-2020	Recreational Vehicles	September 1, 2020
<u>1.7</u>	020-2020	School Parking Requirements	October 20, 2020
<u>1.8</u>	013-2023	Amendments for Small Homes & Hens	November 27, 2023

**LAND USE BYLAW 007-18, CURRENT TO OCTOBER 31, 2020  
CONSOLIDATED FOR CONVENIENCE ONLY**

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject. For more information, contact the Town Office at:



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## GUIDE TO USING THE BYLAW

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or relocated) in the Town of Smoky Lake. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the Town, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the Town into various Land Use District. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

Locate the subject property on the Land Use District maps. These maps divide the Town into various Land Use Districts. Each Land Use District has a designation such as **R1** for **LOW DENSITY RESIDENTIAL DISTRICT** or **C1** for **CENTRAL COMMERCIAL DISTRICT**. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an Area Structure Plan, the plan may modify some of the uses and regulations of the land Use Bylaw or impose additional regulations.

PLEASE NOTE: Land Use Districts are sometimes referred to as "ZONES" or "ZONING." In order to conform to the language of the Municipal Government Act, this document uses the terms "DISTRICT" and "DISTRICTING."

Check the table of contents and locate the Land Use District you are interested in. Land Use Districts are listed in **SECTIONS 9 TO 13**. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in **SECTION 1.4** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.

Review the table of contents to see if there are any general regulations that apply to the situation or use in question. For example, **SECTION 5** describes enforcement procedures. **SECTIONS 7.1** and **7.2** contain general regulations about accessory buildings and **SECTION 8.10** contains general regulations about Home Occupations.

Discuss your proposal or concern with Planning and Development staff. Town staff are well trained and eager to assist you with your development, subdivision, or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

**NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.**



# 1 GENERAL ADMINISTRATIVE PROCEDURES

## 1.1 TITLE

- 1) The title of this Bylaw shall be the Town of Smoky Lake Land Use Bylaw.

## 1.2 SCOPE

- 1) No development shall be permitted within the boundaries of the Town of Smoky Lake except in conformity with the provisions of this Bylaw.

## 1.3 PURPOSE

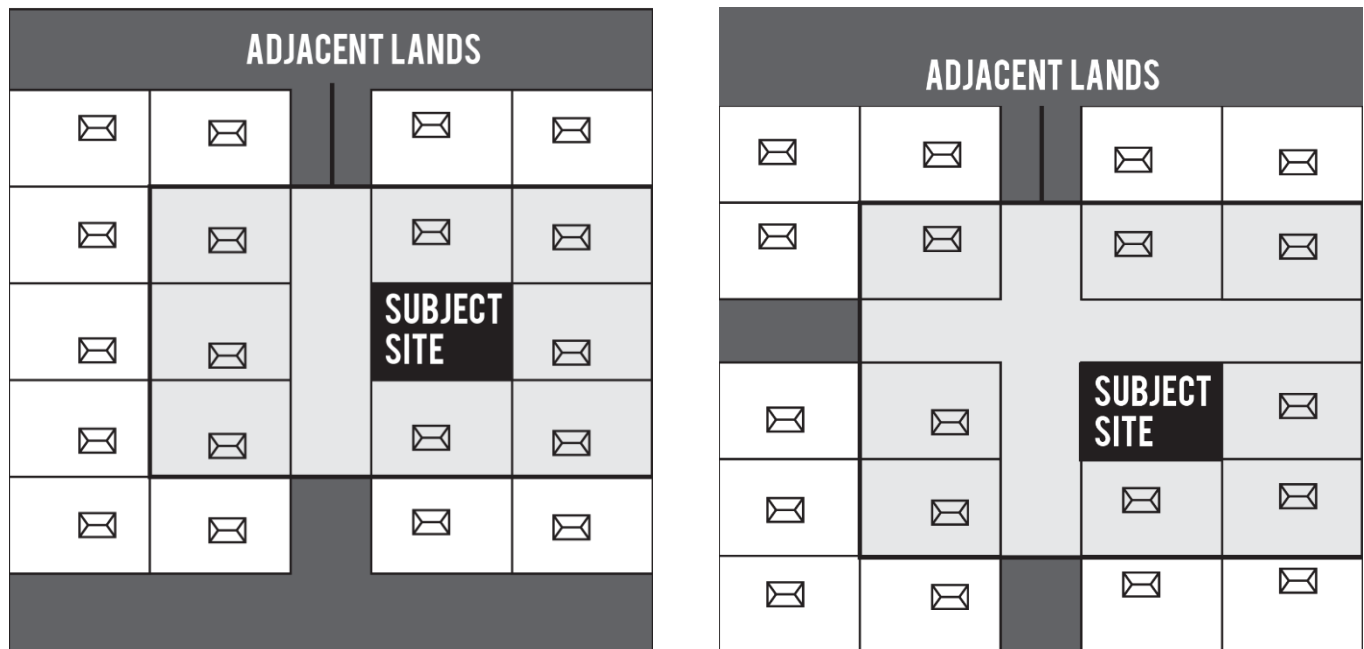
- 1) The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Town to achieve the orderly and economic development of land, and for that purpose, amongst other things:
  - a. to divide the Town into districts;
  - b. to prescribe and regulate for each district the purposes for which land and buildings may be used;
  - c. to establish a method of making decisions on applications for development permits including the issuing of development permits;
  - d. to provide the manner in which notice of the issuance of a development permit is to be given;
  - e. to implement the policies of the statutory plans of the Town of Smoky Lake;
  - f. to establish the number of dwelling units permitted on a lot;
  - g. to establish supplementary regulations governing certain specific land uses; and
  - h. to establish the procedures for making amendments to this Bylaw.

## 1.4 DEFINITIONS

In this bylaw:

- 1) **"ABATTOIRS"** means premises where livestock or game is slaughtered and the meat is cut, cured, smoked, aged, wrapped or frozen for distribution;
- 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 main building and is located on the same lot, the use of which is incidental to that of the main building;
- 4) **"ACCESSORY USE"** means a use customarily incidental and subordinate to the main use or building, which is located in the same lot with such main use or building;
- 5) **"ACT"** means the Municipal Government Act, R.S.A. 2000, as amended;
- 6) **"ADJACENT LAND"** means land that is contiguous to a particular parcel of land and includes:
  - a. land that would be contiguous if not for a highway, road, river or stream, and

- b. any other land identified in this Bylaw as adjacent for the purpose of satisfying SECTION 3.5.3.B of this Bylaw (See Figure 1);



**FIGURE 1: ADJACENT LAND**

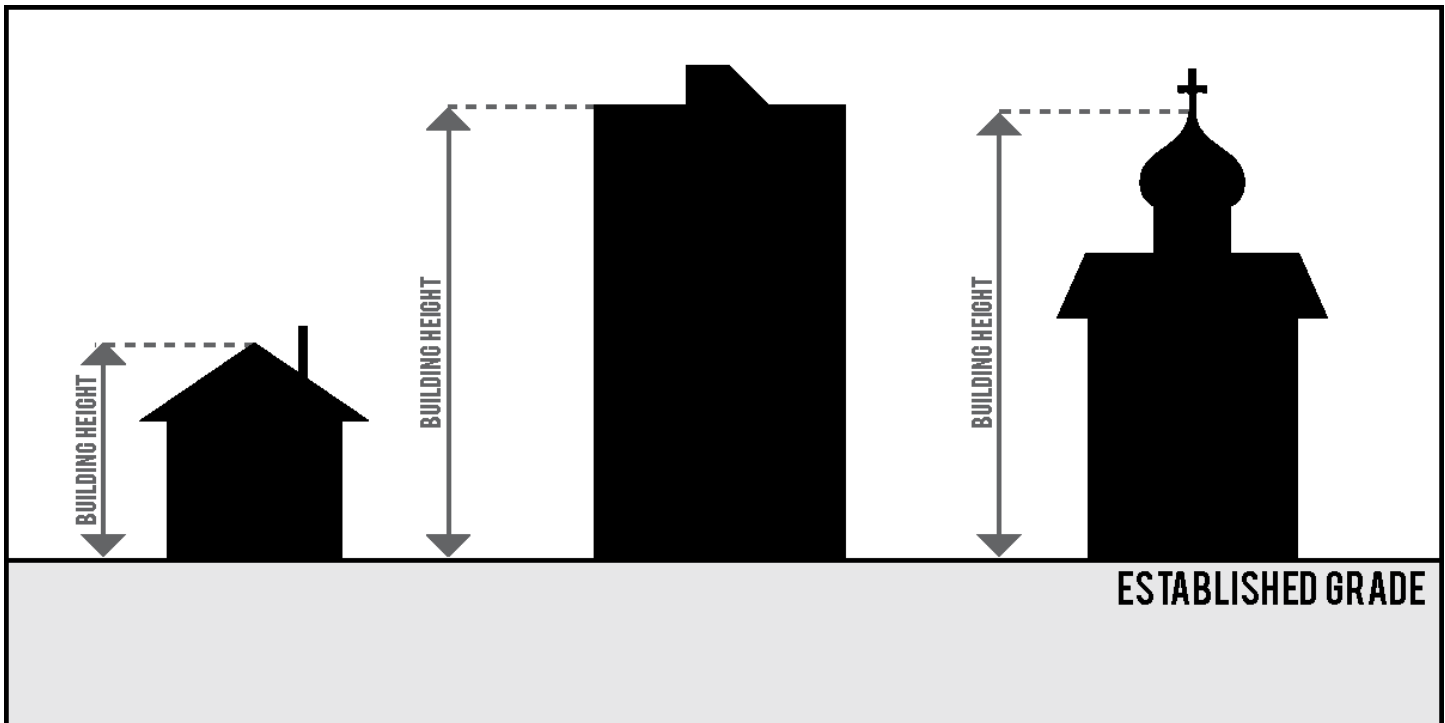
- 7) **"ADULT ENTERTAINMENT"** means an establishment which provides live entertainment for its patrons, which includes the display of nudity;
- 8) **"ADULT USE"** means any of the following: Adult Bookstore, Adult Motion Picture Theatre, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition, an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premises' gross floor area; or 18.6 m<sup>2</sup> (200 ft<sup>2</sup>), whichever is greater, devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement;
- 9) **"ALCOHOL RETAIL SALES"** means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include the sale of alcohol as well as the retail sales of related products such as soft drinks and snack foods;
- 10) **"AMATEUR RADIO COMMUNICATION"** means the use of a communication tower/antenna by a licensed amateur radio operator for the purpose of reception and transmission of radio signals;
- 11) **"AMENITY AREA"** means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or communal use and may be under either individual or common ownership. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;
- 12) **"AMENITY AREA, COMMUNAL"** means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of all occupants of a

building. Such area must be for communal use and accessible by all occupants of a building it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;

- 13) **"AMENITY AREA, PRIVATE OUTDOOR"** means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;
- 14) **"AMUSEMENT ESTABLISHMENT, INDOOR"** means a development providing recreational facilities inside an enclosed building with table games and/or electronic games played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys;
- 15) **"AMUSEMENT ESTABLISHMENT, OUTDOOR"** means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- 16) **"ANIMAL BREEDING AND/OR BOARDING FACILITY"** means an establishment for the keeping, breeding, housing, exercising, training, and/or raising of three (3) or more animals over six months in age, that are not livestock for profit or gain, but shall not apply to the keeping of animals in a veterinary clinic for the purpose of observation and/or recovery necessary to veterinary treatment;
- 17) **"ANIMAL HOSPITAL"** means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalisation for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include small animal breeding and boarding establishments;
- 18) **"APARTMENT"** see **"DWELLING, APARTMENT"**;
- 19) **"APIARY"** means a place where beehives are kept. For the purposes of this Bylaw the location of the apiary will be determined by the location of the beehives rather than the legal boundaries of the legal boundary of the parcel of land accommodating the hives;
- 20) **"AREA STRUCTURE PLAN"** means a plan adopted by Council as an Area Structure Plan pursuant to the Act;
- 21) **"ASSISTED CARE HOUSING"** means a residential multi-unit building designed to provide long term housing wherein residents, who because of their circumstances, cannot or do not wish to maintain their own households, are provided with meal services and may also receive such services as housekeeping and personal care assistance. Typical uses include seniors' lodges and nursing homes;
- 22) **"AUCTIONEERING ESTABLISHMENT"** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
- 23) **"AUTOMOTIVE AND EQUIPMENT MAINTENANCE AND REPAIR SHOP, LIGHT"** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Light automotive and equipment repair shops, upholstery

shops, (but not body repair or pain shops) which provide services to vehicles and equipment with a gross vehicle weight rating less than 4000 kg (8,818.5 lbs.), or a length less than 6.7 m (22.0 ft.);

- 24) **"AUTOMOTIVE AND EQUIPMENT SUPPLY AND REPAIR SHOP, HEAVY"** means a development where automobiles, recreational vehicles, heavy equipment and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Heavy automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, (but not body repair or paint shops) which provide services to vehicles and equipment with a gross vehicle weight rating equal to or greater than 4000 kg (8,818.5 lbs.), or a length less than 6.7 m (22.0 ft.);
- 25) **"AUTOMOTIVE AND MINOR RECREATIONAL VEHICLES SALES/RENTAL ESTABLISHMENTS"** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and minor recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, and includes dealerships for the sale of trucks with a gross vehicle weight rating less than 4000.0 kg (8818.5lbs.). This use also includes the sale of recreational vehicles with either a gross vehicle weight rating less than 6000.0 kg (13,227.7 lbs.), or a length less than 6.7 m (22.0 ft.);
- 26) **"AUTOMOTIVE WRECKER"** means a parcel used for storing, junking, dismantling or wrecking three or more motor vehicles and parts thereof and may include subsequent sales of such parts;
- 27) **"BARELAND CONDOMINIUM"** see **"CONDOMINIUM, BARELAND"**;
- 28) **"BASEMENT"** means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (6.0 ft.) of its clear height which lies below the finished level of the floor directly above;
- 29) **"BED AND BREAKFAST"** means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public. The four bedrooms are in addition to those available for use by members of the family;
- 30) **"BERM"** means a landscaped earthen mound that is utilized to attenuate the noise and visual effects of adjacent land uses and/or direct ground water flows as part of an engineered storm water management system;
- 31) **"BOARDING/LODGING HOUSE"** means a development, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public. Boarding and lodging houses may include student co-operative housing, and lodges for senior citizens, but not group homes;
- 32) **"BUFFER"** means berms, fencing and planting for the purpose of screening noise, views, dust, sprays and uses between properties where off-site impacts may occur;
- 33) **"BUILDING"** includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- 34) **"BUILDING AREA"** means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;
- 35) **"BUILDING HEIGHT"** means the vertical distance measured from the average grade level immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, fire wall, parapet wall, chimney, steeple or antenna (See Figure 2);



**FIGURE 2: BUILDING HEIGHT**

- 36) **"BUILDING PERMIT"** means a permit authorizing construction and issued under the Safety Codes Act;
- 37) **"BUS DEPOT"** means a development where scheduled intermunicipal buses drop off or pick up either passengers or cargo but does not include staging areas;
- 38) **"BUSINESS SUPPORT SERVICES ESTABLISHMENT"** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;
- 39) **"CAMPGROUND, BASIC"** means a development where tents are erected and/or recreational vehicles are parked for the purpose of overnight or short term accommodation. A basic campground includes any building, structure, tent, vehicle or enclosure accessory to the main use that is located on the land and used as an integral part of the campground such as washhouses, gazebos, picnic shelters, etc.;
- 40) **"CAMPGROUND, RECREATIONAL VEHICLE"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for not normally more than twenty (20) days in a year, and may include sites for the erection of tents for similar time frames;
- 41) **"CAMPGROUND, RECREATIONAL VEHICLE, WORKCAMP"** means a temporary development consisting of stalls or sites for the location of more than three (3) recreational vehicles normally operating year-round to provide temporary accommodation to the industrial workforce for the duration of a construction project;
- 42) **"CAMPGROUND, RECREATIONAL VEHICLE, SEASONAL"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, normally for no longer than an entire season operating between April to October;

- 43) **"CANNABIS"** means cannabis as defined in the Cannabis Act, the Controlled Drugs and Substances Act, or other relevant federal legislation.
- a. Cannabis includes:
    - i. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
    - ii. Any substance or mixture of substances that contains or has on it any part of such a plant;
    - iii. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
  - b. Cannabis does not include:
    - i. A non-viable seed of a cannabis plant;
    - ii. A mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
    - iii. The root or any part of the root of a cannabis plant;
- 44) **"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;
- 45) **"CANNABIS, MEDICAL"** means cannabis that is obtained for medical purposes in accordance with applicable federal law;
- 46) **"CANNABIS PRODUCTION AND DISTRIBUTION DEVELOPMENT"** 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 sales of materials, goods, and products to cannabis retail sales stores or to individual customers;
- 47) **"CANNABIS RETAIL SALES"** means a licenced development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the *Cannabis Act*. This use does not include cannabis production and distribution developments or a cannabis lounge;
- 48) **"CARPORT"** means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- 49) **"CARRIER"** means a company or applicant that provides wireless commercial or essential institutional communications services;
- 50) **"CAR WASH"** means a facility used for the cleaning of motor vehicles, such as passenger cars, trucks, and motorcycles. A heavy vehicle wash is a separate use;

- 51) **"CEMETERY"** means a development for the entombment of the deceased, which may include the following accessory developments: crematorium, columbarium, and mausoleums. Cemeteries may include memorial parks, burial grounds, chapels, and gardens of remembrance;
- 52) **"CO-LOCATION"** means locating on a site and tower with other Wireless Communications Operators;
- 53) **"COMMERCIAL USE"** means central, secondary and highway commercial uses;
- 54) **"COMMERCIAL BUSINESS CENTRE"** means any group of commercial establishments planned, constructed and managed by a single or group of owners or tenants, either in a mall-type setting, where individual businesses front onto a pedestrian walkway within one building, or on a common site. Commercial business centres may have common site access/accesses and a common parking area(s) for customers and staff;
- 55) **"COMMERCIAL ENTERTAINMENT FACILITY"** means a privately owned indoor facility or development operated for financial gain in which the public participates in and/or views an activity for entertainment/social purposes. Commercial entertainment facilities may offer food and beverages for sale to the patrons and may be licensed by the Province of Alberta for the on-site consumption of alcohol. Without limiting the generality of the foregoing, they may include facilities for display of motion pictures, live theatres, dinner theatres, dancing and cabaret entertainment, amusement arcades with mechanical and/or electronic games, billiard or pool halls. It does not include adult entertainment, cannabis lounges, drinking establishments or recreation indoor uses;
- 56) **"COMMERCIAL SCHOOL"** means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools does not include schools operated by a School Division, but includes, but is not limited to, secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- 57) **"COMMERCIAL STORAGE"** means a self-contained building or group of buildings containing units available for rent for the storage of goods and materials;
- 58) **"COMMUNICATION TOWER/ANTENNA"** means a structure designed for the purpose of receiving and transmitting communication signals;
- 59) **"COMMUNITY GARDEN"** means a lot or part of a lot (publicly or privately held) that is cultivated by a group of people rather than a single family or individual. Unlike public parks and other green spaces maintained by local governments, community gardens are generally managed and controlled by a group of unpaid individuals or volunteers – usually the gardeners themselves. This use does not include cannabis production and distribution developments;
- 60) **"CONDOMINIUM"** means housing units administered under the Condominium Property Act, which allows for the division of parcel into units and common elements, and the provision of an administrative framework through a condominium corporation which enables owners to manage the property;
- 61) **"CONDOMINIUM, BARELAND"** means housing units administered under the Condominium Property Act which allows for the division of a parcel of land into lots and common property, and where "joint control" is applied to a parcel of land (as distinct from a building) in which there are a number of individually owned by those owning a "lot". Condominium title is conferred upon those owning individual lots with the Condominium Association being responsible for the common property;
- 62) **"CONFINED FEEDING OPERATION"** means a confined feeding operation as defined in the Agricultural Operation Practices Act;

- 63) **"CONTRACTOR SERVICE, LIMITED"** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be stored and sold, where all materials are kept within an enclosed building, and where there are no accessory manufacturing activities or parking or storage of more than four (4) vehicles;
- 64) **"CONTRACTOR SERVICE, GENERAL"** means a development where building, concrete, landscaping, electrical, excavation, drilling, heating, plumbing, paving, road, oil field, pipeline, or similar services of a construction or services nature are provided, which have on-site storage of materials, construction equipment, or vehicles normally associated with the contractor service, and which is not a limited contractor service. Any sales, display, office or technical support service areas shall be accessory to the main use only;
- 65) **"CORNER LOT"** see **"LOT, CORNER"**;
- 66) **"COUNCIL"** means the Council of the Town of Smoky Lake;
- 67) **"COVERAGE"** means the sum of the ground floor areas of all buildings on a lot divided by the area of the lot;
- 68) **"CREMATORIUM"** means an establishment with one or more cremation chamber used only for the reduction of the human body to ashes by heat and where funeral services will not be permitted to be conducted;
- 69) **"DANGEROUS OR HAZARDOUS GOODS"** means a product, substance, or organism listed in the Dangerous Goods Transportation and Handling Act;
- 70) **"DATE OF ISSUE"** means the date on which the notice of a decision of the Development Authority is published, or five (5) working days after such a notice is mailed;
- 71) **"DAY CARE FACILITY"** means a provincially licensed child care facility operated from a building or a portion thereof used for the provision of care, maintenance and supervision of seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. For the purposes of this definition, a day care shall include all day-care centres, nurseries, and after school or baby-sitting programmes which satisfy this definition. However, this definition shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- 72) **"DAY HOME"** means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- 73) **"DECK"** means any open structure attached to the main dwelling having a height greater than 0.6 m (2 ft.) above ground level, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;
- 74) **"DENSITY"** means a measure of the average number of persons or dwelling units per unit of area;
- 75) **"DEVELOPER"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- 76) **"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

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

- a. the demolition or removal of a building or structure;
- b. the placement of an already constructed or a partially constructed building on a parcel of land; or
- c. the placing of refuse or waste material on any land; or
- d. the resumption of the use to which land or buildings have been previously put; or
- e. the use of land for the storage or repair of motor vehicles, other machinery, or equipment; or
- f. the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way.

- 77) **"DEVELOPMENT AUTHORITY"** means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- 78) **"DEVELOPMENT OFFICER"** means the Development Authority established and appointed pursuant to the Act through the municipality's Development Authority Bylaw;
- 79) **"DEVELOPMENT PERMIT"** means a document authorizing a development issued pursuant to this Bylaw;
- 80) **"DISCONTINUED"** means the time at which, in the opinion of the Development Authority, substantial construction activity or use has ceased;
- 81) **"DISCRETIONARY USE"** means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
- 82) **"DISTRICT"** means Land Use District as per **SECTIONS 9 THROUGH 13** of this Bylaw;
- 83) **"DOMESTIC PETS"** means animals which are not livestock as defined in the Agricultural Operation Practices Act and which are often kept within a dwelling unit. Such animals include dogs, cats, and similar animals.
- 84) **"DRINKING ESTABLISHMENT"** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site occurs and where liquor is the primary source of business. This use does not include cannabis lounges;
- 85) **"DRIVE-IN BUSINESS"** means a development which serves customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes, but does not include bulk fuel storage and sales establishments, alcohol retail sales or cannabis retail sales.
- 86) **"DRIVE-IN RESTAURANT"** means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive-through food pickup services, or parking primarily intended to allow for the onsite consumption of food within a motor vehicle;
- 87) **"DRIVEWAY"** means a vehicle access route between the carriageway of a public road, and a development on a site;

- 88) "DUPLEX" see "DWELLING, DUPLEX";
- 89) "DWELLING" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single detached dwellings, duplexes, row housing, fourplexes, apartments, multi-unit, manufactured homes, and small homes;
- 90) "DWELLING, APARTMENT" means a dwelling containing three (3) or more dwelling units, but shall not mean ground-oriented multi-family dwellings. Apartments include dwellings commonly referred to as triplexes, fourplexes, sixplexes, and the like as well as larger buildings containing more than 6 dwelling units;
- 91) "DWELLING, DUPLEX" means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other and which may or may not share a common access;
- 92) "DWELLING, FOURPLEX" means an arrangement of four attached dwelling units, other than row housing, intended to be occupied by separate households with separate exterior access to grade;
- 93) "DWELLING, MULTI-UNIT" means a building consisting of more than two (2) dwelling units and includes, duplexes, fourplexes, row housing, apartments and other multi-unit dwellings;

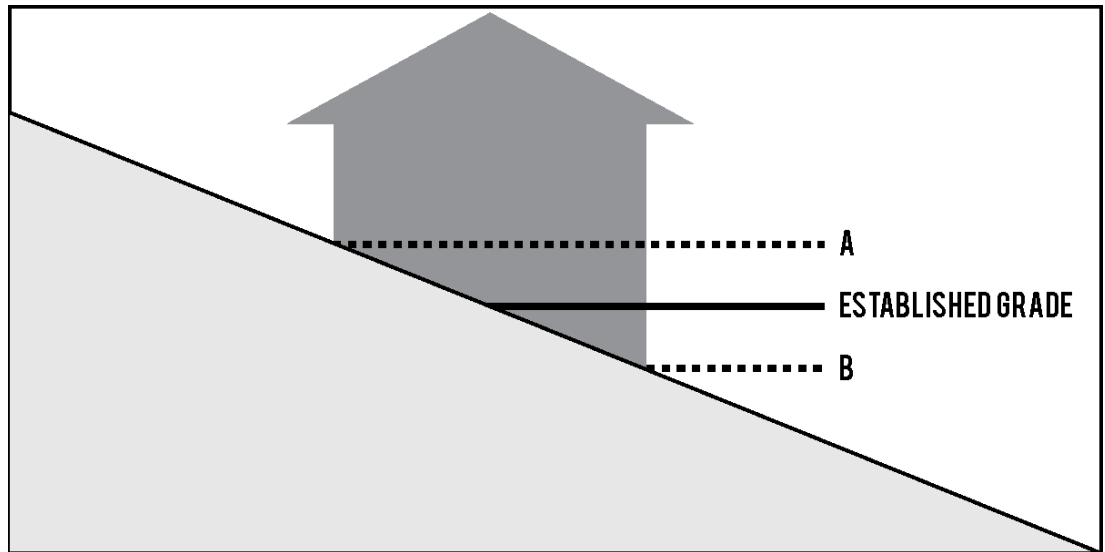


**FIGURE 3: DWELLING TYPES**

- 94) "DWELLING, ROW HOUSING" means a building consisting of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean apartment;
- 95) "DWELLING, SINGLE DETACHED" means a building consisting of one (1) dwelling unit. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site, and thus may be a modular dwelling;
- 96) "DWELLING, SMALL HOME" means a building consisting of one (1) dwelling unit. A small home dwelling may be constructed in pieces off-site, or even in one piece, with piece(s) being transported to the site for assembly on-site,

and thus may be a modular dwelling. a small home dwelling shall have a floor area less than 74.9 m<sup>2</sup> (806 ft<sup>2</sup>) on a permanent foundation or piling system;

- 97) **"DWELLING UNIT"** means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
- 98) **"EASEMENT"** means a right to use land, generally for access to other property, or as a right of way for public utility;
- 99) **"EATING AND DRINKING ESTABLISHMENT"** means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises or off the site. Eating and drinking establishments include neighbourhood pubs, licensed eating and drinking establishments, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants, which shall be considered to be drive-in businesses;
- 100) **"END UNIT"** means a dwelling unit which is connected to another dwelling unit on only one side;
- 101) **"ENCROACHMENT AGREEMENT"** means an agreement under which a municipality permits an intrusion onto public property that is under the direction, control, and management of the municipality or improvements made on land that is adjoining that public property;
- 102) **"ENTERTAINMENT ESTABLISHMENT"** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit. Adult entertainment establishments and cannabis lounges are not considered to be an entertainment establishment for the purposes of this Bylaw;
- 103) **"EQUIPMENT RENTAL ESTABLISHMENT"** means a development where tools, appliances, recreation craft, office machines, furniture, construction equipment, or similar items are rented or serviced. Equipment rental establishments do not include developments where vehicles or industrial equipment are rented or serviced;
- 104) **"ESSENTIAL PUBLIC SERVICE"** means a development that is necessary for the continued health, safety, or welfare of residents and members of the public. This includes fire stations, ambulance services, police stations, and similar facilities;
- 105) **"ESTABLISHED GRADE"** means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive of any artificial embankment or entrenchment (Figure 4);



**FIGURE 4: ESTABLISHED GRADE**

- 106) **"EXCAVATION"** means any breaking of ground, except common household gardening and ground care;
- 107) **"EXTENSIVE AGRICULTURE"** means the use of land or buildings, including one dwelling, for an agricultural operation, but not including intensive agriculture, cannabis production and distribution developments, or a confined feeding operation which requires either a registration or an approval under Part 2 of the Agricultural Operations Practices Act.
- 108) **"EXTERIOR WALL"** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2 ft.);
- 109) **"FAMILY CARE FACILITY"** means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;
- 110) **"FENCE"** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- 111) **"FLOOR AREA"** means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in and apartment shall be included in the calculation of floor area;
- 112) **"FLOOR AREA RATIO"** means the ratio or decimal resulting from dividing the floor area of all buildings by the total area of the site on which the buildings are located;
- 113) **"FRAGMENTED PARCEL"** means a parcel of land that is separated from the balance of the parcel of land by a natural barrier such as a river, a permanent naturally-occurring water body, a railroad, or a road, but not an undeveloped road on a Road Plan, or a barrier to the crossing of cultivation equipment created by substantial topography, such as a ravine, gully or small, possibly intermittent, watercourse. The determination that such a topographic barrier is a fragmenting feature for the purpose of subdivision shall be at the discretion of the Subdivision Authority;
- 114) **"FOURPLEX"** see **"DWELLING, FOURPLEX"**;

- 115) **"FRONT LINE"** means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- 116) **"FRONT YARD"** see **"YARD, FRONT"**;
- 117) **"FUNERAL SERVICES"** means a development where the dead are prepared for burial or cremation and where funeral services may be held. Funeral services include funeral homes, small crematoriums and undertaking establishments;
- 118) **"GARAGE"** means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles;
- 119) **"GARAGE SUITE"** see **"SUITE, GARAGE"**;
- 120) **"GARDEN SUITE"** see **"SUITE, GUEST HOUSE"**;
- 121) **"GAS BAR"** means a development where gasoline, lubricating oils, and other automotive fluids are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles;
- 122) **"GENERAL RETAIL ESTABLISHMENT"** see **"RETAIL ESTABLISHMENTS, GENERAL"**
- 123) **"GLASSLINE"** means the line created within the wall of a building measured from the centre of the windowpane glass;
- 124) **"GOLF COURSE"** means an outdoor establishment/development designed for the game of golf. Accessory uses include a clubhouse, pro-shop, driving range and/or other practise facility, restaurant, drinking facility, and other commercial uses typically associated with the golf clubhouse facility;
- 125) **"GOVERNMENT SERVICES"** means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;
- 126) **"GRADE"** means the average level of the finished ground around the perimeter of a building as determined by the Development Authority;
- 127) **"GREENHOUSE AND PLANT NURSERY"** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products. This does not include cannabis retail sales or cannabis production and distribution developments;
- 128) **"GROSS FLOOR AREA"** means the ratio or decimal value resulting from dividing the gross floor area of all buildings by the total site area of the parcel on which the buildings are located;
- 129) **"GROSS LEASABLE FLOOR AREA"** means that portion of the floor area leased to a tenant for their exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole;
- 130) **"GROUND FLOOR AREA"** means the sum of the areas of a building measured from the outside surface of the exterior walls or glass line at grade level;
- 131) **"GROUP CARE FACILITY"** means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, or boarding homes;

- 132) **"GROUP HOME"** means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults which is not predominantly related to age or a physical disability or the care or rehabilitation of the aged or the physically disabled. Group homes include halfway houses, addiction rehabilitation centres, care which is an alternative to legal incarceration, or treatment for mental illness or mental instability;
- 133) **"GUEST HOUSE"** see **"SUITE, GUEST HOUSE"**;
- 134) **"HARD SURFACED"** means the treatment of a roadway or trail with compaction and asphalt, gravel, or other hard surfacing material;
- 135) **"HEALTH SERVICES"** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Health services include medical offices, chiropractic offices, dental offices, hospitals, sanitariums, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, supportive living facilities, detoxification centres, health clinics, medical cannabis clinics, and counselling services;
- 136) **"HEAD SHOP"** means a retail outlet which specializes in the sale of cannabis accessories, 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 developments;
- 137) **"HIGHWAY"** means a highway or proposed highway that is designated as a highway pursuant to the Public Highways Development Act;
- 138) **"HIGHWAY COMMERCIAL USE"** means a commercial use serving the travelling public which relies on a highly visible location in proximity to a highway or an arterial road. Highway commercial uses may include eating and drinking establishments, service stations, gas bars, convenience retail stores, hotels, motels, commercial with warehousing, drive-in businesses and personal service shop. This use does not include cannabis retail sales or cannabis production and distribution developments;
- 139) **"HEIGHT"** means, when used with reference to a structure or building, the vertical distance measured from grade level to the peak ridge line of the roof. At the discretion of the Development Authority, chimney stacks, steeples, public utility structures, receiving or transmitting structures, flagpoles or anything determined by the Development Authority as being similar in nature, may not be considered for the purpose of height determination;
- "HOME OCCUPATION"** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign as provided for in **SECTION 7.23** of this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications – major home occupations and minor home occupations - with specific regulations for each as indicated in this Bylaw;
- 140) **"HOME OCCUPATION, MINOR"** does not include any business which would normally attract more than five (5) clients per week, or the employment at the dwelling or accessory buildings of any paid assistant, other than the occupants of the dwelling. A minor home occupation does not include cannabis retail sales or cannabis production and distribution developments;
- 141) **"HOME OCCUPATION, MAJOR"** may include a business which would normally attract more than five (5) clients per week, but does not include the employment at the dwelling or accessory buildings of more than two (2) paid assistance, other than the occupant and the occupant's family. A home occupation does not include outdoor storage of any goods or stock in trade or the employment of more than one person who does not reside at the location at which the home occupation occurs. A home occupation does not include uses such as:

- a. a bed and breakfast establishment;
- b. veterinary services;
- c. any automotive, industrial and/or recreation vehicle or equipment sales, rental, storage, service, or repairs;
- d. cannabis retail sales or cannabis production and distribution developments;
- e. a dating or escort service; or
- f. an adult entertainment service;

142) **"HOME OFFICE"** means a business office in a dwelling which:

- a. is accessory to the primary residential use of the dwelling;
- b. is located in a room or portioned area of the dwelling that does not exceed 14 m<sup>2</sup>. (150.69 ft<sup>2</sup>);
- c. is not visited by any clients or off-site employees;
- d. does not have any internal or external storage of goods other than files and papers necessary for the operation of the office;
- e. does not change the external appearance or residential character of the dwelling and is undetectable from the outside of the dwelling unit; and
- f. is carried on only by the resident(s) of that dwelling.

A home office does not include a home occupation;

143) **"HOTEL"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, convenience retail stores, and a liquor store but shall not include an establishment where there is a dance floor larger than 5 m<sup>2</sup> (55 ft<sup>2</sup>) unless specifically approved by the Development Authority;

144) **"HOUSEHOLD REPAIR SERVICE"** means a development where goods, equipment and appliances normally found within the home may be repaired. Household repair services include radio, television and appliance repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;

145) **"INDOOR RECREATION FACILITY"** means a development for sports and active recreation within an enclosed building. Indoor recreation facilities include such facilities as ice arenas, gymnasiums, curling rinks, swimming pools, and similar smaller facilities. As well, indoor recreation facilities may also include meeting rooms and eating and drinking establishments as accessory uses;

146) **"INDUSTRIAL HEMP"** means "the plants and plant parts of the genera cannabis, the leaves and flowering heads of which do not contain more than 0.3% THC w/w and includes the derivatives of such plants and plant parts," as defined in *Industrial Hemp Regulations* (SOR/98-156) (SOR/2013-119), as amended;

147) **"INDUSTRIAL HEMP PRODUCTION FACILITY"** see **"LICENCED INDUSTRIAL HEMP PRODUCTION FACILITY"**

148) **"INDUSTRIAL USE, GENERAL"** means a development used principally for one or more of the following industrial activities:

- a. The processing of raw materials;

- b. The making, manufacturing, or assembling of semi-finished or finished goods, products or equipment;
- c. The cleaning, servicing, repairing, or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to good and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial areas`;
- d. The storage or shipping of materials, goods, and equipment;
- e. The distribution and sale of materials, goods, and equipment to institutions or industrial and commercial businesses for their direct use or to general retail establishments or other sales uses defined in this bylaw for resale to customers; or the training of personnel in general industrial operations.

This use includes: vehicle body repair and paint shops, and cannabis production and distribution developments (licensed and operating pursuant to applicable provincial and federal legislation).

- 149) **"INDUSTRIAL USE, HEAVY"** means a development which would be considered to be a general industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to:
- a. the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use;
  - b. the potential for significant toxic or noxious by-products such as air or water-born emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being.

Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants; and natural resource or agricultural product processing plants or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petrochemical industrial uses;

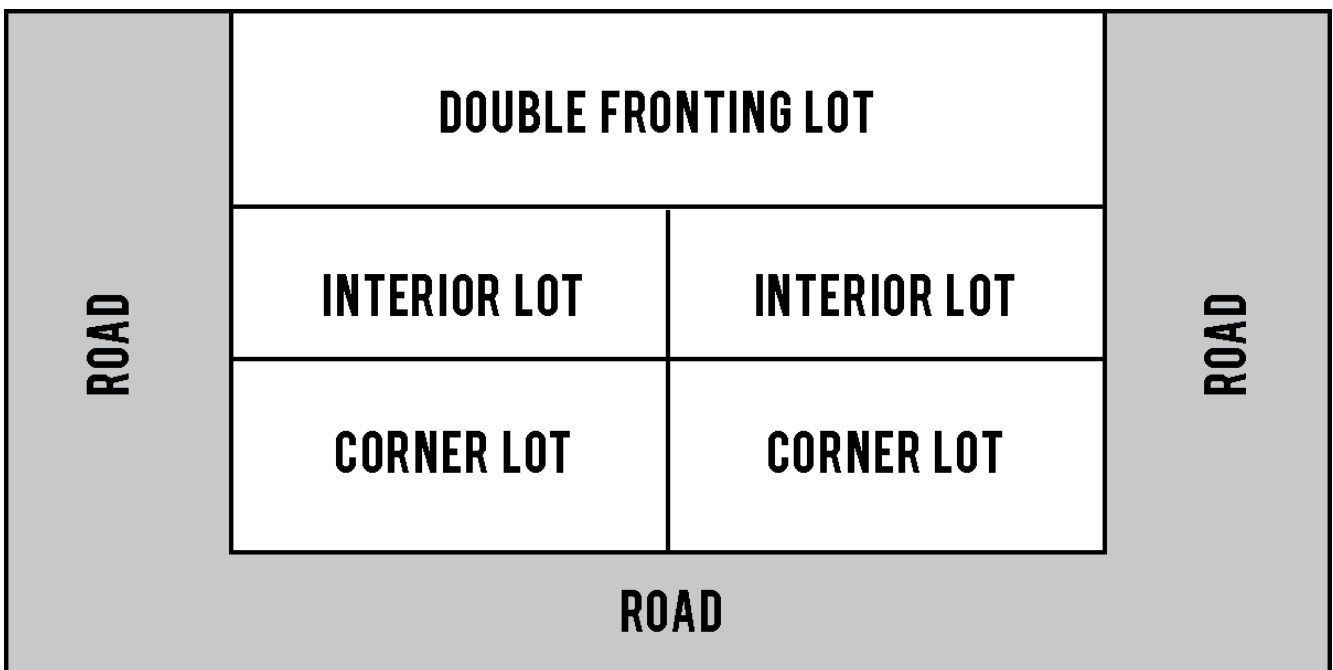
- 150) **"INDUSTRIAL USE, HEAVY PETROCHEMICAL"** means a development involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use;
- 151) **"INDUSTRIAL VEHICLE AND EQUIPMENT SALES/RENTAL ESTABLISHMENT"** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments;
- 152) **"INSTITUTIONAL USE"** means a development of governmental, religious, social, health care, or cultural facilities servicing the municipality, area, or region;
- 153) **"KENNEL"** see **"ANIMAL BREEDING AND/OR BOARDING FACILITY"**;
- 154) **"LANDSCAPED AREA"** means an open area of land, which is unoccupied by any building or structure; situated on ground level on a lot; used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not restricted to, planting strips, facilities for outdoor recreation, ornamental ponds, play areas, surfaced walks, and decks but does not include any part of a driveway or parking area, regardless, of surface composition, or any roof-top terrace, balcony, or space enclosed within a building;



- 155) **"LANDSCAPING"** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture; however, it shall not include garbage containers, storage areas, or parking lots;
- 156) **"LANDSCAPING, HARD"** means the use of non-vegetative material such as brick, stone, tile, paving stone, and gravel but excluding asphalt and monolithic concrete as part of a landscaped area;
- 157) **"LANDSCAPING, SOFT"** means the use of vegetative material as part of the landscaped area;
- 158) **"LAND TITLES ACT"** means the Land Titles Act, Chapter L-5, revised Status of Alberta 1980, as amended.
- 159) **"LAND USE DISTRICT"** means an area as shown in **SECTIONS 9 AND 10** of this Land Use Bylaw;
- 160) **"LANE"** means a road 7.6 m (25 ft.) or less in width;
- 161) **"LATTICE TOWER"** means a non-solid structure made up of vertical, horizontal and diagonal members assembled in triangular or square faced sections that can be stacked to obtain height. The structure can stand by itself (self-supporting), on a foundation, or it may be of the type requiring supporting assistance of cables (guyed tower).
- 162) **"LIBRARIES AND CULTURAL EXHIBIT"** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;
- 163) **"LICENCED INDUSTRIAL HEMP PRODUCTION FACILITY"** means the use of land, buildings or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, export and/or import industrial hemp, including indoor production and related research, under the Industrial Hemp Regulations (SOR/98-156), as amended or any subsequent legislation that may be enacted in substitution. This does not include cannabis retail sales establishments, cannabis production and distribution or the outdoor cultivation of industrial hemp;
- 164) **"LIQUOR SALES AND STORAGE ESTABLISHMENT"** means a development where any and all types of alcoholic beverages are sold to the public for consumption off premises. Liquor stores may include the retail sales of related products such as soft drinks and snack foods;
- 165) **"LIVESTOCK"** means livestock as defined in the Agricultural Operation Practices Act;
- 166) **"LIVESTOCK SALES YARD"** means any enclosed area of land, with or without accessory buildings or structures, upon which livestock is collected for sale or for market distribution;
- 167) **"LIVING QUARTERS"** means the developed area within a dwelling but does not include basement, garage, or carport, patio, or atrium;
- 168) **"LOADING SPACE"** means an off-street space for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded which is located on the same site as the building or group of buildings the loading space is intended to serve;
- 169) **"LOT"** means:
- a. a quarter section; or
  - b. a river lot or a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office; or

- c. a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision; or
- d. a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

- 170) **"LOT, CORNER"** means a site with boundary lines on two separate roads which intersect or a single road that curves at an angle of forty-five (45) degrees or more at the subject site. For the purposes of this definition, a road shall not include a lane (See Figure 5);
- 171) **"LOT, DOUBLE FRONTING"** means a lot which abuts two roads and which is not a corner lot;
- 172) **"LOT, INTERIOR"** means a lot which is bordered by only one road at the front line;
- 173) **"LOT COVERAGE"** is a calculation of the ground floor area of the indicated buildings or of all the buildings on the lot divided by the area of the lot;



**FIGURE 5: LOT EXAMPLES**

- 174) **"LOT WIDTH"** means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- 175) **"MAIN BUILDING"** means a building which is considered the main or principle use of the lot on which it is erected;
- 176) **"MAIN USE"** means the primary purpose or purposes for which a building or lot is used;
- 177) **"MAINTENANCE"** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
- 178) **"MANUFACTURING/PROCESSING FACILITY"** means a facility in which the fabrication, processing, or assembly of goods and materials is conducted to produce items of enhanced value and may include other accessory uses related

to, or supportive of, the manufacturing/processing operation such as offices, indoor and outdoor storage area, and display areas;

- 179) **"MANUFACTURED HOME"** means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as a single dwelling unit. This definition shall not include a dwelling that would be considered to be a single detached dwelling or a modular home if the roof pitch were equal to or greater than 1:4, if the depth of eaves were equal to or greater than 30.4 cm (1.0 ft.), or if the ratio of depth vs. width (or width vs. depth) were less than 3:1. If the roof pitch is less than 1:4, if the eaves is less than 30.4 cm (1.0 ft.), or if the ratio noted above is more than 3:1, the building shall be considered to be a manufactured home;
- 180) **"MANUFACTURED HOME PARK"** means a lot comprehensively designed, developed, operated and maintained to provide stalls and facilities for the placement and occupancy of manufactured homes on a long term basis;
- 181) **"MANUFACTURED HOME PARK OFFICE"** means a facility providing for the administration, management, or direction of the manufactured home park and may include supplementary retail convenience sales that specifically service the manufactured home park;
- 182) **"MANUFACTURED HOME SUBDIVISION"** means the planned division of a parcel of land into one or more smaller parcels, each of which is individually registered with the Alberta Land Titles Office, for the sole purpose of placing a manufactured home and accessory structures on each separately registered parcel;
- 183) **"MAY"** is an operative word meaning a choice is available with no particular direction or guidance intended;
- 184) **"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;
- 185) **"MIXED USE DEVELOPMENT"** means a building designed for more than one land use, which are listed as uses within the same land use district, on the same site, such as residential and retail development, residential, office and retail development, but does not include office warehouse development;
- 186) **"MOBILE HOME"** see **"MANUFACTURED HOME"**;
- 187) **"MODULAR HOME"** means a dwelling containing one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite or an in-law suite, which is constructed in large sections, away from the site on which the modular home is to be placed, and under controlled conditions. Modular homes do not include manufactured homes;
- 188) **"MOTEL"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include a liquor store, an entertainment establishment, or an establishment where there is a dance floor. A motel shall not include a work camp.
- 189) **"MUNICIPAL DEVELOPMENT PLAN"** means a plan adopted by the Council as a Municipal Development Plan pursuant to the Municipal Government Act;
- 190) **"MUNICIPAL PLANNING COMMISSION"** means the Municipal Planning Commission established pursuant to the Act through the municipality's Municipal Planning Commission Bylaw;

- 191) **"MUNICIPAL SERVICE FACILITY"** means a building or parcel at which the municipality maintains and/or stores equipment used to provide services to the public and may contain offices to administer such services. It does not include Government Services;
- 192) **"MUNICIPALITY"** means the Town of Smoky Lake;
- 193) **"MUST"** is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;
- 194) **"NATURAL ENVIRONMENT PRESERVE"** means an environmentally sensitive or locally significant natural area which is undeveloped except for trails and associated minor recreation facilities;
- 195) **"NEIGHBOURHOOD COMMERCIAL DEVELOPMENT"** means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m<sup>2</sup> (2,960 ft<sup>2</sup>). Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops. This use does not include cannabis retail sales;
- 196) **"NIGHTCLUB"** means a development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premise, in a facility where entertainment facilities take up more than 10% of the floor area. This use typically has a limited menu from a partially equipped kitchen/preparation area and prohibits minors from lawfully utilizing the facility. Typical uses include dance clubs, lounges, cabarets, nightclubs, neighbourhood pubs and bars, and cocktail lounges. This use does not include cannabis lounges;
- 197) **"NON-CONFORMING BUILDING"** means a building:
- a. that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
  - b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- 198) **"NON-CONFORMING USE"** means a lawful specific use:
- a. being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
  - b. that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- 199) **"NUISANCE"** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;
- 200) **"OBNOXIOUS"** means a development which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, or glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;
- 201) **"OCCUPANCY"** means the use or intended use of a building or part thereof for the shelter or support of persons or property;

- 202) **"OCCUPANT"** means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant or agent of the owner;
- 203) **"OFF-HIGHWAY VEHICLES"** means any motorised mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp land or other natural terrain and, when designed for such travel and without limiting the generality of the foregoing includes:
- a. 4-wheel vehicles;
  - b. low pressure tire vehicles;
  - c. motorcycles and related 2-wheeled vehicles;
  - d. amphibious machines;
  - e. all-terrain vehicles;
  - f. miniature motor vehicles
  - g. snow vehicles;
  - h. mini-bikes; and
  - i. any other means of transportation that is propelled by any power other than muscular power or wind; but does not include: motor boats or any other vehicle exempt from being on off-highway vehicle by regulation;
- 204) **"OFF-STREET"** means, when used as an adjective that the defined thing is not located on a road or highway, but rather a lot, and further, that it is not directly accessory to the particular use or development on a lot;
- 205) **"OFFENSIVE"** see **"OBNOXIOUS"**;
- 206) **"OFFICE USE"** means a development where professional, management, administrative, consulting, health, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, health professionals, and realtors. Office uses also include insurance firms, clerical, secretarial, employment and telephone answering and similar office support services, banks, credit unions, loan offices and similar financial institutions, the offices of governmental and public agencies, printing establishments, film processing establishments, janitorial firms, and business equipment repair shops;
- 207) **"OILFIELD SUPPORT"** means a development that provides cleaning, repairing, servicing, or testing of goods, materials, and equipment normally associated with the oil and gas industry and may include the storage and transshipping of such materials, goods, and equipment, excluding petrochemical products and supplies. This definition applies to oil and gas support operations, including but not limited to seismic and surveying, well servicing, oilfield haulers, pipeline contractors, and welding operations;
- 208) **"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;
- 209) **"OUTDOOR STORAGE FACILITY"** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- 210) **"OWNER"** means:

- a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
- b. in the case of any other land:
  - i. the purchaser of the fee simple estate in the land under the agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
  - ii. in the absence of a person described in (i) above, the person registered under the Land Titles Act as the owner of the fee simple estate in the land;

211) "PARK" – see "PUBLIC PARK";

212) "PARK MODEL" means a type of recreational vehicle; however, for the purposes of this Bylaw, park models are not allowed in any District within this Land Use Bylaw unless either recreational vehicles or recreational vehicle parks are listed as a permitted or a discretionary use within the District, and, further, that a park model has been specifically identified and approved by the Development Authority within an approved development permit. As well, park models shall not be used as dwellings within the municipality. There are a number of types of park models. Currently, two types described below are recognized by the recreational vehicle industry.

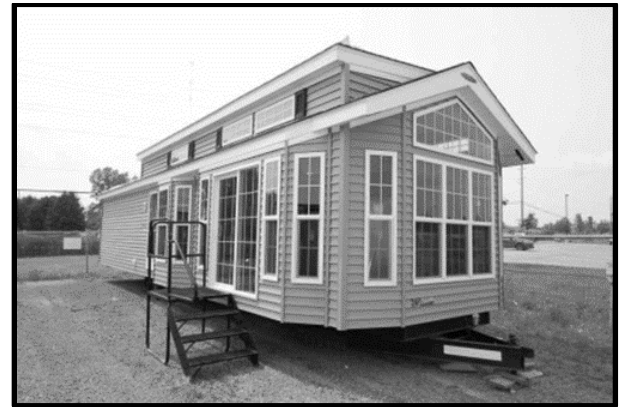
Park Model Trailer 102 (See Figure 6) is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are not normally fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it normally must be connected to the local utilities. This style is normally built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area normally does not exceed 37.2 m<sup>2</sup> (400 ft<sup>2</sup>). It conforms to the CSA Z-240 Standard for recreational vehicles.



**FIGURE 6: PARK MODEL TRAILER**

Park Model Recreational Unit (See Figure 7) is a unit built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and normally must be connected to those utilities necessary for the operation of installed fixtures and appliances. It normally has a floor area, including lofts, not exceeding 50 m<sup>2</sup> (540 ft<sup>2</sup>) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model recreational

units almost always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the CSA Z-241 Standard for recreational vehicles.



**FIGURE 7: PARK MODEL RECREATIONAL UNIT**

- 213) **"PARKING AREA"** means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area;
- 214) **"PARKING SPACE"** means an area set aside for the parking of one (1) vehicle;
- 215) **"PATIO"** means any developed surface adjacent to the principal dwelling on a site which is less than 0.6 m (2.0 ft.) above ground level;
- 216) **"PERMANENT FOUNDATION"** means any foundation that meets the requirements of the Alberta Building Code;
- 217) **"PERMITTED USE"** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied;
- 218) **"PERSONAL SERVICE SHOP"** means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and Laundromats, but not clinics;
- 219) **"PLACE OF WORSHIP"** means a development where worship and related religious, philanthropic, or social activities occurs. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- 220) **"PRINCIPAL BUILDING"** means a building in which is conducted the main or principal use of the site on which it is erected;
- 221) **"PRIVATE CAMP"** means social or recreational activities of members of a religious, philanthropic, athletic, business, or non-profit organization or their guests, with or without on-site campsites or dwelling units, but generally with an outdoor emphasis. Private camps may include facilities for eating, drinking, and assembly purposes associated with the camp;
- 222) **"PRIVATE CLUB"** means social or recreational activities of members of a religious, philanthropic, athletic, business, or non-profit organization or their guests, without on-site residences. Private clubs may include rooms for eating, drinking, and assembly. This use does not include cannabis lounges;

- 223) **"PROFESSIONAL, FINANCIAL, OFFICE, AND BUSINESS SUPPORT SERVICE"** means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, planners, doctors, and architects, as well as offices for real estate and insurance firms, clerical, secretarial, employment, telephone answering, and similar office support services. Additional uses also include banks, credit unions, loan offices, printing establishments, film processing establishments, janitorial firms, and business equipment repair shops;
- 224) **"PROTECTIVE AND EMERGENCY SERVICES"** means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and ancillary training facilities and associated accommodation facilities;
- 225) **"PUBLIC EDUCATION FACILITY"** means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools", and their administrative offices and maintenance facilities;
- 226) **"PUBLIC OR QUASI-PUBLIC BUILDING"** includes a church, a community hall or any building which is used by the public for the purpose of assembly, instruction, culture, or enlightenment, or for a communal activity, but does not include a place of public entertainment for which an admission fee is customarily charged;
- 227) **"PUBLIC OR QUASI-PUBLIC USE"** means a use by a department or agency of the federal or provincial government, or the Municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities;
- 228) **"PUBLIC PARK"** means a development designed or reserved for active or passive recreational use, including all natural and person-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;
- 229) **"PUBLIC UTILITY"** means a public utility, as defined in the Act;
- 230) **"PUBLIC UTILITY BUILDING"** means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- 231) **"REAL PROPERTY REPORT"** means a plan prepared by an Alberta Land Surveyor which establishes dimensions of the boundaries of a parcel and the location of the improvements thereon;
- 232) **"REAR LINE"** means the boundary line of a lot lying opposite to the front line of the parcel and/or farthest from a road;
- 233) **"REAR YARD"** *see "YARD, REAR"*;
- 234) **"RECREATION, INDOOR"** means facilities within an enclosed building for sports, active recreation, and performing and cultural arts where patrons are predominantly participants;
- 235) **"RECREATION, OUTDOOR"** means lands used for recreational activities, for profit or not, which are predominantly conducted outdoors and which utilize tracts of land and may or may not require facilities or structures. Typical uses

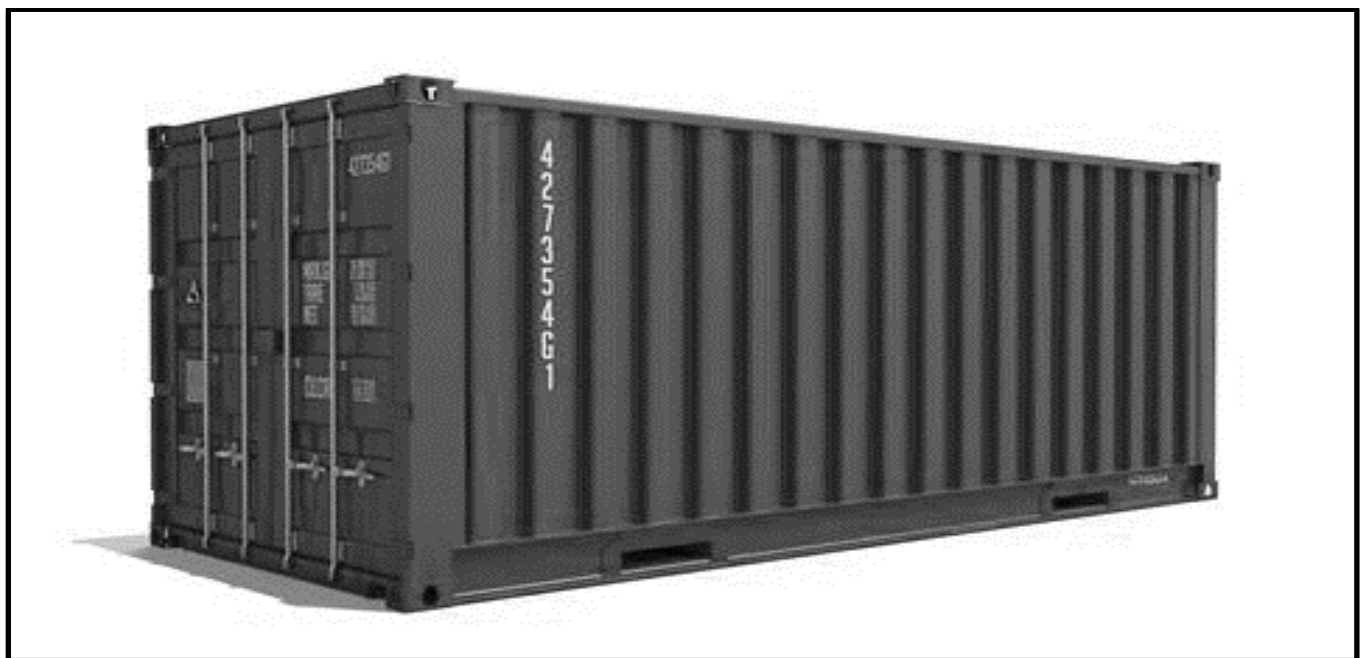


include cross-country ski trails, walking or cycling paths, ski hills, sports fields and playgrounds. A golf course is a separate use;

- 236) **"RECREATION, OUTDOOR MOTORIZED VEHICLE"** means a development or facility for primarily vehicular and/or motorized sports activities conducted outdoors on both land and water. Typical uses include sport recreational vehicle facilities such as motor bike, snowmobile, and/or motor vehicle race courses and boating facilities;
- 237) **"RECREATIONAL VEHICLE"** means a vehicle or a trailer that is designed, constructed and equipped, either temporarily or permanently, as a temporary accommodation for travel, vacation or recreational use and includes duly licensed trailers, motorized homes, slide in campers, chassis mounted campers, and tent trailers;
- 238) **"RECREATIONAL VEHICLE CAMPGROUND"** see **"CAMPGROUND, RECREATIONAL VEHICLE"**;
- 239) **"RECREATIONAL VEHICLE STORAGE"** means a commercial development which provides fenced or indoor, secure, onsite storage of more than three (3) recreational vehicles, boats and all-terrain vehicles;
- 240) **"RECREATIONAL VEHICLE CAMPGROUND WORKCAMP"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, used to house camp workers by various contracting firms on a temporary basis. The units may be dismantled and removed from the site from time to time;
- 241) **"RECYCLING DEPOT"** means a development where bottles, cans, newspapers, and similar household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building;
- 242) **"RECYCLING FACILITY"** means a 'facility used to recycle', as defined in the Environmental Protection and Enhancement Act, RSA 2000, c. E-12, as amended, and excludes the processing of hazardous recyclables as that term is defined in the Waste Control Regulation;
- 243) **"RELOCATED BUILDING"** means a building that was constructed off site in one piece or in pieces and relocated to another site but does not include manufactured homes or modular homes;
- 244) **"RENOVATION"** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- 245) **"RENTABLE UNIT"** means a separate unit of a motel development used or intended to be used for the temporary dwelling accommodation of one or more persons;
- 246) **"RESIDENTIAL USE"** includes the occupation and use of land and buildings by and as dwellings, whether on a seasonal or year-round basis;
- 247) **"RESTAURANT"** see **"EATING AND DRINKING ESTABLISHMENT"**
- 248) **"RETAIL, ALCOHOL SALES"** see **"ALCOHOL RETAIL SALES"**;
- 249) **"RETAIL, CONVENIENCE"** means a development used for the commercial sale of goods, from a business premise that does not exceed 275 m<sup>2</sup>. (2,960 ft<sup>2</sup>) in gross floor area. Typical uses include small food stores, drug stores, video sales or rentals, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceuticals, personal care items, or printed matter. Minor public services, such as postal services and film processing depots, are permitted within retail stores. This does not include alcohol retail sales, cannabis retail sales, warehouse sales establishments, or developments where gasoline, new or used motor vehicles, heavy agricultural and/or industrial equipment are sold or rented;
- 250) **"RETAIL ESTABLISHMENTS, GENERAL"** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office

equipment, stationary, second hand goods, and similar goods are bought, rented, and/or sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments include: convenience retail stores but do not include alcohol retail sales, cannabis retail sales, warehouse sales establishments, or developments where gasoline, new or used motor vehicles, heavy agricultural and/or industrial equipment are sold or rented;

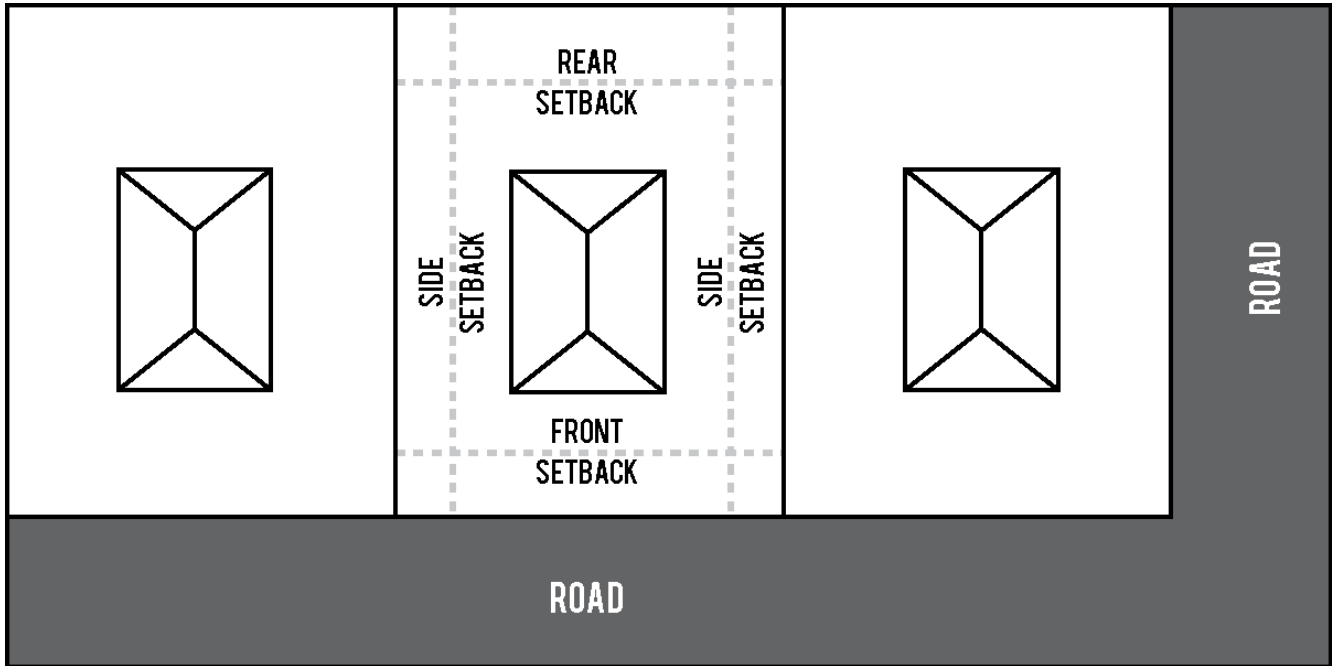
- 251) **"ROAD"** shall mean a "road" as defined in the Act and, for the purposes of this Bylaw, shall include a highway;
- 252) **"ROOF"** means the top of any enclosure, above or within the vertical walls of a building;
- 253) **"ROW HOUSING"** *see "DWELLING, ROW HOUSING"*;
- 254) **"RURAL FARM"** means a development for the primary production of farm products such as: dairy products; poultry products; cattle, hogs, sheep, and other animals; wheat or other grains; and vegetables or other field crops in rural and semi-rural areas. This does not include confined feeding operations, urban outdoor farms, or cannabis production and distribution developments, unless licensed and operating pursuant to applicable provincial and federal legislation;
- 255) **"SATELLITE DISH"** means a dish shaped apparatus used for the reception of satellite transmitted television or radio waves. If it is free standing, it is considered an accessory structure. If it is attached to a principal building, it is considered part of that structure;
- 256) **"SCHOOL"** *see "PUBLIC EDUCATION FACILITY"*;
- 257) **"SCREEN OR SCREENING"** means a fence, wall, berm, hedge, or other barrier providing visual and/or acoustic separation of sites;
- 258) **"SEA CAN"** means a pre-built metal container or structure originally designed and/or constructed for the purpose of cargo storage (See Figure 8);



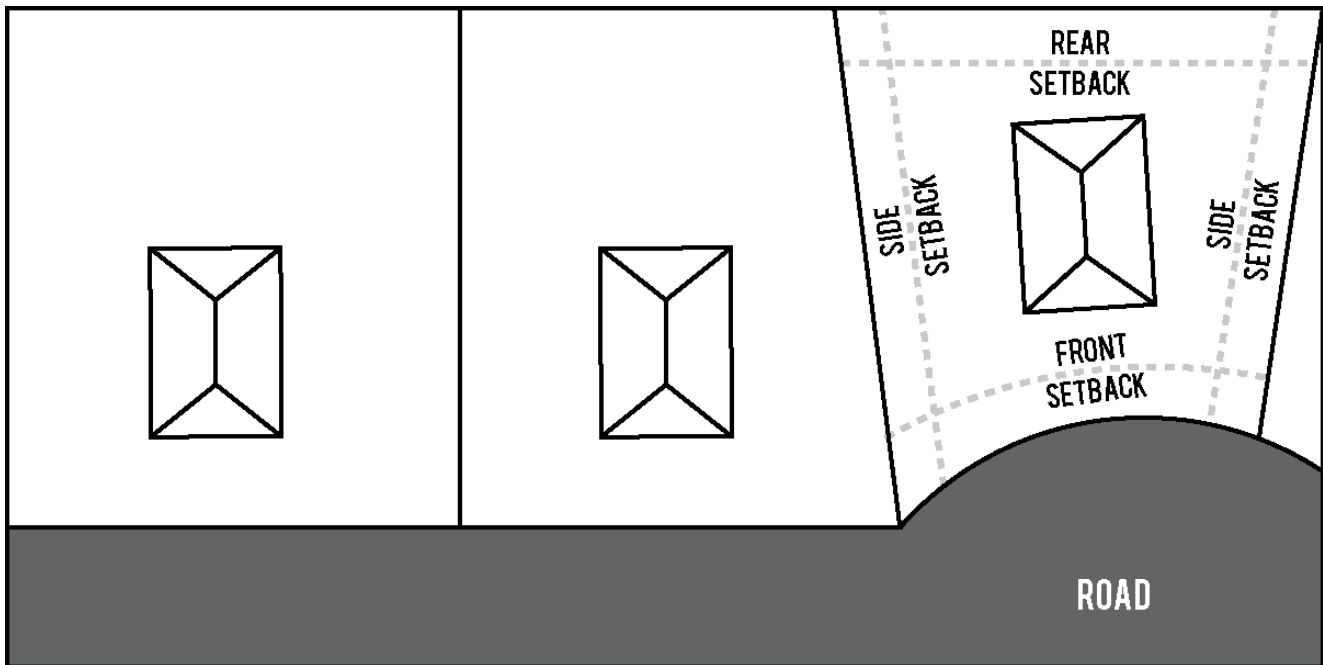
**FIGURE 8: SEA CAN EXAMPLE**

- 259) **"SECONDARY SUITE"** *see "SUITE, SECONDARY"*;

- 260) **"SERVICE STATION"** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, but not including auto body repair or paint shops, and a towing service dispatch point. For the purposes of this Bylaw, gas bars are considered to be service stations;
- 261) **"SETBACK"** means, depending on the context of the term, the minimum horizontal distance between buildings or a lot boundary and buildings (See Figures 9 & 10);



**FIGURE 9: SETBACK EXAMPLES FOR REGULAR LOTS**

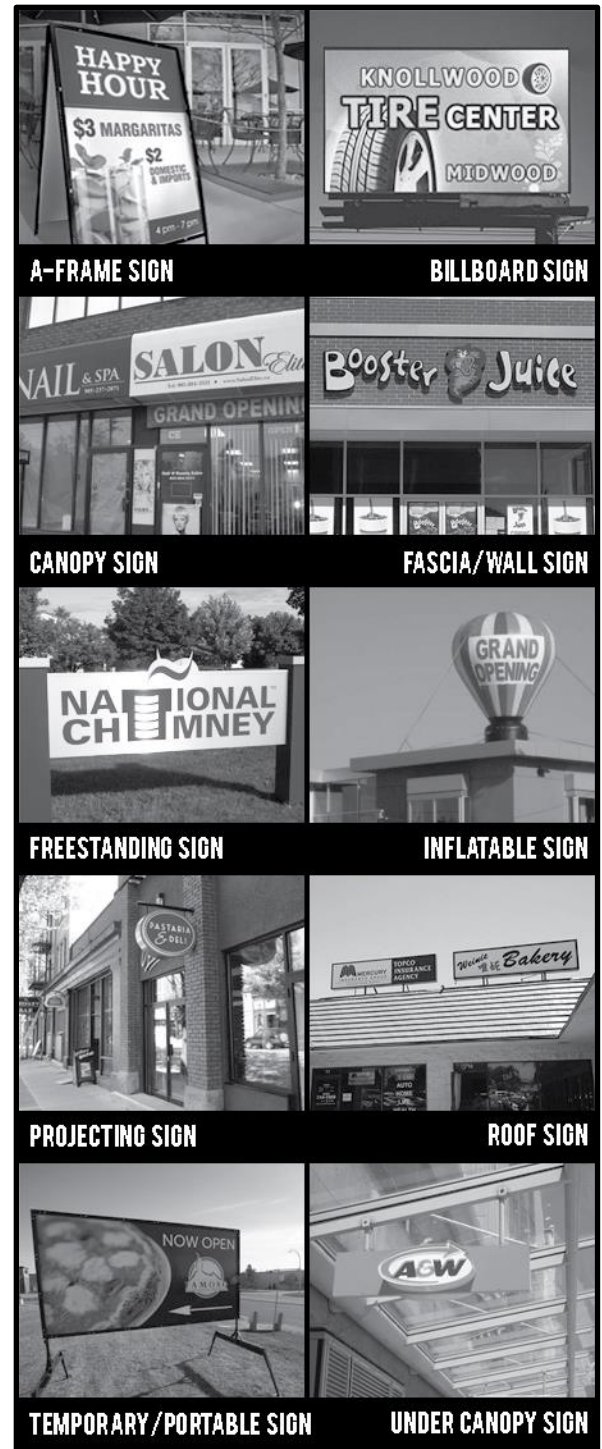


**FIGURE 10: SETBACK EXAMPLES FOR IRREGULAR LOTS**

- 262) **"SHALL"** is an operative word which means the action is obligatory;

- 263) **"SHED"** means an accessory building to be used for storage;
- 264) **"SHIPPING CONTAINER"** see **"SEA CAN"**;
- 265) **"SHOP"** means a building to be used for light industrial purposes or the storage of vehicles larger than that allowed in a garage;
- 266) **"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;
- 267) **"SHOW HOME"** means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of the District in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality;
- 268) **"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 road shall be considered a side line;
- 269) **"SIDE YARD"** see **"YARD, SIDE"**;
- 270) **"SINGLE FAMILY DWELLING"** means a dwelling consisting of one (1) dwelling unit, but does not include a manufactured home;
- 271) **"SIGN"** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages, but not national flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle intended for use on a road;
- 272) **"SIGN AREA"** means the total area within the outer periphery of a sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign;
- 273) **"SIGN, A-FRAME"** means a type of sign commonly referred to as "sandwich boards", composed of two hinged or otherwise joined boards which leans on the ground (See Figure 11 for all Sign types);
- 274) **"SIGN, 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;
- 275) **"SIGN, CANOPY"** means a sign which is part of or attached to a canopy;
- 276) **"SIGN, FREE-STANDING"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building;
- 277) **"SIGN, FREE-STANDING"** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- 278) **"SIGN, INFLATABLE"** means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Commonly used as a temporary sign for special events or promotions;

- 279) **"SIGN, OFF-SITE"** means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- 280) **"SIGN, PROJECTING"** means a sign which is attached to a building so that part of the sign projects more than 0.3 m (1 ft.) from the face of the building;
- 281) **"SIGN, ROOF"** means any sign placed on or over a roof;
- 282) **"SIGN, UNDER-CANOPY"** means a sign which is attached to the bottom surface or edge of a canopy;
- 283) **"SIGN, WALL"** means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m (1.0 ft.) from the building;
- 284) **"SIGNIFICANT"** means a use which in the opinion of the Subdivision Authority or the Development Authority may impact regional or sub-regional servicing or infrastructure;
- 285) **"SIMILAR USE"** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
- 286) **"SINGLE DETACHED DWELLING"** – see **"DWELLING, SINGLE DETACHED"**;
- 287) **"SITE"** means a lot, a part of a lot, or a number of lots located adjacent to one another which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
- 288) **"SOCIAL CARE HOME, MAJOR"** means the use of one dwelling unit as a care facility license by the Provincial authority to provide room and board for not more than six (6) residents with physical, mental, social, or behavioural problems that require professional care, counselling, guidance, and supervision. The character of the use is that the occupants live together as a single housekeeping unit and use a common kitchen. This use does not include assisted care housing;
- 289) **"SOLAR ARRAY"** means multiple solar panels used in conjunction to produce electricity;
- 290) **"SOLAR ENERGY CONVERSION SYSTEM"** means the complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment and additional required conversion electronics;
- 291) **"SOLAR PANEL, FREE STANDING"** means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support;



**FIGURE 11: SIGN TYPES**

- 292) **"STALL"** means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park;
- 293) **"STOREY"** means the space between one floor of a multi-storey building and the floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey. A half storey shall be a storey which has a floor area 70% or less of the floor area of the storey closest to grade;
- 294) **"STRUCTURAL ALTERATIONS"** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- 295) **"SUBDIVISION AND DEVELOPMENT APPEAL BOARD"** means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act;
- 296) **"SUBDIVISION AND DEVELOPMENT REGULATION"** means the Subdivision and Development Regulation (AR 43/202), as amended;
- 297) **"SUBDIVISION AUTHORITY"** means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;
- 298) **"SUBSTANDARD LOT"** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the Residential District in which the lot is located;
- 299) **"SUITE, GARAGE"** means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single detached dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building (See Figure 12 for all suite types);
- 300) **"SUITE, GARDEN" OR "SUITE, GUEST HOUSE"** means a temporary, portable detached dwelling unit that is subservient to an existing dwelling on the site, but does not include a park model. Guest houses can only be located on a lot containing an existing single detached dwelling or manufactured home;



**FIGURE 12:EXAMPLES OF SUITES**

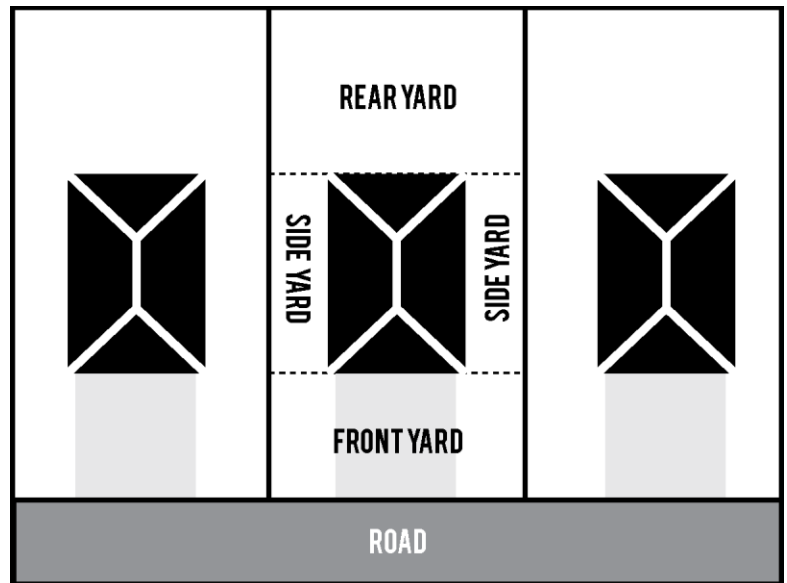
- 301) **"SUITE, IN-LAW"** means an additional dwelling unit intended for the sole occupancy of one (1) or two (2) adult persons, which has access to the adjoining dwelling unit.
- 302) **"SUITE, SECONDARY"** means a self-contained dwelling unit, clearly secondary in size to the main dwelling unit within a dwelling, which may or may not share access to the outside and/or other facilities with the main dwelling unit;
- 303) **"SUITE, SURVEILLANCE"** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and security of the development, and does not include a manufactured home;
- 304) **"TEMPORARY DEVELOPMENT"** means a development for which a development permit has been issued and which is to exist for a limited time only, as determined by the development authority and indicated in the conditions of the development permit;
- 305) **"TRUCK AND RECREATIONAL VEHICLE SALES / RENTAL ESTABLISHMENTS"** means a development where new or used automobiles, trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar recreational vehicles or craft are sold or rented together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, and dealerships for the sale of trucks with a gross vehicle weight rating equal to or greater than 4000.0 kg (8,818.5 lbs.). This use also includes the sale of recreational vehicles with either a gross vehicle weight rating equal to or greater than 6000.0 kg (13,227.7 lbs.), or a length equal to or greater than 6.7 m (22.0 ft.);
- 306) **"TRUCKING AND CARTAGE ESTABLISHMENT"** means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods, and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3,000.0 kg (6,613.9 lbs.);
- 307) **"UNDEVELOPED LOT"** means a lot which does not contain a residence, building, structure, or other development, as defined by this bylaw;
- 308) **"UNSUBDIVIDED QUARTER SECTION"** means a quarter section, lake lot, river lot or settlement lot that has not been subdivided or had a parcel of land removed from it except for a public or a quasi-public use or solely for a purpose exempted from Part 17 of the Act;
- 309) **"URBAN OUTDOOR FARM"** means the cultivation and harvesting of plant products in urban areas, primarily as an interim use on idle or under-utilized land for the primary purpose of retail sales or community culture. Cultivating and harvesting may occur within unenclosed structures primary lit by natural light and used for the extension of the growing season, such as cold frames and hoop houses. Accessory structures might include those used for the normal operation of the site. Accessory activities may include onsite sales, composting of plants grown-on site, or outdoor storage. This use does not include livestock operations, rural farms, greenhouses or plant nurseries, or cannabis production and distribution developments;
- 310) **"USE"** means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;
- 311) **"VEHICLE REPAIR ESTABLISHMENT"** means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, recreational vehicles, and trucks, including the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, tire shops, automotive glass shops, upholsterer shops, and body repair and/or paint shops;
- 312) **"VETERINARY CLINIC"** means a development where small animals are cared for and treated. Veterinary services primarily involve outpatient care and minor medical procedures involving hospitalisation for fewer than four (4)

days. All animals shall be kept within an enclosed building. Veterinary services include pet clinics, small animal veterinary clinics and veterinary offices, but not animal hospitals and animal shelters;

- 313) **"WAREHOUSE"** means a facility where a range of goods are displayed and/or stored;
- 314) **"WAREHOUSE SALES ESTABLISHMENT"** means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores;
- 315) **"WIND ENERGY CONVERSION SYSTEM, LARGE"** means one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;
- 316) **"WIND ENERGY CONVERSION SYSTEM, MICRO"** means a small-scale wind turbine, which is small is height and diameter and can be installed on the roof of a building or structure;
- 317) **"WIND ENERGY CONVERSION SYSTEM, SMALL"** refers to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;
- 318) **"WIND TURBINE TOWER"** refers to the guyed or freestanding structure that supports a wind turbine generator;
- 319) **"WIRELESS COMMUNICATIONS FACILITY"** means a facility that provides communication service using RF technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna de-icing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems;
- 320) **"WORK CAMP"** means a temporary residential complex used to house workers, usually but not necessarily for a contracting firm or project, on a temporary basis of more than twenty-eight (28) days and less than one (1) year. A work camp is usually made up of a number of buildings, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;
- 321) **"WORK CAMP, PROJECT-ORIENTED"** means a temporary residential complex of no more than fifteen (15) units used to house workers, for a specific project, on a temporary basis of not more than twenty-eight (28) days. A project-oriented work camp is usually made up of a number of buildings, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities for short-term use related to specific projects;
- 322) **"WORKSHOP"** means a building, part of a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills (such as carpenter shop, sign shop, locksmith shop, metalwork shop or similar uses) and may include incidental to the operation, the sale of products made therein;



- 323) "YARD" means a part of a parcel upon or over which no building is to be erected unless otherwise provided for in this Bylaw;
- 324) "YARD, FRONT" means a yard extending across the full width of a parcel of land from the front line of the lot to the nearest exterior wall of the main building situated on the parcel of land;
- 325) "YARD, REAR" 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;
- 326) "YARD, SIDE" 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;



**FIGURE 13: YARDS**

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

**1.5 DEFINITIONS NOT PROVIDED**

- 1) In instances where specific land uses:
  - a. Do not conform to the wording of two or more land uses; or
  - b. Generally conform to the wording of two or more land uses;

The Development Authority shall use their discretion to include these land uses in a land use category that is most appropriate in character and purpose.

**1.6 METRIC & IMPERIAL MEASUREMENT**

- 1) Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures. As a result, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.

## **1.7 COMPLIANCE WITH OTHER LEGISLATION**

- 1) In addition to the requirements of this Bylaw, an applicant must comply with any Federal, Provincial or Municipal legislation including requirements of a Development Permit or Agreement.
- 2) The applicant/landowner must also comply with the conditions of any easement or covenant which affects the development or subdivision.

## **1.8 NON-APPLICABILITY OF BYLAW**

- 1) This Bylaw does not apply to roads or lanes.

## **1.9 SEVERABILITY PROVISION**

- 1) It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the Bylaw shall remain in force and effect.

## **1.10 ATTACHED FIGURES**

- 1) Various figures are included within this Bylaw for information purposes, but they do not form part of this Bylaw unless specifically referenced in the text of the Bylaw.

## 2 AGENCIES

### 2.1 DEVELOPMENT AUTHORITY

- 1) The Development Authority of the Town of Smoky Lake shall be as established by the municipality's Development Authority Bylaw.
- 2) If the Municipal Planning Commission is to be making the decision on a development permit application, the term **"DEVELOPMENT AUTHORITY"**, when used in this Bylaw, shall be the Municipal Planning Commission.
- 3) In all instances other than those indicated in **SECTION 2.1.2**, when used in this Bylaw, the term **"DEVELOPMENT AUTHORITY"** shall be the Development Officer.

### 2.2 DEVELOPMENT OFFICER

- 1) In addition to the duties assigned in the Development Authority Bylaw, the Development Officer shall perform such duties that are assigned to it in this Bylaw.
- 2) The Development Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.
- 3) The Development Officer shall:
  - a. keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto;
  - b. keep a register of all applications for development, including the decision thereon and reasons therefor.
  - c. receive and review all applications to ascertain whether it is complete in accordance with this Bylaw;
  - d. consider and decide on applications for a development permit where the uses constitute permitted uses in a District and where the development complies with the regulations for the development;
  - e. refer to the Municipal Planning Commission, with a recommendation, for its consideration and decision:
    - i. applications for a development permit where the uses constitute discretionary uses in a District,
    - ii. applications for a development permit for those uses which constitute permitted uses but where the development does not comply with the regulations for the development; and
  - f. at their discretion, refer to the Municipal Planning Commission any application for a development permit which in their opinion should be decided by the Commission.
- 4) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be a designated officer.

### 2.3 MUNICIPAL PLANNING COMMISSION

- 1) As well as the duties assigned in the Development Authority Bylaw and the Municipal Planning Commission Bylaw, the Municipal Planning Commission shall perform such duties as are assigned to it in this Bylaw.

### 2.4 COUNCIL

- 1) The Council shall perform such duties as specified by this Bylaw.

## **2.5 SUBDIVISION AUTHORITY**

- 1) The Subdivision Authority of the Town of Smoky Lake shall be as established by the municipality's Subdivision Authority Bylaw.
- 2) The Subdivision Authority shall be appointed by resolution of Council.
- 3) The Subdivision Authority shall perform such duties that are specified in this Bylaw and the Subdivision Authority Bylaw.

## **2.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- 1) As well as the duties assigned in the Subdivision and Development Appeal Board Bylaw, the Subdivision and Development Appeal Board shall perform such duties as are assigned to it in this Bylaw.

## 3 DEVELOPMENT RULES & PROCEDURES

### 3.1 CONTROL OF DEVELOPMENT

- 1) No development other than that designated in **SECTION 3.2** shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### 3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 1) The following development shall not require a development permit:
  - a. The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit;
  - b. The completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted;
  - c. The use of any such buildings as referred to in **SECTION 3.2** for the purpose for which construction was commenced;
  - d. The erection, construction, or maintenance, improvement or alteration of gates, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 1.0 m in height in front yards and less than 2.0 m in side and rear yards, and the maintenance, improvement and other alterations of all such gates, or walls or other means or enclosure. This provision does not apply to fences;
  - e. 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;
  - f. 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;
  - g. An accessory building or structure in a Residential District with a gross floor area of under 10.0 m<sup>2</sup>, unless the accessory building or structure does not satisfy the regulations indicated in **SECTION 7.2** hereof;
  - h. Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport;
  - i. The placement of local federal, provincial, municipal, and school board election signs;
  - j. The placement of signs advertising a property for sale or rent; and
  - k. The demolition or removal of any building or structure for which the erection of would not require a development permit pursuant to **SECTIONS 3.2.1.D TO 3.2.1.J**.

### 3.3 NON-CONFORMING BUILDINGS AND USES

- 1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.

- 2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 3) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- 4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - a. to make it a conforming building,
  - b. for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - c. in accordance with the powers possessed by the Development Authority pursuant to the Act and **SECTION 3.4.15** of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- 5) If a development permit has been issued on or before the day on which this Land Use Bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw or the amendment.
- 6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 7) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

### **3.4 APPLICATION FOR DEVELOPMENT**

- 8) An application for a development permit shall be made to the Development Officer in writing, in the form required by the Development Officer, and shall be accompanied by:
  - a. a site plan showing:
    - i. the legal description;
    - ii. the dimensions of the site;
    - iii. the proposed front, rear, and side yards, if any;
    - iv. any provision for off-street loading and vehicle parking;
    - v. access and egress points to the site;
    - vi. all of the existing and proposed buildings on the site;
    - vii. the boundaries of the site including any lots that may make up the site;
    - viii. all underground utilities, above ground utilities and utility rights-of-way; and
    - ix. where required by the Development Authority, a copy of a completed Alberta-one-call sketch including proof of detection in order to verify the utility locations;
  - b. a statement of the proposed uses;

- c. estimated commencement and completion dates; and
  - d. a statement of ownership of the land and the interest of the applicant therein.
  - e. an indication of how sewage from the proposed development is to be conveyed into the Town's sewage disposal systems, including, if the means is to be gravity-fed sewer line, the relative elevations of the inlet in the development and the connection with the Town's sewage collection line, and any insulating procedures which will be undertaken.
- 9) In addition to the requirements listed in **SECTION 3.4.1**, an application for a development permit for a **multi-family, commercial, industrial, recreational, and institutional uses** shall include information respecting:
- a. proposed garbage and storage areas and the fencing and screening for same;
  - b. all existing and proposed trees, shrubs, parks, playgrounds, etc., including location and approximate dimensions of same and any proposed cutting down and/or removal of trees;
  - c. any potentially noxious, toxic, radioactive, flammable, or explosive materials proposed to be used; and
  - d. where applicable, the location of existing and proposed wells, septic tanks, disposal fiends, culverts, and crossings.
- 10) In addition to the requirements listed in **SECTIONS 3.4.1 TO 3.4.2**, an application for a development permit for a sign shall include a coloured representation of the proposed sign drawn to scale.
- 11) In addition to the requirements listed in **SECTIONS 3.4.1 TO 3.4.3** that may be applicable, an application for a development permit for the demolition or removal of a building or structure shall include an indication of how the site will be restored after the demolition or removal.
- 12) In addition to the requirements listed in **SECTIONS 3.4.1 TO 3.4.2** that may be applicable, an application for a development permit to relocate an existing building into the Town shall include photographs of the building showing each elevation and the general condition of the building, and shall indicate the present location, use and condition of the building. The Development Authority may inspect the building to determine its suitability for the proposed use. In addition to the other requirements authorized by this Bylaw, the Development Authority may require that certain works of structural alterations, repairs or maintenance of the building be carried out as a condition of the issuance of a development permit to relocate an existing building.
- 13) In addition to the requirements listed in **SECTIONS 3.4.1 TO 3.4.5** that may be applicable, an application for a development permit for industrial uses shall be accompanied by the following information:
- a. type of industry;
  - b. size of buildings;
  - c. number of employees;
  - d. estimated water demand and anticipated source;
  - e. estimated gas demand and anticipated source;
  - f. type of effluent and method of treatment;
  - g. type of air emissions and method of abatement;
  - h. estimated noise generated by the development and method of abatement;

- i. estimated light generated by the development and (if necessary) method of abatement;
  - j. transportation routes to be used;
  - k. reasons for specific location;
  - l. means of solid waste disposal;
  - m. any accessory works required (pipeline, railway spurs, power lines, etc.);
  - n. any accessory works required,
  - o. anticipated residence location of employees;
  - p. physical suitability of site with respect to soils, slopes and drainage;
  - q. if a subdivision is involved, the size and number of parcels and proposed phasing (if any);
  - r. servicing requirements and provisions for meeting them;
  - s. costs associated with providing new or upgraded municipal services associated with the development; and/or
  - t. any other information required by the Development Authority.
- 14) All site regulations for an industrial development shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority.
- 15) In addition to the requirements listed in **SECTIONS 3.4.1 TO 3.4.5** that may be applicable, an application for a development permit or a subdivision application for **cannabis production and distribution developments** may be required to be accompanied by the following information; prepared by a qualified professional:
- a. Waste Management Plan;
  - b. Environmental Assessment;
  - c. Traffic Impact Assessment;
  - d. Water/Wastewater Report;
  - e. Storm Water Management Plan; and/or
  - f. Any additional study or assessment necessary to address specific concerns identified by the Development Officer and/or Subdivision Authority in the course of their review of the application.
- 16) In addition to the requirements listed in **SECTIONS 3.4.1 TO 3.4.5** that may be applicable, an application for a development permit or a subdivision application for a **Licensed Industrial Hemp Production Facility** use may be required to be accompanied by the following information; prepared by a qualified professional:
- a. Waste Management Plan;
  - b. Environmental Assessment;
  - c. Traffic Impact Assessment;
  - d. Water/Wastewater Report;
  - e. Storm Water Management Plan; and



- f. Any additional study or assessment necessary to address specific concerns identified by the Development Officer and/or Subdivision Authority in the course of their review of the application.
- 17) Each application for a development permit shall be accompanied by a fee as established by Council.
- 18) The Development Authority may request written advisory comment by any Provincial Government agency which may hold jurisdiction and whose interest or jurisdiction may be affected on any application for development in an Industrial District.
- 19) The Development Officer may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building or a manufactured home on a lot, information relating to the age and condition of the building and its compatibility with the District in which it is to be located.
- 20) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
- 21) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- 22) In making a decision, the Development Authority may impose such conditions as are required to ensure compliance with this Bylaw.
- 23) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement:
- a. to construct or pay for the construction of roads, pedestrian walkways, parking areas and/or loading areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development;
  - b. to install or pay for the installation of public utilities other than telecommunications systems or works;
  - c. to pay an off-site levy; and
  - d. to give security to ensure that the terms of the agreement noted herein are carried out.
- 24) The Development Authority may require any agreement entered into pursuant to **SECTION 3.4.11** to be caveated against the title of the lot at the Land Titles Office.
- 25) In the case where satisfactory arrangements have not been made for the supply of water, electric power, sewage disposal and road access, or any of them to the site of a proposed development, including payment of the costs of installing or constructing any of them by the developer, the Development Authority may refuse to issue a development permit.
- 26) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.

- 27) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to this Bylaw, the Development Authority shall not accept the submission of another application for a permit on the same parcel of land and for the same or similar development by the same or any other applicant for six (6) months after the date of the refusal.
- 28) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after the application has been opened by the Development Authority. The person claiming to be affected may appeal in writing as provided for in this Bylaw as though they have received a refusal at the end of the forty (40) day period specified.

### **3.5 DEVELOPMENT PERMIT AND NOTICES**

- 1) A permit granted pursuant to this section does not come into effect until twenty two (22) days after the date a decision or development permit is issued as described in **SECTION 3.13**. 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 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, the Development Officer shall immediately:
  - a. post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - b. mail a notice in writing to all adjacent landowners who, in the sole opinion of the Development Authority, may be affected; and/or
  - c. publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use and/or development approved.
- 4) Notwithstanding **SECTIONS 3.5.1 TO 3.5.3**, when a development permit is issued for a permitted use and no variance or relaxation of the regulations of this Bylaw has been granted, the development permit comes into effect on the day after it is granted, and furthermore, the Development Authority, at their sole discretion, shall determine if they give any notice of their decision.
- 5) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- 6) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- 7) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

### **3.6 COMPLIANCE WITH OTHER REGULATIONS AND BYLAWS**

- 1) Nothing in this Bylaw affects the duty or obligations of a person to obtain any other permit, license, or authorization required by the Act or any other Act of the legislature of the Province of Alberta, Regulation established pursuant to any Act of the legislature, or other Bylaw of the municipality.

### 3.7 REFERRAL OF APPLICATION

- 1) Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with Provincial legislation and regulations.
- 2) In addition to any sites identified in Subsection (1) above, an application for a development permit which may, in the opinion of the Development Authority, impact any historical or archaeological site identified pursuant to Subsection (1) above within the Town will be submitted to Alberta Culture and Tourism for comment.
- 3) Development permit applications within 1.6 km (5,280 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued.
- 4) All subdivision proposals and all applications for significant discretionary development permits within 1.5 km (0.93 miles) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.
- 5) The Development Authority shall send written notification to all adjacent landowners and may send written notification to any other landowner/agency/authority that, in the opinion of the Development Authority, may be affected by such development, for any development permit application for a Discretionary Use or variance.
- 6) The Development Authority shall refer all applicable applications to the appropriate authorities according to the Act.
- 7) The Development Authority may refer any application for a development permit prior to making a decision on the application to any other person, agency, or organization as deemed necessary or suitable by the Development Authority.
- 8) For the purpose of this section, written notifications shall include the following:
  - a. Location and nature of the proposed development;
  - b. A copy of relevant drawings;
  - c. A location and date to submit comments; and
  - d. Any other relevant information as determined by the Development Authority.

### 3.8 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

- 1) The Development Officer shall:
  - a. receive and review all applications for development permits;
  - b. refer to the Council for its consideration and decision all applications for a discretionary use or any development permit application within a Direct Control District; and
  - c. consider and decide on all other applications for development permits.
- 2) Notice of Complete or Incomplete Application
  - a. The Development Authority shall within 20 days of the receipt of an application for a development permit, determine whether the application is complete.

- b. The time period referred to in **SECTION 3.8.2.A** may be extended by an agreement in writing between the applicant and the Development Authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a) of the Act.
  - c. An application is complete if, in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application.
  - d. If a development authority determines that the application is complete, the development authority shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
  - e. If the Development Authority determines that the application is incomplete, the Development Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Development Authority in order for the application to be considered complete.
  - f. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in **SECTION 3.8.2.E**, the Development Authority must deem the application to be refused.
  - g. Despite that the Development Authority has issued an acknowledgment under **SECTION 3.8.2.D** or **SECTION 3.8.2.E**, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.
- 3) The Development Officer shall issue decisions for development applications for those uses listed in Direct Control District(s) when directed to do so by Council.
  - 4) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions he/she considers appropriate, approve the application permanently or for a limited period of time, or refuse the application.
  - 5) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement 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 noted herein are carried out.
  - 6) In approving an application for a development permit, the Development Authority may impose the condition that the approved development be allowed to operate for a limited period of time, which shall be specified on the permit, and that upon the expiry of such time the use allowed shall be discontinued and any buildings that were erected as a result of the development permit shall be removed, and the site restored to its original condition prior to the issuance of the development permit.
  - 7) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority the proposed development would not:
    - a. unduly interfere with the amenities of the neighbourhood; or

- b. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - c. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 8) When a development permit application is refused, the Development Authority shall not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal. However, when an application has been refused as per **SECTION 3.8.10** the Development Authority may accept a new application without waiting six (6) months after the date of the refusal.
- 9) An application for a development permit shall be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after receipt and acceptance of the completed application by the Development Authority unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Authority.
- 10) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal, the time period within which an appeal can be made, and to whom the applicant may appeal, if so desired.
- 11) Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.
- 12) The Development Authority may suspend or revoke a development permit:
- a. at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant;
  - b. if the conditions of the approval of the development permit have not been complied with or cease to be complied with;
  - c. if requested to do so by the applicant; or
  - d. within 21 days of issue of the permit, where the permit was issued in error.

### 3.9 POWERS OF VARIANCE

- 1) In addition to the requirements of **SECTION 3.8**, when an application for a Development Permit is submitted for a Permitted or Discretionary Use which does not comply with the provisions of the Bylaw, the Development Authority may request a statement from the applicant identifying the following:
- a. that the applicant is aware that the proposed development requires a variance of this Land Use Bylaw; and
  - b. why the proposed development cannot satisfy the provisions of this Bylaw and therefore, requires the proposed variance.
- 2) Development permit applications for a permitted use that propose a variance from the provisions of this Bylaw in excess of twenty-five percent (25%) will be referred by the Development Officer to the Municipal Planning Commission.
- 3) The Development Authority may approve or conditionally approve a variance on a discretionary or permitted use that does not comply with 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 with the use prescribed for that land or building in this Bylaw.

Note: Use provisions cannot be varied by the Development Authority. If a proposed development does not conform to the use requirements within the applicable district, then a Land Use Bylaw amendment will be required prior to development approval.

### 3.10 DEVELOPMENT PERMIT CONDITIONS

- 1) The Development Authority may attach, with respect to a permitted use, conditions on the issuance of a development permit as may be required to ensure compliance with this Bylaw, including but not limited to the following:
- a. Arrangements satisfactory to the Development Authority for the supply of utilities including payment of the cost of installation or construction of any such utility or facility by the applicant;
  - b. Arrangements satisfactory to the Development Authority ensuring compatibility with the surrounding land uses, including but not limited to the following:
    - i. Vehicular and pedestrian access from public roads and trails;
    - ii. On-site vehicular and pedestrian circulation;
    - iii. On-site parking;
    - iv. On-site loading;
    - v. Landscaping;
    - vi. Drainage;
    - vii. Noise attenuation;
    - viii. Building location; or
    - ix. Any one or more of these matters, including payment of the costs of installation or construction by the applicant.
  - c. That the developer enters into a development agreement or an interim agreement according to the Act, which shall form part of such a development permit and may be required to be registered by caveat against title to the site at the Land Titles Office;
  - d. That the developer pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act;
  - e. That the developer provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site;

- f. That the applicant repair or reinstate or pay for the repair or reinstatement to the original condition of any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site; and
  - g. That the developer provides a real property report to the satisfaction of the Development Authority.
- 2) The Development Authority may attach, with respect to issuance of a development permit for a discretionary use, any or all conditions listed in **SECTION 3.11.1** as may be required and any other condition the development authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to the following:
- a. Limiting the time of operation including hours of the day, days of the week, and parts of the year;
  - b. Specifying the period of time during which the development may continue;
  - c. Limiting the number of patrons; and
  - d. Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development.

### **3.11 NOTICE OF DECISION**

- 1) Immediately after a decision has been issued on a development permit application, the Development Officer shall send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Town office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 1) In addition to Subsection (1), immediately after a decision on a development permit application for a discretionary use or after a variance has been granted, the Development Officer shall:
- a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent landowners, as identified on Town of Smoky Lake Assessment Roll, to provide notice of the decision and right of appeal; and
  - b. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
  - c. within ten (10) days of the date such a development permit is issued, publish a notice of the decision in a newspaper circulating in the municipality for two (2) consecutive weeks.
- 2) When the Development Authority refuses a development permit application, the decision shall contain reasons for the refusal, the method for which an appeal can be made, and the deadline of the date of appeal of the development permit.

### **3.12 COMMENCEMENT & COMPLETION**

- 1) When a development permit has been issued by the Development Authority, it shall not be valid until the conditions of the permit, save those of a continuing nature, have been fulfilled, and no notice of appeal has been served on the Subdivision and Development Appeal board within the appeal period. For the purposes of this section, the appeal period is twenty-one (21) days after the notice of decision has been published in a newspaper or posted on the property.

- 2) When the Subdivision and Development Appeal Board has approved a development permit, the permit shall not be valid until the decision of the Board is issued in writing.
- 3) If the Subdivision and Development Appeal Board is served with the notice of an application for leave to appeal its decision, such notice shall suspend the development permit, except where approval has been granted for a permitted use or, where a license, permit, approval or other authorization is granted by the province or the federal government for a use to which the Planning Exemption Act applies to the extent that the application complies with the license, permit, approval or other authorization granted. The final determination of an appeal, except for those applications approved as a permitted use and/or, by the province or the federal government shall validate, amend or revoke, as the case may be, a suspended development permit.
- 4) A development permit expires when development is not substantially commenced, in the opinion of the Development Authority, taking into account the circumstances of the development, within twelve (12) months from the date of its issuance or within such extended period that may be granted by the Development Authority.
- 5) Upon application before expiry, a Development Authority may grant only one extension of the effective period and the extension period shall not be longer than twelve (12) months.
- 6) When a permit expires, a new application is required. Such application shall be dealt with as a first application and there shall be no obligation to approve it on the basis that a previous permit had been issued.
- 7) If a use is intended to be discontinued for a continuous period of six (6) months, any subsequent use of the land or building shall comply with this Bylaw and shall require a new development permit.

### **3.13 DEVELOPER'S RESPONSIBILITY**

- 1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity and all other permits required in connection with the proposed development.
- 2) The applicant shall be financially responsible during construction for any damage by the applicant, their servants, suppliers, agents or contractors to any public or private property. Further, the applicant shall be financially responsible for any costs associated with connections to gas hook-ups.
- 3) The applicant shall prevent excess soil or debris from being spilled on public road allowances, streets, lanes and sidewalks.
- 4) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Authority, has been undertaken.

### **3.14 ON-SITE & OFF-SITE SERVICES & IMPROVEMENTS**

- 1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the work nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken according to the standards and specifications of the Town. In order to satisfy the Development Authority, the developer will be required to enter into a development agreement with the Town as a condition of development permit approval.
- 2) The Development Authority may refer plans for on-site services or improvements, or any off-site local improvements to public works, the Town's engineers or other qualified professional for review in order to



determine that the proposed improvements will be undertaken according to the standards and specifications of the Town. Any costs associated with external review will be borne by the developer.

- 3) No development permit shall be considered valid for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
- 4) All future development areas must be serviced to the satisfaction of the Development Authority.
- 5) All infrastructure improvement costs associated with the development will be borne by the proponent of the development.

### **3.15 LETTERS OF COMPLIANCE**

- 1) The registered landowner, or an agent acting on behalf of a registered landowner, may apply to the Town for a Letter of Compliance stating that a particular development conforms to the requirements of this Bylaw.
- 2) An application for a Letter of Compliance shall include sufficient information to determine conformance with this Bylaw, including, but not limited to the following:
  - a. Completed application form signed by the registered owner or authorized agent;
  - b. Application fee as determined by Council;
  - c. Legal description and property address;
  - d. Use and occupancy of all parts of the site and buildings; and
  - e. Two (2) copies of a Real Property Report prepared by an Alberta Land Surveyor within the last 12 months, which shows the details and relation to the property lines of all development located on the property.
- 3) The Development Authority may issue a Letter of Compliance, when in the opinion of the Development Authority, the buildings as shown on the Real Property Report provided by the applicant are located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw, or the yard and building setbacks specified in any development permit which may have been issued for the site.
- 4) The Letter of Compliance shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.
- 5) The Development Authority may refuse to issue a Letter of Compliance when:
  - a. Information provided on the Real Property Report is unclear or vague, and/or is insufficient to determine if the buildings as shown are located in accordance with the yard and building setbacks specified in any development permit which may have been issued for the site;
  - b. The Real Property Report provided is older than twelve (12) months from the date of application and is not accompanied with an affidavit confirming all information provided on the Real Property Report is true and accurate;
  - c. The Real Property Report does not indicate all developments that are located on the lot;
  - d. Developments on the lot were constructed without a development permit; or
  - e. There are outstanding infractions with this or any other Town of Smoky Lake Bylaw.

- 6) The Development Authority shall rely on the information from the Real Property Report submitted by the applicant and is not required to undertake independent site inspections. The Development Authority shall not be liable for any damages arising from the use of a Letter of Compliance where the errors are the result of incorrect or incomplete information provided by the surveyor.

## 4 APPEALS

### 4.1 DEVELOPMENT APPEALS AND PROCEDURES

- 1) An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority:
  - a. refuses or fails to make a decision on a development permit application within forty (40) days of receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Officer to extend the 40-day period herein described; or
  - b. issues a development permit subject to conditions; or
  - c. issues a development permit for a discretionary use, or for a permitted use where a variance is granted, pursuant to this Bylaw; or
  - d. issues a refusal; or
  - e. issues an order under **SECTION 5.1.1** of this Bylaw.
- 2) A person applying for the permit or affected by an order **SECTION 4.1.1**, or any other person affected by a development permit, order or decision issued/made by the Development Authority, may appeal to the Subdivision and Development Appeal Board.
- 3) Notwithstanding **SECTIONS 4.1.1 AND 4.1.2**, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- 4) Notwithstanding **SECTIONS 4.1.1 AND 4.1.2**, no appeal lies to the Subdivision and Development Appeal Board in respect of the issuance of a development permit by Council in a Direct Control District.
- 5) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within twenty-eight (28) days:
  - a. After the date on which the person is notified of the order, decision, or deemed refusal; or
  - b. If no decision is made with respect to the application within the 40-day period or within any extension issued under Section 684 of the Act.
- 6) Each notice of appeal shall be accompanied by a fee as set by Council and shall contain at least one reason for appeal.

### 4.2 APPEAL HEARING PROCEDURE

- 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. The thirty day appeal period may be extended, subject to the written consent of the appellant, the development permit applicant (if different than the appellant), and the Development Authority.
- 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. the applicant and/or landowner(s);
  - d. those adjacent landowners 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
  - e. 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, the decision and the notice of appeal; or
  - b. the order of the Development Authority under **SECTION 5.1** of this Bylaw or Section 645 of the Act.
- 4) At the appeal hearing referred to in **SECTION 4.2**, the Subdivision and Development Appeal Board shall hear:
- a. the appellant or any other person acting on their 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 pursuant to **SECTION 4.2.2** and who wishes to be heard or a person acting on their 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 their behalf.

#### 4.3 DECISION

- 1) In determining an appeal, the Subdivision and Development Appeal Board:
- a. shall have due regard for any applicable statutory plans and the Town's Land Use Bylaw;
  - b. shall comply with the Province's Land Use Policies and applicable regional plans;
  - c. may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
  - d. must have regard for, but is not bound by, the Subdivision and Development Regulation;
  - e. may make an order or decision or issue or confirm the issuance of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Subdivision and Development Appeal Board, the proposed development would not:
    - i. unduly interfere with the amenities of the neighbourhood;
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
    - iii. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 2) 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.
- 3) 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.

- 4) 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 approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- 5) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- 6) 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.

## 5 ENFORCEMENT

### 5.1 CONTRAVENTION

- 1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
  - a. the Act or the regulations made thereunder, or
  - b. a development permit or subdivision approval, or
  - c. this Bylaw,

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

- a. stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
  - b. demolish, remove or replace the development, and/or
  - c. take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, as the case may be.
- 2) A person who receives an order referred to in **SECTION 5.1.1**, may appeal to the Subdivision and Development Appeal Board, pursuant to the Act.
- 3) Where a person fails or refuses to comply with an order directed to them under **SECTION 5.1.1** or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 4) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- 5) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

### 5.2 VIOLATION TICKETS

- 1) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Part, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- 2) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the municipality.
- 3) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of one hundred (\$100.00) dollars for the first offence and two hundred (\$200.00) dollars for second and subsequent offences, such fine to be paid to the Town of Smoky Lake. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.

- 4) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- 5) 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.
- 6) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.
- 7) The Violations Ticket shall be in the form prescribed by Alberta Regulation 233/1989 (Procedures Regulation), as amended, pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, as amended.

## 6 AMENDMENT TO THE LAND USE BYLAW

### 6.1 APPLICATION FOR AMENDMENT

- 1) Subject to the provisions of the Municipal Government Act, any section of this Bylaw may be amended.
- 2) Council may at any time initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Officer to prepare an amendment application, reports and recommendations.
- 3) Any person may apply to have this Bylaw amended by applying in writing, using the application form provided by the Town of Smoky Lake, and request that the Development Authority submit the application to Council.
- 4) An applicant proposing to amend this Bylaw for a purpose of clarification of an existing provision must provide the following:
  - a. the Town of Smoky Lake an application and advertising fee as set by Council;
  - b. an agreement in writing on a form provided by the Town of Smoky Lake to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
  - c. reasons in support of the application;
  - d. drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
  - e. the sequence of land servicing (may include, among other elements, site grading plan, infrastructure servicing concept, development concept, development phasing and landscaping), if applicable;
  - f. a recent title search (dated within thirty days of the date the application is received) of the land affected and/or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, if applicable; and
  - g. a letter from the owner(s) authorizing the agent to make the application, where the applicant is an agent acting for the owner.
- 5) A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
  - a. pay the Town of Smoky Lake an application and advertising fee as set by Council;
  - b. undertake in writing on a form provided by the Town of Smoky Lake to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
  - c. reasons in support of the application;
  - d. drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;



- e. the program of land servicing, if applicable;
  - f. information regarding any potential impact of the development that would be allowed by the proposed amendment on the existing natural or man-made environment;
  - g. information respecting the suitability of the subject site for the development that would be allowed by the proposed amendment;
  - h. a recent title search (dated within thirty days of the date the application is received) of the land affected and/or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, if applicable;
  - i. sign a statement authorizing the right of entry by the Development Authority to such lands and/or buildings as may be required for investigation of the proposed amendment; and
  - j. any other information deemed necessary by the Development Authority or Council.
- 6) Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:
- a. initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
  - b. prepare a detailed report including all maps and relevant materials for Council to consider.
- 7) In order to carry out any necessary investigation or analysis of the problems involved in or related to the amendment, the Development Authority may refer the application to such agencies as they consider necessary for comment.
- 8) Upon receiving the preliminary advice of the Development Authority, the applicant shall advise the Development Authority if:
- a. they wish Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by Council; or
  - b. they wish to withdraw the application for an amendment.
- 9) As soon as reasonably convenient, the Development Authority shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.
- 10) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- 11) Council may request information as it deems necessary to reach a decision on the proposed amendment.
- 12) Notwithstanding anything in this section, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise directs.
- 13) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding the enactment of Bylaws.

## 6.2 PUBLIC HEARING PROCESS

- 1) At the discretion of Council, first reading of a proposed amendment may be given before the Public Hearing process, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Council.
- 2) 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.

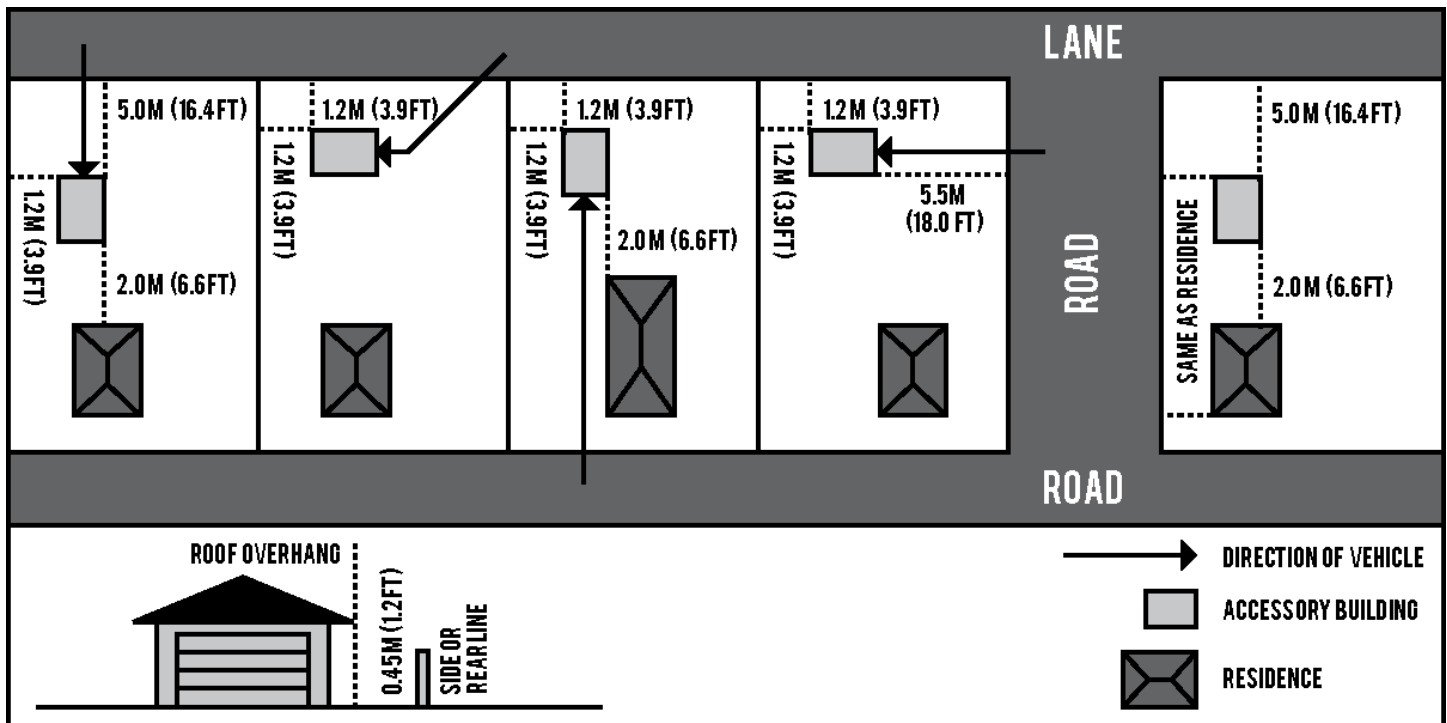
## 7 GENERAL PROVISIONS

### 7.1 ACCESSORY BUILDINGS IN DISTRICTS OTHER THAN THE RESIDENTIAL DISTRICTS

- 1) All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
- 2) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a surveillance suite where allowed pursuant to this Bylaw.
- 3) In Districts other than Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.
- 4) In Industrial Districts the siting of an accessory building shall be at the discretion of the Development Authority.

### 7.2 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS (INCLUDING GARAGES, SHEDS, AND DETACHED DECKS, ETC.)

- 1) All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
- 2) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a garage suite or guest house where allowed pursuant to this Bylaw. Unless otherwise provided, in Residential Districts an accessory building shall not be used as a dwelling.
- 3) Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building on a site or the commencement of the principal use on a site, and not before the principal building is constructed or the principal use commences.
- 4) Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply. For the purposes of determining the site coverage percentage, buildings which are attached to a principal building will be considered part of the principal building.
- 5) No person shall construct or permit the construction of an accessory building or group of accessory buildings such that, individually or collectively, the gross floor area would:
  - a. along with the principal building, exceed the maximum site coverage allowed on the site;
  - b. exceed the gross floor area of the principal building on the site; or
  - c. exceed 12% of the site area unless otherwise indicated within the District Provisions.
- 6) An accessory building shall not exceed one (1) storey or 4.5 m (14.8 ft.) in height, whichever is the lesser;
- 7) Notwithstanding **SECTION 7.2.6**, the Development Authority may allow a garage which exceeds 4.5 m (14.8 ft.) in height. This maximum height can under no circumstances exceed the height of the principal dwelling;
- 8) An accessory building other than a fence shall not be located in a front yard.
- 9) Accessory buildings shall not be located on an easement or a utility right-of-way.
- 10) Accessory buildings shall be located such that the minimum distances shown on **FIGURE 13** between the accessory buildings and principal buildings, lot lines, and other buildings, structures, and uses are provided.



**FIGURE 14: SITING OF ACCESSORY BUILDINGS**

- 11) Further to **SECTIONS 7.2.1 TO 7.2.11**, accessory buildings in Residential Districts shall be located:
- A minimum of 2.0 m (6.6 ft.) from the dwelling;
  - no closer to the front line than the front of the principal building except in the case of double fronting or corner sites, in which case the minimum required yard may be reduced to 4.5 m (14.76 ft.) from one front line, and the minimum required side yard adjacent to the side line may be reduced to 1.5 m (24.6 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected;
  - no closer than 1.2 m (3.9 ft.) to the rear line, providing there is no encroachment of any part of the building beyond the rear line, except that where the vehicle doors of a garage face a lane abutting the site, the garage shall be no closer than 5.0 m (16.4 ft.) from the rear line;
  - no closer than 1.2 m (3.9 ft.) from the side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building, or where both garages have appropriate fire walls. In such cases, accessory buildings may be built within 1.0 m (3.3 ft.) of the side line;
  - such that no roof overhang is located within 0.45 m (1.2 ft.) of a side or rear line.
  - Notwithstanding **SECTIONS 7.2.10 and 7.2.11**, the siting of an accessory building on an irregularly shaped parcel shall be as required by the Development Authority.

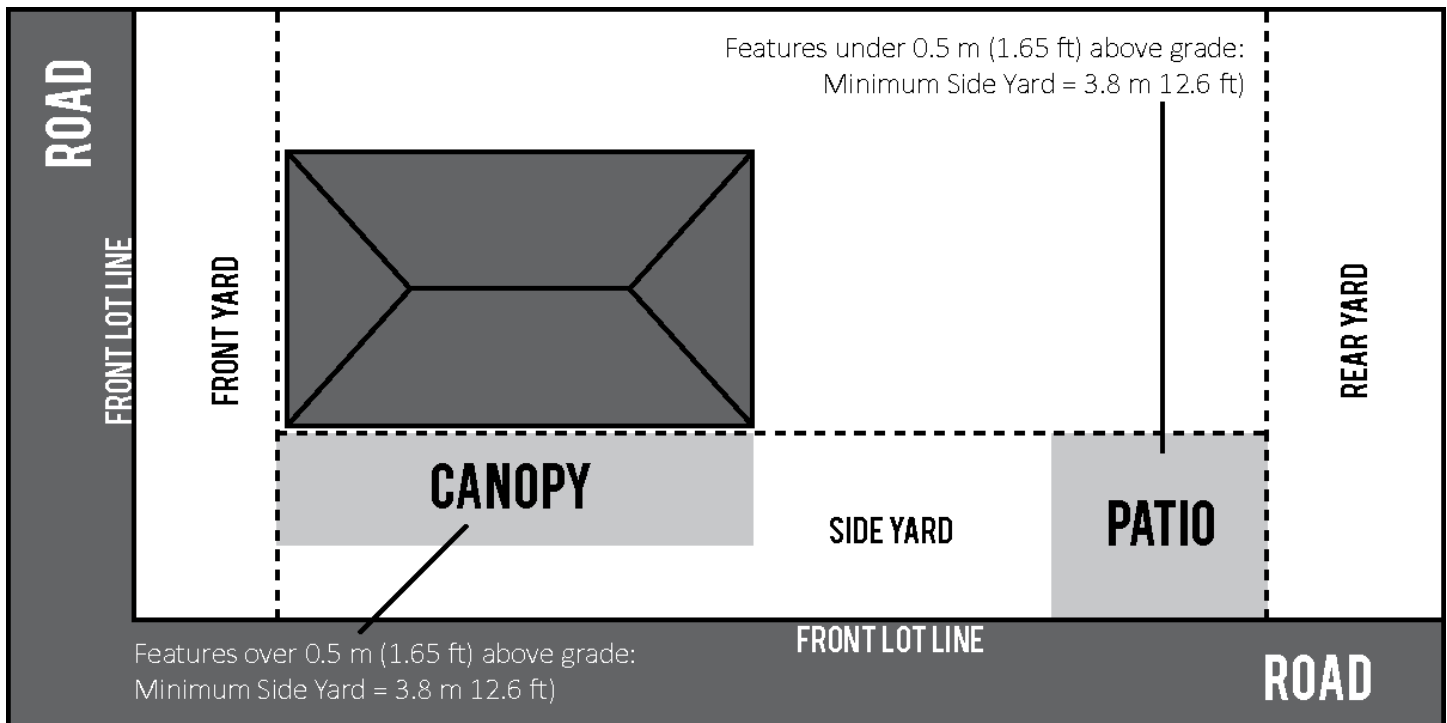
### 7.3 AMENITY AREA REQUIREMENTS

- Where required in any District, private outdoor and/or communal amenity areas shall be provided in accordance with the following:
  - Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:

- i. be located immediately adjacent to land with direct access from the dwelling it is intended to serve,
  - ii. be located in a yard other than a front yard,
  - iii. be landscaped and surfaced for convenient use for outdoor activities,
  - iv. be of a width and depth of at least 4.0 m (13.2 ft.), and
  - v. be developed as open space unencumbered by any accessory buildings or future additions.
- 2) Notwithstanding **SECTION 7.3.1.A**, balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.6 ft.).
- 3) Communal amenity areas shall be designed for the recreational use of all residents of the development or for the use and enjoyment of the public in the case of a non-residential development. The area shall be indoor or outdoor space, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools, fitness rooms, party rooms, games rooms, and children's play areas complete with equipment.
- 4) In multi-family dwelling developments of fifteen (15) dwelling units or more, a minimum communal amenity area of 2.5 m<sup>2</sup> (26.9 ft<sup>2</sup>) per dwelling unit shall be provided and be developed as children's play space or other communal recreation space, and be aggregated into areas of not less than 50.0 m<sup>2</sup> (528.2 ft<sup>2</sup>).
- 5) In multi-family dwelling developments, at least ten percent (10%) of the amenity area required on the site shall be provided for recreational purposes; and in multi-family dwelling developments of fifteen (15) units or more, recreational equipment shall be provided on this area to the satisfaction of the Development Authority. This requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

#### **7.4 CORNER AND DOUBLE FRONTING LOTS IN RESIDENTIAL DISTRICTS**

- 1) In the case of double fronting lots, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.
- 2) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.

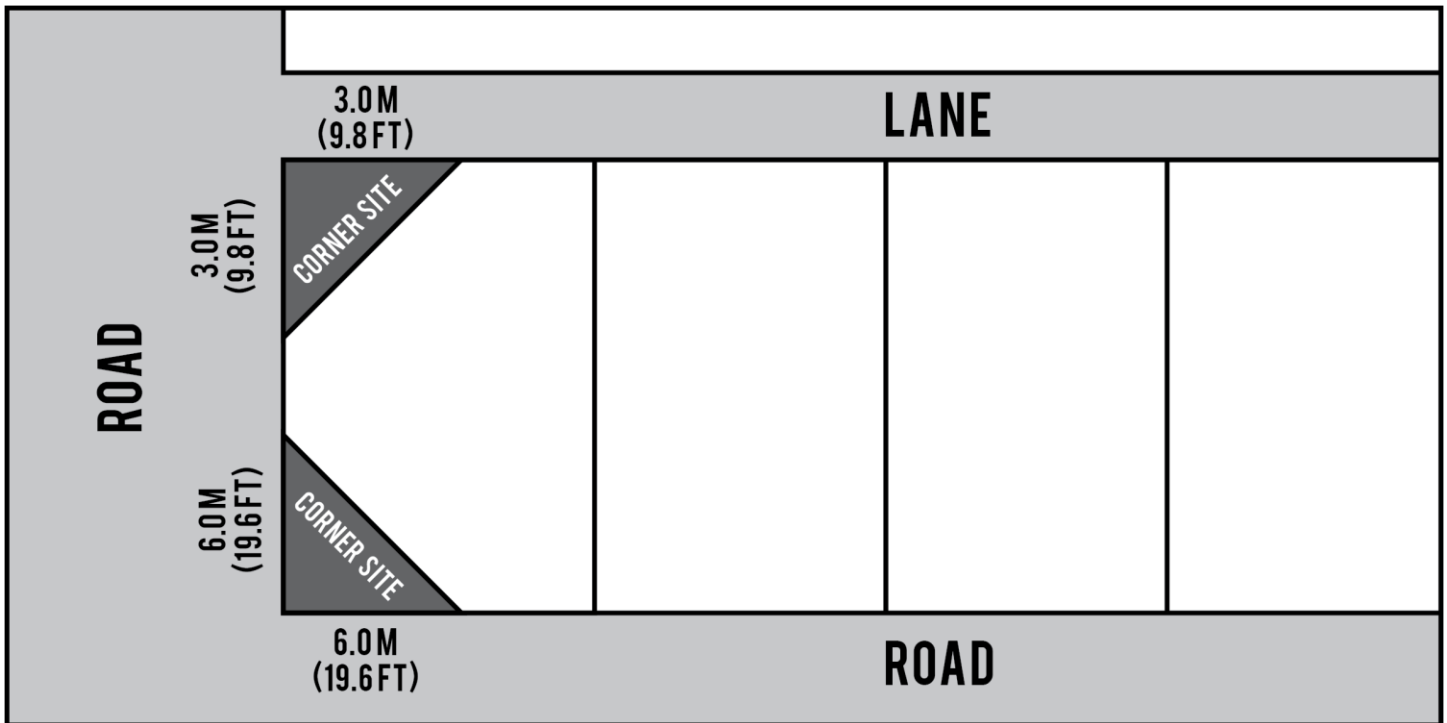


**FIGURE 15: FEATURES IN FRONT AND SIDE YARDS**

- 3) Notwithstanding any other provision of this Bylaw to the contrary, in residential areas, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.) (See **FIGURE 15**).
- 4) Notwithstanding **SECTION 7.4.3**, in residential areas, features under 0.5 m (1.65 ft.) above grade may project to the side line where a second minimum front yard is not required on a corner site (See **FIGURE 15**).

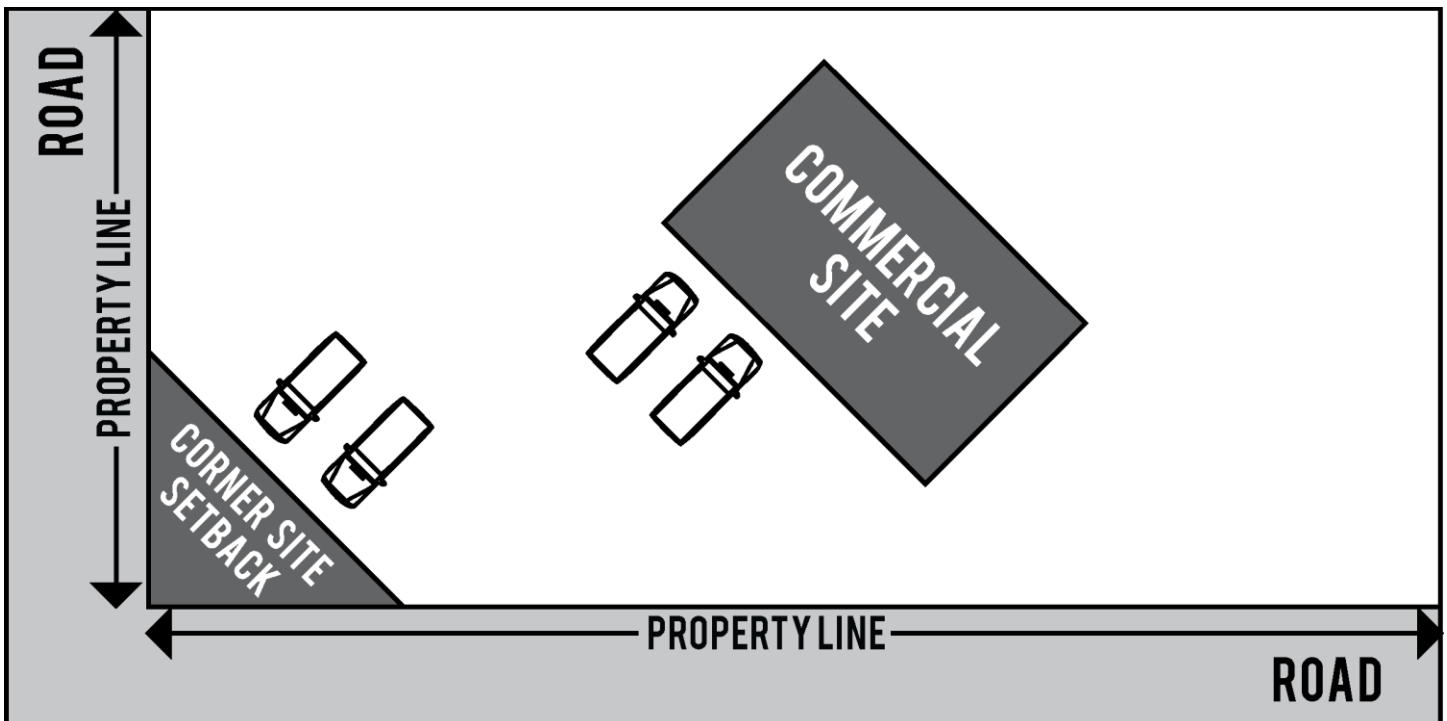
## 7.5 CORNER SITES AND SITE LINE PROTECTION

- 1) Notwithstanding any other provision of this bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree greater than 1 m (3.3 ft.) in height in or on that part of a corner site located within any district, which lies within a triangle formed by a straight line drawn between two points on the closest curbs of the intersecting roads 6 m (19.7 ft.) from the point where the curbs would meet if extended or 3.0 m (9.8 ft.) from that point in the case of an intersecting lane and road or a lane and a lane (See Figure 16).

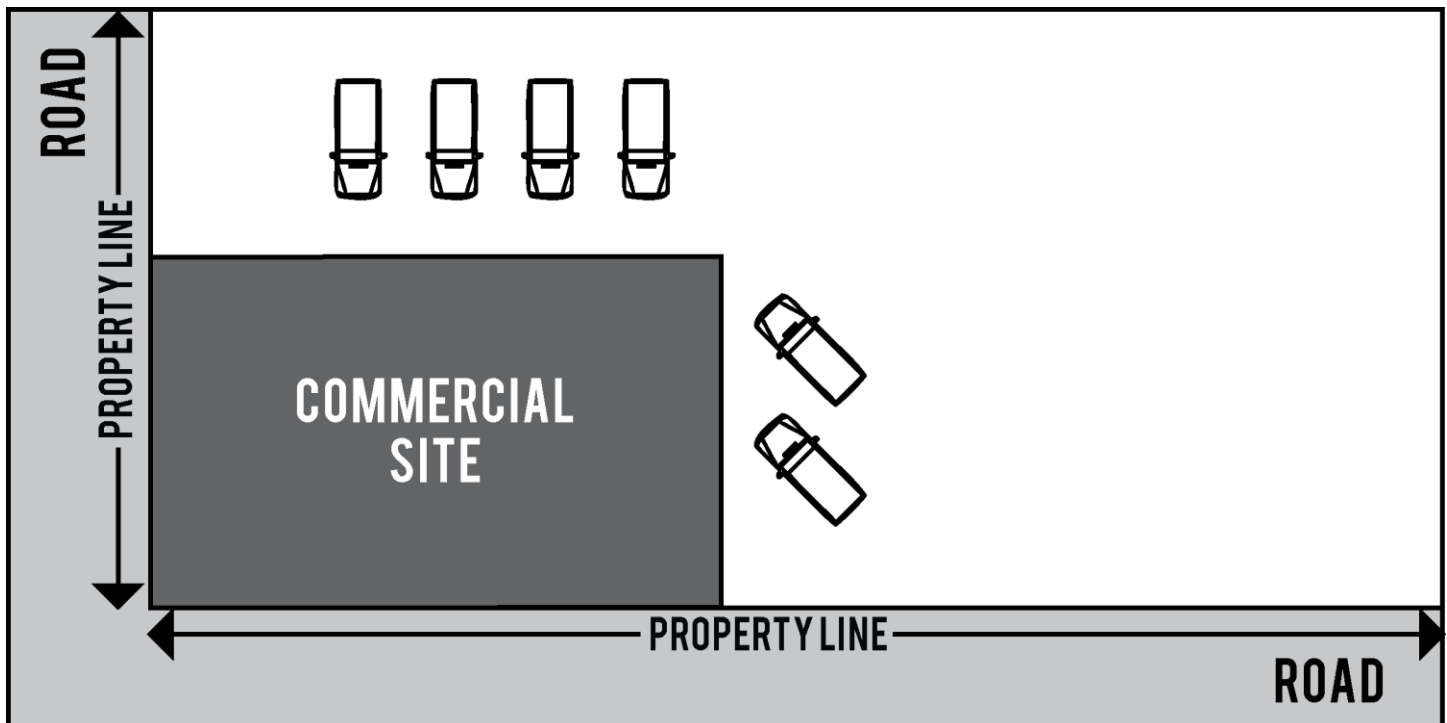


**FIGURE 16: CORNER SITE SETBACK**

- 2) SECTIONS 7.5.1 does not apply in the C1 – Central Commercial District on lots where the lot coverage percentage is 100%.



**FIGURE 17: COMMERCIAL SITE, CORNER SETBACK**



**FIGURE 18: COMMERCIAL SITE, NO CORNER SETBACK**

- 3) Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in **SECTIONS 7.5.1 AND 7.5.2** such that any part of the sign is between the heights of 1.0 m (3.3 ft.) and 4.0 m (13.1 ft.) above grade.

## **7.6 DESIGN, CHARACTER & APPEARANCE OF BUILDINGS**

- 1) The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.
- 2) Pursuant to **SECTION 7.6.1**, the Development Authority may consider the following when reviewing development proposals in all districts:
  - a. the design, character and appearance of all buildings with respect to their compatibility with any other buildings existing in the vicinity;
  - b. the design of the building must be consistent with the purpose of the land use district in which it is located; and/or
  - c. the building shall comply with any provisions of any statutory plan which sets out specific guidelines as to the design, character, appearance or building materials to be used within a district or area;
- 3) The Development Authority shall encourage buildings to be sited and constructed so as to maximize passive solar energy gain.
- 4) The Subdivision Authority or the Development Authority may, where it desires to achieve a higher standard of design and appearance in a specific Area Structure Plan, Subdivision, or Development, require the developer to provide detailed architectural control guidelines.



- 5) The Subdivision Authority may require at the time of subdivision that the developer register a restrictive covenant against the subdivision in order to ensure ongoing conformance with the architectural control guidelines.
- 6) Building designs shall be selected which are in harmonious conformance with adjacent development. Variations in detail shall be introduced in a sensitive manner to avoid monotony.
- 7) The height and scale of new buildings shall be compatible with existing (or anticipated) adjoining buildings.
- 8) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- 9) Mechanical equipment, on roof, ground, or buildings shall be screened with materials harmonious with the building so that it is not visible from any public thoroughfares.

## **7.7 DEVELOPMENT APPEARANCE**

- 1) For the purpose of this section, development appearance shall include the design, siting, external finish, architectural appearance and landscaping of all buildings, including any accessory buildings or structures and signs. The criteria provided here is not intended to restrict imagination, innovation, or variety in the design and siting of any development.

## **7.8 DEVELOPMENT SETBACK REQUIREMENTS**

- 1) The following regulations shall apply to all buildings in all land use districts unless otherwise stated in the respective land use district or at the discretion of the Development Authority.
  - a. Where a lot is separated from a roadway by a buffer strip (i.e. Municipal Reserve, Environmental Reserve, Environmental Reserve Easement, or Public Utility Lot) the lot is considered adjacent to the roadway for the purpose of setbacks.
  - b. A municipal service road shall be treated as a Town Road for the purposes of applying setback regulations.
  - c. When a parcel of land is adjacent to a Highway, all residential and accessory buildings shall be setback a minimum distance of 40.84 m (134 ft.) from the property line.
  - d. On a parcel of land located adjacent to a Government Road Allowance, no development shall be permitted in the front or side yards within 40.84 m (134 ft.) from the property line.

## **7.9 DRIVEWAY/PROPERTY ACCESS**

- 1) Hard Surfacing (concrete, asphalt or other similar material provided to the satisfaction of the Development Authority) of a driveway shall be provided in all districts where access is gained onto a hard surfaced public road.
- 2) Notwithstanding **SECTION 7.9.1**, in circumstances where the length of the driveway, measured from the parcel boundary, exceeds 9.0 m (29.53 ft.), the Development Authority may allow all weather surfacing for the remainder of the driveway.

## **7.10 DWELLING UNITS ON A LOT**

- 1) No permit shall be granted for the construction of more than one dwelling unit on a single lot unless the proposed second dwelling unit:

- a. is contained in a building that, or in buildings each of which, is designed for or divided into 2 or more dwelling units;
- b. is a manufactured home unit forming part of a park for manufactured home units;
- c. is a building, as defined in the Condominium Property Act, that is the subject of a condominium plan registered in a land titles office under that Act; or
- d. is a garage suite, guest suite, in-law suite, secondary suite, as defined in this Bylaw and meets the requirements for such development as established in Sections 8.34 through 8.37, respectively.

## 7.11 EXISTING SUBSTANDARD LOTS

- 1) With the approval of the Development Authority the minimum lot area and minimum lot width may be less in the case of existing substandard lots.

## 7.12 FENCES, WALLS, AND HEDGES

- 1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.
- 2) For the purposes of this section fences, walls, and hedges shall be measured from grade level
- 3) No fence, wall or hedge in any Residential District shall be:
  - a. higher than 1.8 m (6.0 ft.) above grade in side yards and rear yards; or
  - b. higher than 1 m (3 ft.) above grade in front yards, except in the case of a corner or a double fronting site, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this section; or
  - c. higher than 1 m (3 ft.) above grade within 6.0 m (19.7 ft.) of the intersection of lanes, roads, or any combination of them.
- 4) All commercial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 1 m (3 ft.) and not more than 1.8 m (6 ft.) in height above grade for screening.
- 5) No electrification of fences shall be allowed.
- 6) No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the M – Industrial District and in the UR – Urban Reserve District. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (6.0 ft.) unless the Development Authority, at their discretion, allows barbed wire at a lower height where, in their opinion, dwellings would not be in proximity to the fence proposed.
- 7) These regulations do not authorize the development of fences on public property or utility rights-of-way, unless permission is granted by Council and an encroachment agreement is approved.
- 8) No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.
- 9) Notwithstanding **SECTIONS 7.12.1 TO 7.12.8**, the height of a fence in the M – Industrial District or in the UR – Urban Reserve District shall be as determined by the Development Authority.

- 10) The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (5.0 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
  - a. outdoor storage areas;
  - b. garbage collection areas; and
  - c. loading or vehicle service areas.
- 11) Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.

### **7.13 GARBAGE STORAGE**

- 1) All large garbage containers/recycling bins and outdoor storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority.

### **7.14 HAZARDOUS MATERIALS**

- 1) No anhydrous ammonia storage shall be allowed within the municipality.
- 2) Liquefied petroleum gas tanks with a storage capacity exceeding 2000 lbs may only be allowed within the M – Industrial District at the discretion of the Development Authority.
- 3) All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- 4) No development in any District shall emit air or water contaminants in excess of the standards prescribed Provincial and Federal legislation and regulations.
- 5) All commercial or industrial developments involving the following hazardous materials shall submit a written description of the materials and operations being undertaken on the site to the Development Authority for review prior to development approval at the time of development permit application, or at the time the operation begins using or producing any of the following materials:
  - a. poisonous and infections agents;
  - b. pesticides;
  - c. corrosives and explosives;
  - d. flammable and combustible liquids;
  - e. manures;
  - f. silica, asbestos and carcinogens; and/or
  - g. radiation.
- 6) No development shall create or discharge toxic materials and/or air or water contaminants in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- 7) No development shall discharge toxic or noxious materials and/or air or water contaminants:
  - a. across the boundaries of a site;

- b. through infiltration into the soil;
- c. into the municipal sewage disposal system; or
- d. into a water body, any surface water channel, or any below surface water course.

#### **7.15 IDENTIFICATION OF PROPERTY BOUNDARIES**

- 1) The Development Authority may require that the boundaries of a parcel, on which a proposed development is to occur, be clearly identified by appropriate markers or pins.

#### **7.16 LANDSCAPE AND SITE TREATMENT**

- 1) A development permit is required for the removal of topsoil. Upon occupancy of a development, a minimum topsoil coverage of 0.15 m (6 in.) shall be provided and the affected area shall be landscaped to the satisfaction of the Development Authority.
- 2) As a condition of a development permit, all landscaping and planting must be carried out within one year from the time of occupancy.
- 3) Any landscaping or topographic reconstruction shall be such that the finished surface contours do not direct surface drainage onto an adjoining lot.
- 4) Existing tree cover shall be preserved, integrated, or replaced, in all cases of development to the satisfaction of the Development Authority.
- 5) Special features of the natural environment will be used to enhance new developments, such as the retention of water courses and leaving unique stands of trees.
- 6) Plants to be used shall be selected on the basis of their structure, texture, and colour. The plant material introduced should be indigenous to the area, be hardy, and of good appearance.
- 7) In locations where plants may be susceptible to injury by pedestrians or automobiles, they should be protected by appropriate guards or devices.
- 8) When landscaping or planting is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within twelve (12) months of the occupancy or the commencement of operation of the proposed development.
- 9) Off-street parking lots in Commercial Districts, Industrial Districts, and Special Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.
- 10) All apartment or row housing developments shall include a landscaped area to be developed to the satisfaction of the Development Authority.
- 11) A minimum of ten percent (10%) of the site area of all commercial developments shall be landscaped, to the satisfaction of the Development Authority.
- 12) Landscaping shall be provided and maintained for all drive-in businesses to the satisfaction of the Development Authority.

## 7.17 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 1) No person shall keep or permit in any part of any yard in any Residential District:
  - a. any dismantled or wrecked vehicle for more than fourteen (14) successive days without the written authorization of the Development Authority; 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 in which it is located; or
  - c. any excavation, storage or piling up of materials required during construction unless
    - i. all necessary safety measures are taken, and
    - ii. the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
  - d. any vehicle, loaded or unloaded, of a gross vehicle weight in excess of 5000 kg (11,200 lbs.) for longer than is reasonably necessary to load or unload the vehicle; or
  - e. A commercial vehicle loaded or unloaded of a maximum weight in excess of 4082.4 kg (9000 lbs.); or
  - f. No person shall keep or permit in any part of any front yard in any Residential District any recreational vehicle of a gross vehicle weight in excess of 5000 kg (11,200 lbs.) unless the vehicle is located on a hard surfaced driveway or parking pad; or
  - g. In addition to the provisions in this section, no person shall keep or permit in any part of a yard any of the uses identified as restricted or prohibited in **SECTION 7.14**; or
  - h. No object shall be kept in any part of a yard in any district which may, in the opinion of the Development Authority, adversely affect the amenities of the District or adjacent land uses.

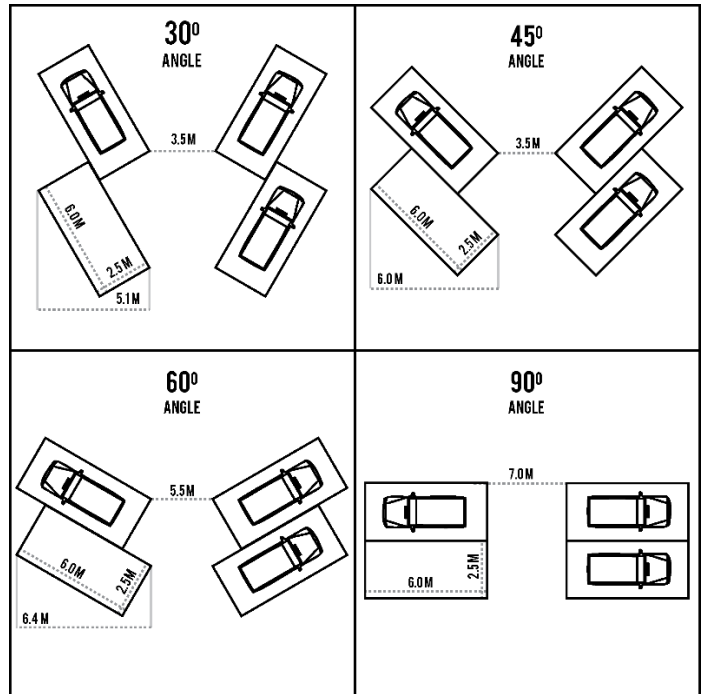
## 7.18 OFF-STREET LOADING FACILITIES

- 1) Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
- 2) Each loading space shall have dimensions of not less than 3.0 m (9.8 ft.) in width, 7.5 m (24.6 ft.) in length, and 4.2 m (13.8 ft.) in height.
- 3) Loading spaces shall be designed so that backing or turning movements of vehicles going to or from the site do not interfere with traffic in adjacent roads or lanes.
- 4) Be so graded and drained as to dispose of all surface water. Surface drainage across sidewalks will not be allowed.
- 5) The number of loading spaces required to be provided in a development shall be identified in the table below. Any other building or use shall provide loading spaces as required by the Development Authority.

REQUIRED LOADING SPACES	
NON-RESIDENTIAL USES	
Less than 1,000.0 m <sup>2</sup> (10,764.0 ft <sup>2</sup> ) of gross leasable area	1 space
The next 1,000.0 m <sup>2</sup> (10,764.0 ft <sup>2</sup> ) of gross leasable area or a fraction thereof in a development	1 space
Each additional 2,000.0 m <sup>2</sup> (21,528.0 ft <sup>2</sup> ) of gross leasable area or a fraction thereof in a development	1 space
RESIDENTIAL USES	
Multi-family dwellings	1.0 per 3 dwelling units

**7.19 OFF-STREET VEHICULAR PARKING**

- 1) General requirements for all off-street parking areas:
  - a. the minimum distance from any lot line, adjacent to a street shall be 1 m (3.28 ft.);
  - b. parking areas shall be constructed to ensure adequate access to and egress from each stall;
  - c. manoeuvring aisles shall be designed to the satisfaction of the Development Authority;
  - d. curb cuts shall be located to the satisfaction of the Development Authority.
  - e. All off-street parking areas shall be designed with dimensions set out in **FIGURE 19**.



**FIGURE 19: OFF-STREET PARKING STANDARDS**

- 2) Surfacing and Drainage:
- a. If the access is from a road or lane which is hard surfaced every off-street parking space provided, and the access thereto, shall be hard surfaced. Parking areas must be paved or of a gravel mixture as approved by the Development Authority.
  - b. Each parking area shall be graded and drained to dispose of all storm water runoff. In no case shall drainage be allowed to cross a sidewalk unless allowed by the Development Authority.
- 3) The minimum number of off-street parking spaces required for each development shall be calculated from the following table:

REQUIRED PARKING SPACES	
USE OF BUILDING OR DEVELOPMENT	MINIMUM NUMBER OF PARKING SPACES
<b>RESIDENTIAL USES</b>	
One and two family dwellings	1.0 per dwelling unit
Apartment and row housing, including dwelling units on lots within the C1 – Central Commercial District	1.5 per dwelling unit (where this results in a fractional requirement, the total requirement shall be the next largest whole number.
<b>COMMERCIAL USES</b>	
Neighbourhood commercial stores and shopping centres	1 per 28 m <sup>2</sup> (301 ft <sup>2</sup> ) of gross leasable floor area plus 1 per 2 employees on maximum shift.
Retail and personal service shops, banks and offices	1 per 46 m <sup>2</sup> (495 ft <sup>2</sup> ) of gross leasable floor area plus 1 per 2 employees
Eating and drinking establishments, cocktail bars, taverns	1 per 5 seating spaces plus 1 per 3 employees
Hotels, motor hotels and motels	1 per rentable unit plus 1 per 3 employees
<b>PLACES OF PUBLIC ASSEMBLY</b>	
Auditoriums, churches, halls, clubs, theatres and other amusement or recreation places	To the satisfaction of the Development Authority, but not less than 1 space per 10 seating spaces
<b>SCHOOLS</b>	
Public, separate or private elementary and junior high schools	1 per employee, plus 5
Public, separate or private senior high schools, with or without an auditorium, gymnasium, or swimming pool	1 per employee, plus 1 for every ten students
For greater clarity, <b>shared</b> senior high, and/or junior high, and/or elementary schools (including for Public, separate, or private, with or without an auditorium, gymnasium, or swimming pool)	1 per employee, plus 1 for every ten students
<b>INDUSTRIAL USES</b>	
Manufacturing and industrial plants, warehousing, wholesale and storage buildings and yards, servicing and repair establishments, research laboratories and public utility buildings	1 per 3 employees on maximum shift provided that this standard may be varied by the Development Authority
<b>HOSPITALS AND SIMILAR USES</b>	
Hospitals, sanatoriums, convalescent homes, etc.	1 per 93 m <sup>2</sup> (1000 ft <sup>2</sup> ) of gross floor area or 1 per 4 beds and 1 for every 2 employees on maximum shift, whichever is greater

- 4) In the case of a use not specifically listed, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority.
- 5) Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.
- 6) Where there is a fractional number of parking spaces required by this Bylaw, the next highest whole number of stalls shall be provided.
- 7) The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project. As well, in the C1 – Central Commercial District, the parking standard may be reduced by the Development Authority for developments in buildings which exist as of the date of the approval of this Bylaw and where the number of parking spaces cannot be reasonably provided on the subject lot.
- 8) 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 fulfil the requirements of this Bylaw.
- 9) At the discretion of the Development Authority, a developer may pay money to the municipality in lieu of providing parking spaces. The amount of money will be determined by Council and be based on the amount of money needed to acquire land and to develop the required number of parking spaces on adjacent lands.

## 7.20 PIPELINE & OTHER UTILITY CORRIDOR SETBACKS

- 1) Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation and regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy Regulator (AER) and Alberta Utilities Commission.

## 7.21 PROJECTION INTO YARDS

- 1) Except as provided in this section, and except for fences as noted in **SECTION 3.3.1** of this Bylaw, no portion of a building shall be located or project into a minimum required yard.
- 2) Notwithstanding **SECTION 7.21.1**, eaves may project up to a maximum of 0.6 m (2 ft.) into a required yard.
- 3) The following features may project into a required front yard on a residential lot:
  - a. steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
  - b. canopies over entrances to buildings, provided such projections are cantilevered and do not encroach more than 1.0 m (3.3 ft.);
  - c. exterior balconies on apartments provided that:
    - i. are cantilevered and not enclosed, and designed as an integral part of the building, and
    - ii. do not project more than 2.0 m (6.6 ft.) into the front yard;
  - d. satellite receiving dishes with a diameter of no more than 77.0 cm (30.3 inches); and
  - e. any other features which, in the opinion of the Development Authority, are similar to the foregoing.



- 4) The following features may project into a required side yard on a residential lot; except where a side yard of 3.0 m (9.8 ft.) is required for vehicular passage:
  - a. steps, chimneys and decks, provided such projection does not exceed 50% of the width of the required side yard;
  - b. patios, which can project to the side line;
  - c. eaves, gutters and sills or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
  - d. canopies over entrances to buildings, provided such projections are cantilevered and do not encroach more than 1.0 m (3.3 ft.);
  - e. exterior balconies on apartments provided that:
    - i. they are cantilevered and not enclosed, and designed as an integral part of the building, and
    - ii. they do not project more than 1.0 m (3.3 ft.) into a required side yard and in no case are closer than 2.0 m (6.6 ft.) to a side line;
  - f. satellite receiving dishes with a diameter of no more than 0.77 m (30.3 inches); and
  - g. any other features which, in the opinion of the Development Authority, are similar to the foregoing.
- 5) On a lot in a district other than a residential district, the parts of an attachments to a principal building which may project over or on to a front yard, side yard, or rear yard are:
  - a. a canopy or extension over a front yard or side yard if the projection complies with the sign regulations contained in **SECTION 7.23**.
  - b. a canopy or extension over a rear yard if the projection is at least 4 m (13 ft.) above the surface of the yard and does not obstruct the normal use of the yard.

## 7.22 SEWAGE DISPOSAL

- 1) The method of sewage disposal for all development, specifically, the elevation of sewer lines, the level of insulation of sewer lines, and the method of transporting sewage from the development to the Town's collection system (either by gravity or pump) shall be to the satisfaction of the Development Authority.
- 2) Newly created lots and new developments must connect to the Town's collection system if the services are adjacent.

## 7.23 SIGNS

- 1) No sign shall be erected so as to obstruct free and clear vision of vehicular traffic, or be located, or display a light intensity or colour where it may interfere with, or be confused with any authorized traffic sign, signal, or device and in so doing create a traffic hazard.
- 2) Commercial and industrial identification and advertising signs shall not overhang any abutting Municipal, Provincial, or Federal property.
- 3) When a sign is located in any District the base of the sign shall be located within the site.

- 4) The colours and materials used in each sign shall be restrained and be harmonious with both the structure they are attached to and to adjacent buildings.
- 5) All signs must be maintained in a satisfactory manner or notice will be served to perform the necessary repairs or remove the sign(s) in 30 days.
- 6) Within all commercial, industrial, and public service districts, identification or directional signs may be provided, such as:
  - a. fascia signs provided that they:
    - i. do not project more than 0.46 m (1.5 ft.) above the top of the vertical face of the wall to which they are attached;
    - ii. do not exceed in area the equivalent of 25% of the superficial area of the wall comprising the business frontage; and
    - iii. are located on a business frontage.
  - b. projecting signs provided that:
    - i. no part of the sign, excluding that portion which is used for support and which is free of advertising is less than 3.0 m (9.8 ft.) above the ground or sidewalk grade;
    - ii. no part of the sign projects more than 0.46 m (1.5 ft.) above the top of the vertical face of the wall to which it is attached;
    - iii. the space between the sign and supporting structure is not more than 0.61 m (2 ft.);
    - iv. there is only one projecting sign for each business frontage;
    - v. if a business frontage exceeds 15.24 m (50 ft.) a further projecting sign may be permitted for each additional 15.24 m (50 ft.) or portion thereof; and
    - vi. the anchors and structural supports have been approved by a professional structural engineer.
  - c. freestanding sign(s) erected so that:
    - i. no part of the sign, excluding that portion which is used for support and which is free of advertising is less than 3.0 m (9.8 ft.) nor more than 9.14 m (30 ft.) above ground or sidewalk grade;
    - ii. no part of the sign projects beyond the property line;
    - iii. the area of the sign does not exceed the ratio of 0.3 m<sup>2</sup> (3.2 ft<sup>2</sup>) for each linear meter of business frontage to a maximum of 8.36 m<sup>2</sup> (30 ft<sup>2</sup>), with the area of the sign being computed exclusive of the pylon or support provided that it is free of advertising;
    - iv. there is not to be more than one free-standing sign for each business frontage; and
    - v. the portion used for support is painted and/or finished to the satisfaction of the Development Authority.
  - d. All signs must comply with the following and shall be limited to:
    - i. local advertising;

- ii. facilities located within a radius of 50 km (31.1 mi.);
  - iii. indirect lighting, which excludes flashing or animated lighting; and
  - iv. one sign for each licensed business development.
- 7) In addition to the other regulations of this Bylaw, the following additional regulations shall apply to signs:
- a. Limitations
    - i. Except as provided in this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless they have complied with the requirements of this section and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.
    - ii. The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.
  - b. Provisions for election signs and signs advertising properties for sale or rent are provided in **SECTION 3.2**, in the list of developments not requiring a permit.
  - c. Information Requirements for a Development Permit for a Sign
    - i. In addition to the requirements of **SECTION 3.1** of this Bylaw, a development permit application for a sign shall include the following information:
      - 1. written consent from the property owner,
      - 2. two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
      - 3. any animation, moving copy, or other moving features of the sign, if applicable,
      - 4. method of illumination, if applicable,
      - 5. mounting details,
      - 6. the location and size of all other existing and proposed signs on the building façade or site,
      - 7. mounting heights and clearances to grade, and
      - 8. the amount of projection of the sign from a building, if any.
  - d. Signs as Permitted or Discretionary Uses
    - i. No sign, other than an off-site sign in the Districts indicated in **SECTION 7.23.7.D.II**, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in **SECTION 3.1** of this Bylaw, shall be allowed unless it is accessory to an existing use.
    - ii. Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this section, off-site signs shall be considered to be discretionary developments in the UR – Urban Reserve District and the M – Industrial District.



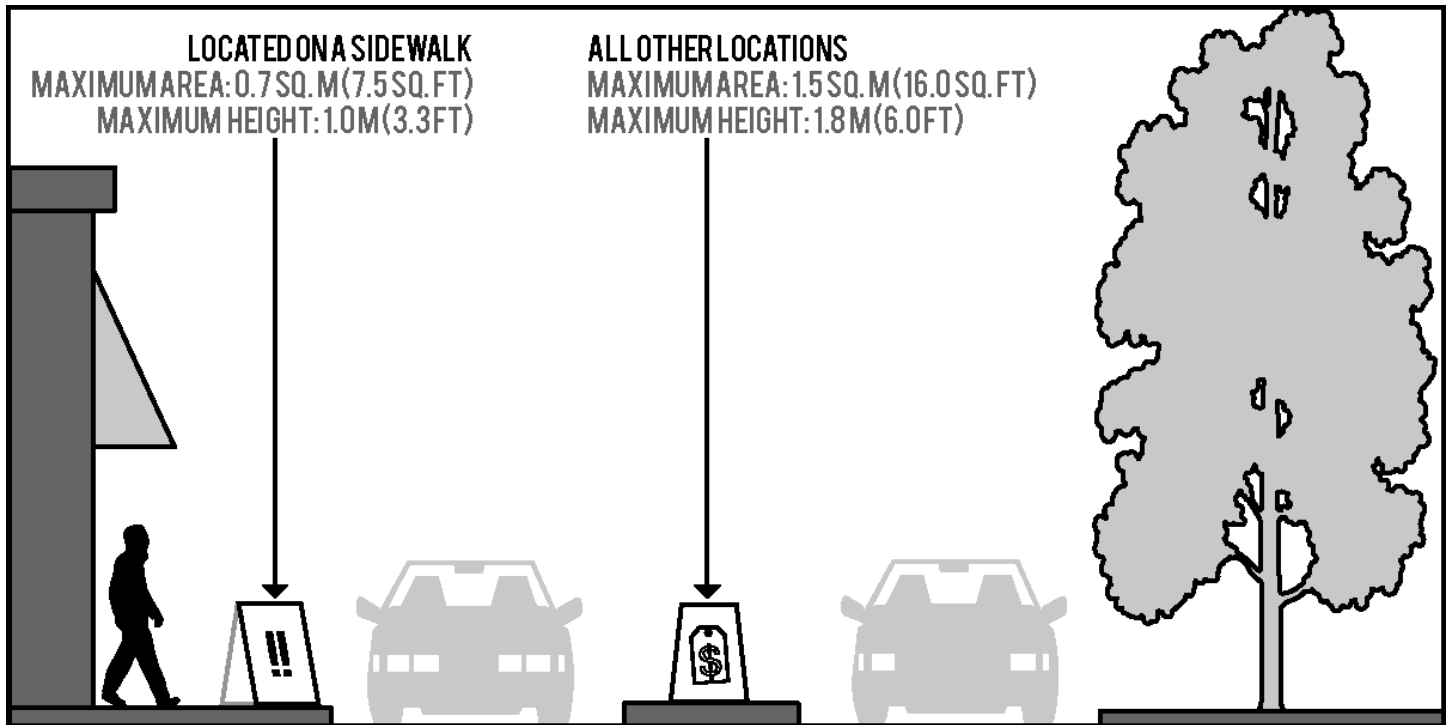
- e. Procedures for the Consideration of Development Permit Applications for Signs
    - i. All development permit applications for signs shall follow the process outlined in **SECTION 3.1** of this Bylaw and be subject to appeal if applicable in accordance with **SECTION 4.1** of this Bylaw.
  - f. General Sign Regulations
    - i. A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
      - 1. its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device or other official sign, or otherwise poses a potential hazard to traffic,
      - 2. it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles, or
      - 3. it would be situated within the area regulated by **SECTION 7.5** of this Bylaw.
    - ii. A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
    - iii. Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
    - iv. A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft.) from any property boundary and no part of a sign may encroach onto an adjacent lot or a road or lane.
    - v. Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18.0 m<sup>2</sup> (193.6 ft<sup>2</sup>).
- 8) At the discretion of the Development Authority a maximum of five (5) signs may be allowed on a lot, including temporary signs and portable signs.
- 9) Signs will not be allowed on fences in Residential Districts or Commercial Districts.
- 10) Care and Maintenance of Signs
- a. All signs shall be maintained in good and safe structural condition and shall be periodically up kept (i.e. Repainting).
  - b. Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair they may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, order the owner of the land and the owner or operator of the sign to:
    - i. remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
    - ii. take such measures as they may specify in the notice to alter and/or refurbish and/or repair the sign.
  - c. Failure to remove the sign or to comply with the measures specified in the notice described in **SECTION 7.23.10.B** may result in the issuance of a violation ticket as described in this Bylaw.

- d. The notice described in **SECTION 7.23.10.B** shall be considered to be a stop order for the purposes of this Bylaw.

## 11) Type of Signs

### a. A-Frame Signs

- i. Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.
- ii. The maximum area of each A-frame sign face which is located on a sidewalk shall be 0.7 m<sup>2</sup> (7.5 ft<sup>2</sup>). **FIGURE 20** illustrates area and height requirements for A-frame signs.
- iii. The maximum area of each A-frame sign face located in another location, approved by the development authority, shall be 1.5 m<sup>2</sup> (16.0 ft<sup>2</sup>)
- iv. The maximum height of an A-frame sign which is located on a sidewalk shall be 1.0 m (3.3 ft.).
- v. No A-frame sign shall be located on a sidewalk in such a manner so as to obstruct pedestrian flow.
- vi. The maximum height of an A-frame sign placed in other locations shall be 1.8 m (6 ft.), measured perpendicular distance from the ground to the highest point of the sign when set up.
- vii. No more than one (1) A-frame sign shall be allowed per business frontage.
- viii. Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- ix. The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the A-frame sign.
- x. A-frame signs are not to be used in conjunction with projecting signs at grade level.



**FIGURE 20: SITING OF A-FRAME SIGNS**

b. Canopy Signs

- i. Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:
  1. the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
  2. the bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade,
  3. no part of the canopy shall project over a road or lane,
  4. unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.),
  5. signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade,
  6. each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>) in area, and
  7. all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires or similar support elements are visible from a road or lane.

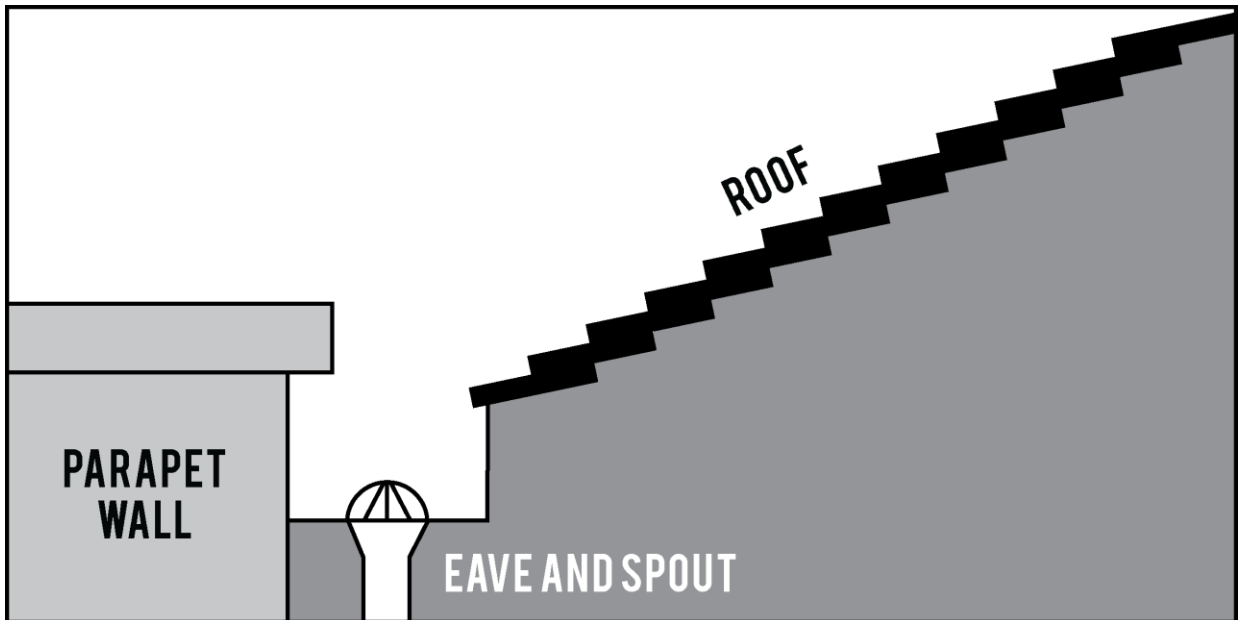
c. Freestanding Signs

- i. The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.

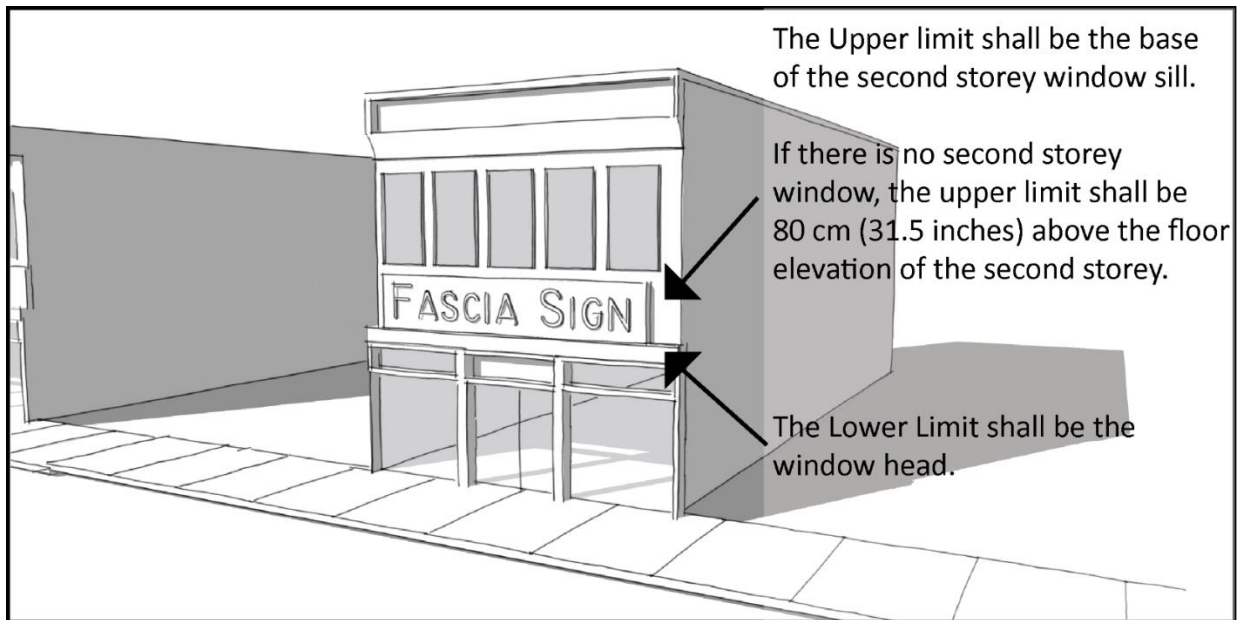
- ii. One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15.0 m (49.2 ft.) at road level.
  - iii. Notwithstanding **7.23.11.C.II**, a maximum of one (1) freestanding sign may be allowed per site except:
    - 1. where a site has more than a 90.0 m (295.3 ft. frontage, one (1) additional freestanding sign may be erected at the discretion of the Development Authority.
    - 2. where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90.0 m (295.3 ft.) apart.
  - iv. Additional signs may be allowed at the discretion of the Development Authority.
  - v. The total sign area of all freestanding signs on a site shall not exceed 0.3 m<sup>2</sup> (3.2 ft<sup>2</sup>) in area for each lineal metre of frontage, to a maximum of 8.4 m<sup>2</sup> (90 ft<sup>2</sup>).
  - vi. The maximum height of a freestanding sign shall be 7.0 m (23.0 ft.).
  - vii. Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
  - viii. Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any site line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.
- d. Portable Signs
- i. Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
  - ii. No more than one (1) portable sign shall be located on a site.
  - iii. Notwithstanding **7.23.11.D.II**, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer than 15.0 m (49.2 ft.) to another portable sign.
  - iv. All portable signs shall be double-faced.
  - v. No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
  - vi. Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
  - vii. Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in any Residential District.
- e. Projecting Signs
- i. No projecting sign shall project over another site, a road, or a lane.
  - ii. A projecting sign shall have a vertical clearance of a minimum of 3.05 m (10 ft.) from grade.



- iii. No more than one (1) projecting sign of 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup> in size shall be allowed for each frontage of a commercial or industrial use.
  - iv. All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.
- f. Roof Signs
- i. Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
  - ii. No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
  - iii. All roof signs shall be set back a minimum of 1.0 m (3.3 ft.) from the edge of the building on which the roof sign is located.
- g. Fascia Signs
- i. The portion of a wall which can be used for or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
    - 1. the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.9 ft.) above grade,
    - 2. in the case of a one storey building, the upper limit of the portion shall be either:
      - a. the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs, or
      - b. a maximum of 0.8 m (31.5 inches) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or
      - c. the line of the eaves,
    - 3. in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (31.5 inches) above the floor elevation of the second storey.



**FIGURE 21: PARAPET WALL**



**FIGURE 22: FASCIA SIGN PLACEMENT ON A TWO STOREY BUILDING**

- ii. Notwithstanding 7.23.11.G.I, a wall sign may be located:
  - 1. below the area defined in 7.23.11.G.I, provided:
    - a. the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
    - b. the sign states no more than the name of the building or the principal tenant of the building, and

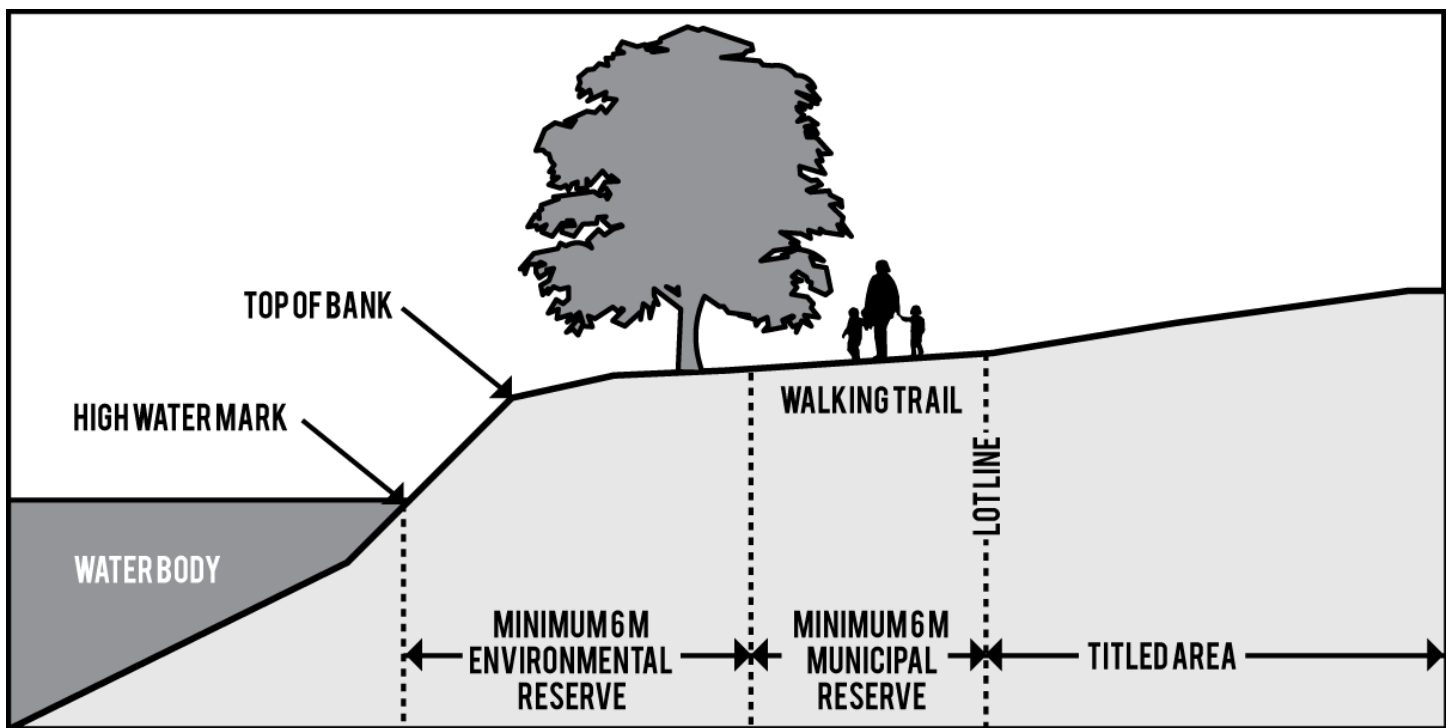
- c. the sign area does not exceed 20% of the building face below the area defined in **7.23.11.G.I**,
  2. between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
    - a. the sign states no more than the name of the building or the principal tenant of the building, and
    - b. the sign area does not exceed 2.5 m<sup>2</sup> (26.9 ft<sup>2</sup>), or
  3. above the third storey window sill, provided:
    - a. the sign states no more than the name of the building or principal tenant of the building, and
    - b. there is no more than one (1) sign per building face above the third storey.
  - iii. A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
  - iv. Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.
- h. Inflatable Signs
  - i. A small inflatable style sign can be placed on an approved temporary sign location, and does not require a development permit, provided it is, no larger than 5.5 m<sup>2</sup> (59.2 ft<sup>2</sup>) as applicable.
  - ii. Larger inflatable signs require that a development permit be applied for, and approval obtained before installation.
  - iii. One inflatable sign may be located on a site and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
  - iv. The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the site.
  - v. An inflatable sign can only be located on a site twice in a calendar year and not for longer than 30 consecutive days.
  - vi. Inflatable signs cannot be located on the roof of a structure.
- i. Signs in or Adjacent to Residential Districts
  - i. Except as provided in **7.23.11.I.II AND 7.23.11.I.III**, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.
  - ii. An approved major home occupation may display a sign, not larger than 0.2 m<sup>2</sup> (2 ft<sup>2</sup>) in the window of the dwelling.

- iii. An approved bed and breakfast may display a sign, not larger than 0.2 m<sup>2</sup> (2.0 ft<sup>2</sup>). If outside, the sign shall be placed in a location that is satisfactory to the Development Authority. Alternatively, the sign may be displayed from inside a window of the dwelling.
  - iv. One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a multi-family dwelling, a manufactured home park, a neighbourhood, or a subdivision, provided:
    1. the sign area does not exceed 5.0 m<sup>2</sup> (53.8 ft<sup>2</sup>),
    2. the height of the sign does not exceed 2.0 m (6.6 ft.), and
    3. the sign is not internally illuminated, though it may be lit from the front.
  - v. Name or number signs shall have a surface area of no more than 0.3 m<sup>2</sup> (3.0 ft<sup>2</sup>).
  - vi. When an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
  - vii. When, in the opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in the Residential District, the Development Authority may impose such other requirements as they deem necessary, to protect the amenities of the Residential District.
- j. Signs Relating to Institutional Uses
- i. In any District where a place of worship or a school or another institutional use is allowed, one (1) sign of not more than 5.0 m<sup>2</sup> (53.8 ft<sup>2</sup>) in area shall be allowed to be erected on the site occupied by the place of worship, school, or other institutional use.

## 7.24 SITE CONDITIONS AND BUFFERING REQUIREMENTS

- 1) The proponent for a development may be required to submit a site drainage plan and/or elevation plan to ensure that finished grades on the site shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.
- 2) The Development Authority may require setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
- 3) The Development Authority may require or approve screening for uses, which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar materials.
- 4) In considering the approval of an application, the Development Authority may require the retention of trees or additional planting of such type and extent as considered necessary for the purpose of ensuring buffering, erosion and/or dust control.
- 5) The Town will require Environmental Reserves, an Environmental Reserve Easement or a combination thereof adjacent to bodies of water and lands containing significant environmental features.
- 6) The amount of Reserves/Easement lands shall be at the discretion of the Town and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
  - a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (see **APPENDIX A**); or

- b. If this reserve/easement amount is disputed by the proponent of a development or subdivision then the developer may provide the Town and the Subdivision Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative reserve/easement amount is appropriate for the subject site. If the report from the engineer indicates that a lesser reserve/easement would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser reserve/easement area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser reserve/easement area.
- 7) Notwithstanding **SECTION 7.24.6**, additional reserves/easements may be required by the Town based on the recommendations of any engineering and/or geotechnical study provided for the subject site.
  - 8) Normally, no buildings of any kind shall be allowed within required setback areas.
  - 9) However, notwithstanding Subsection(6) the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
    - a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (see **APPENDIX A**); or
    - b. If this setback amount is disputed by the proponent of a development then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser reserve/easement area.



**FIGURE 23: SETBACKS FROM WATERCOURSES AND WATERBODIES**

- 10) The Development Authority may require the applicant to submit as part of a development permit application an assessment by a registered professional engineer practicing in Alberta indicating the stability of the soils and slopes for the development proposed, and how sufficient stability for the development can be ensured in order to determine the appropriate setback distance and/or site specific building requirements.
- 11) If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Development Authority may, at their sole discretion, approve a development with a lesser setback.
- 12) If the development is approved with the lesser setback, the Development Authority may require, as a condition of the approval of the permit, that the developer construct those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.
- 13) If any development is damaged or threatened with damage from flooding from a water body, a river, creek or watercourse, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
- 14) If any development is damaged or threatened with damage from erosion or the effects of erosion, or from flooding or the effects of flooding, whether or not a development permit has been issued in respect of the development, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
- 15) The Development Authority will not approve a development permit application for the development or placement of permanent buildings within the 1:100 year flood way of any lake, river, creek, watercourse, or water body.
- 16) Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise by providing a geotechnical report provided by a professional engineer registered in the Province of Alberta.

## **7.25 SITE LIGHTING**

- 1) Exterior light fixtures, standards and all exposed accessories shall be harmonious with their surroundings.
- 2) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site and not on any adjoining properties.

## **7.26 SITE PROTECTION FROM EXPOSURE HAZARDS**

- 1) The location of liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 7570.8 litres (2000 gal.) shall be in accordance with the requirements of the Development Authority but in no case shall be less than 121.9 m (400 ft.) from adjacent institutional, commercial or residential uses.
- 2) No anhydrous ammonia (AA) storage shall be permitted within the municipality.
- 3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- 4) Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Authority and be in accordance with all appropriate Provincial legislation and regulations.

## 7.27 SOUR GAS FACILITIES

- 1) All applications for development adjacent to sour gas facilities shall be referred to the Alberta Energy Regulator (AER) for comment prior to the consideration of the issuance of a development permit.
- 2) No development shall be allowed within 100 m (328 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by Alberta Energy Regulator (AER).
- 3) In the case of a Level 2 sour gas facility as determined by the AER:
  - a. no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility; and
  - b. no institutional use shall be allowed within 500 m (1640 ft.) of the sour gas facility.
- 4) In the case of Level 3 sour gas facility as determined by the AER:
  - a. no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility;
  - b. no residential development with a density of more than eight (8) dwelling units per quarter section shall be allowed within 500 m (1640 ft.) of the sour gas facility; and
  - c. no institutional use shall be allowed within 1500 m (4921 ft.) of the sour gas facility.

## 7.28 SUBDIVISION OF LAND

- 1) Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

## 7.29 WATER SUPPLY, SANITARY FACILITIES AND NATURAL GAS

- 1) All development within the Town shall be provided, at no cost to the Town, with sanitary facilities to the satisfaction of the Development Authority and further, shall conform to current Provincial legislation or regulations.
- 2) A development permit shall not be issued for residential, commercial, industrial or recreational uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are or will be made available to support the proposed development.

## 8 SPECIAL PROVISIONS

### 8.1 ADULT ENTERTAINMENT ESTABLISHMENTS

- 1) In considering an application for approval of a development permit for an adult entertainment establishment as a principal or accessory use, the Development Authority shall require the development to be located on a parcel, the boundary of which is not less than 150 m (492 ft.) from the boundary of any parcel located in a residential district, any parcel with an existing institutional use, including schools and places of worship, or any parcel developed as a park or playground.

### 8.2 ALCOHOL RETAIL SALES

- 1) Alcohol Retail Sales uses should not be located in close proximity to any site being used for community recreation, parks, public or private education, or religious assembly. In exercising discretion, the Development Officer will have regard for the suitability of proposed site location and for site orientation and access.

### 8.3 BARELAND CONDOMINIUMS

- 1) A Bare Land Condominium development must comply with all the general regulations of this Bylaw, including the regulations of the applicable Land Use District.
- 2) An application for a Bare Land Condominium development shall include a comprehensive site plan, in accordance with **SECTION 3.4** of this Bylaw.
- 3) For the purposes of this Bylaw, a Bare Land Condominium Plan is a plan of subdivision and a unit on a Bare Land Condominium Plan is a lot.

### 8.4 BASIC CAMPGROUNDS

- 1) Where a campground proposal will ultimately exceed sixty (60) campsites and/or cabins and is located on a parcel greater than 8.0 ha (19.8 ac), a development concept plan for the development of the entire tract of land shall be submitted and approved by the Development Authority prior to submitting a development permit application for any specific development. The development concept plan shall include detailed plans and specifications (i.e. servicing, traffic, environmental considerations, etc.) for the initial stage, as well as any subsequent stages of development.
- 2) A minimum of 10% of the gross lot area of the campground shall be set aside for a common recreation area and shall be developed and maintained as a park, playground or other useable open space. No portion of any other use and/or facility shall be included in this area.
- 3) Visitor parking shall be provided in common areas within a campground area, to the satisfaction of the Development Authority.
- 4) All campgrounds shall be provided with safe and convenient vehicular access and all roadways within a campground shall be of a surface and standard acceptable to a Development Officer for the purposes of accommodating emergency, fire and maintenance vehicles.
- 5) Within a campground development, the roadway system will be sensitive to the topography and site characteristics of the site and shall be **"SIGNED"** to avoid confusion.



- 6) All campsites shall be accessible by means of an access at least 3.0 m (9.8 ft.) in width where the access is for one-way traffic, or at least 6.0 m (19.7 ft.) in width where the access is for two-way traffic.
- 7) Trees and natural vegetative cover shall not be removed without an approved development permit or development concept plan. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.
- 8) Any adjoining residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2.0 m (6.6 ft.), to the satisfaction of the Development Authority.
- 9) Fires shall only be permitted in facilities which have been provided for such purpose or where open fires are allowed by the Town's fire department.
- 10) Fireplaces, fire pits, charcoal and other barbeque equipment, wood burning stoves, or any other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighbouring properties.
- 11) Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings.
- 12) A suitable access and egress shall be provided so that every campground may be readily serviced in emergency situations. Twenty-four (24) hour emergency communication service (e.g. telephones) shall be provided.
- 13) Pedestrian walkways having a width of not less than 1.2 m (3.9 ft.) shall be provided from campground stalls to all service buildings, facilities, refuse collection areas and recreation areas. The walkways shall be well drained, well lighted, and the surface shall be constructed to a standard to the satisfaction of the Development Authority.
- 14) The storage, collection and disposal of solid waste in campgrounds shall be so conducted as to create no health hazards, rodent harbourage, insect breeding areas, accident, or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of the Development Authority.
- 15) Campgrounds with less than sixty (60) campsites and no permanent cabins shall be required to provide sewage disposal and water service facilities to the satisfaction of the Development Authority.
- 16) Campgrounds with more than sixty (60) campsites and with permanent cabins shall provide on-site services as follows:
  - a. A water supply system shall be provided for each campsite designed to accommodate the campground user occupying a self-contained recreational vehicle or a cabin and shall be connected to a community water supply system. The water system for a campground shall be constructed to the satisfaction of the Town's Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
  - b. Alternatively, a campground may provide one or more easily accessible supply outlets for filling potable water storage tanks. The water supply outlets shall be located within 100.0 m (328.1 ft.) of the campsites. The water supply outlets shall be constructed to the satisfaction of the Town's Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
  - c. An adequate and safe sewage disposal system shall be provided in a campground for each campsite designed to accommodate the campground user occupying a self-contained vehicle or cabin and shall be connected to a community sewage system and/or sanitary dumping station, to the satisfaction of the Development Authority. The sewage disposal system in a campground shall be constructed to the

satisfaction of the Town's Engineer and the Development Authority, and shall comply with all applicable Provincial and Town regulations, and shall be maintained to the standards of the regulatory approvals.

- d. A campground shall be provided with sanitary dumping stations in the ratio of one for every one hundred recreational vehicle spaces or fractional part thereof. The sanitary dumping stations shall be designed and maintained to Town regulations and standards to the satisfaction of the Town's Engineer and the Development Authority. Each station shall provide a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be separated from any campsite or cabin by a distance of not less than 20.0 m (65.6 ft.).
  - e. In no case shall less than two (2) toilets and lavatory be provided for every ten (10) campsites.
- 17) Campgrounds, containing campsites, cabins, hotels and/or motels are considered temporary occupancies, and consequently, the maximum occupancy is two hundred and forty (240) days per calendar year.
  - 18) The minimum size for a campsite shall be:
    - a. 10.0 m (32.8 ft.) in width;
    - b. 25.0 m (82 ft.) in depth; and
    - c. 325.0 m<sup>2</sup> (3500 ft<sup>2</sup>) in area.
  - 19) A recreational vehicle/travel trailer on a campsite shall be separated a minimum of 3.0 m (9.8 ft.) from:
    - a. another recreational vehicle/travel trailer on an adjacent site;
    - b. other structures; and
    - c. an interior roadway.
  - 20) Each campsite shall provide two parking spaces on the campsite.
  - 21) All campsites shall be required to provide an acceptable form of ground cover to prevent erosion.

## **8.5 BED AND BREAKFAST OPERATIONS**

- 1) A bed and breakfast establishment, which shall be considered to be major home occupations, shall comply with the regulations for major home occupations.
- 2) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved.
- 3) A bed and breakfast establishment shall have a maximum of four (4) sleeping units.
- 4) Cooking facilities shall not be located within the sleeping units. All facilities shall meet public health regulations.
- 5) In addition to any other parking requirements of this Bylaw, one (1) additional off-street parking space shall be provided for each sleeping unit.
- 6) A bed and breakfast establishment shall be operated by a live-in owner(s) and shall not change the character of the surrounding area.

## 8.6 CANNABIS PRODUCTION AND DISTRIBUTION DEVELOPMENTS

Regulations within this section apply to the production and development of cannabis for medical and non-medical purposes.

- 1) No cannabis production and distribution development may be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- 2) Cannabis production and distribution developments shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including:
  - a. The production of cannabis in accordance with the Access to Cannabis for Medical Purposes Regulations, as amended, or any subsequent legislation that may be enacted.
- 3) Where provisions in this section are in conflict with the regulations of any district or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the district and other applicable sections of this Bylaw.
- 4) A cannabis production and distribution development may not operate in conjunction with another approved use on the lot(s) or parcel(s);
- 5) Cannabis production and distribution developments must include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations of this Bylaw and meet all servicing standards of the Town of Smoky Lake.
- 6) Cannabis production and distribution development shall meet security and premises requirements as required under provincial and federal legislation.
- 7) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- 8) No outdoor storage of goods, material, or supplies shall be permitted.
- 9) Garbage containers and waste material shall be contained within an enclosed and locked building.
- 10) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 11) All activities related to the cannabis production and distribution development shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.
- 12) Hours of operation shall be restricted as a condition of the development permit issued by The Development Authority.
- 13) A cannabis production and distribution development's exterior lighting and noise levels shall satisfy the following requirements:
  - a. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under provincial and federal regulations.
- 14) Minimum lot size shall be at the discretion of the Development Authority.
- 15) Minimum setback from any watercourse shall be 30.0 m (98.7 ft.).

- 16) Maximum lot coverage shall be thirty five percent (35%).
- 17) Maximum height shall be 10.0 m (32.8 ft.).
- 18) A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks from yards.
- 19) On site buffering measures shall be required for all cannabis production and distribution developments. Buffers may include a combination of space separation, vegetation, and fencing to mitigate the impacts on adjacent lots.
- 20) A site, building or structure established, operated, or maintained as a cannabis production and distribution development shall comply with the provisions made for in this section in addition to any other applicable Municipal, Provincial, and Federal regulations as per this Bylaw.

The regulations in this section are not exclusive and shall not prevent the Town from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

## **8.7 CANNABIS RETAIL SALES ESTABLISHMENTS**

Regulations within this section apply to the retail sale of cannabis.

- 1) Cannabis retail sale establishments must comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
  - a. only facilities licensed by the provincial government will be allowed;
  - b. a copy of the license(s) for the cannabis retail sales establishment as issued by the provincial government shall be provided to the Development Authority, with the application or as a condition of development approval.
- 2) Cannabis retail sales establishments must include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations of this Bylaw and meet all servicing standards of the municipality.
- 3) The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 4) Cannabis retail sales establishments shall meet security and premises requirements as required under provincial and federal legislation.
- 5) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 6) Hours of operation shall be restricted as a condition of the development permit issued by Development Authority.
- 7) Exterior lighting and noise levels shall satisfy the following requirements:
  - a. The illumination of parking areas, walkways, signs, and other structures associated with cannabis retail sale development shall be arranged to meet the requirements under provincial and federal regulations.
- 8) Cannabis retail sales establishments as defined in this Bylaw shall be prohibited from locating within 100.0 m (328.1 ft.) of a public education facility, a provincial health care facility, or land designated as a school reserve or a municipal and school reserve.

- 9) A public education facility, a provincial health care facility, or the designation of land as a school reserve or a municipal school reserve shall not be allowed within 100.0 m (328.1 ft.) of an approved cannabis retail sales establishment.
- 10) The separation distance between the cannabis retail sales establishment and the uses listed in **Section 8.7(8) and (9)** shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the lot containing the public education facility, a provincial health care facility, or land designated as a school reserve or a municipal and school reserve.
- 11) A site, building or structure established, operated, or maintained as a cannabis retail sales establishment shall comply with the provisions made for in any applicable Municipal, Provincial, and Federal regulations as per this Bylaw.

These regulations are not exclusive and shall not prevent the municipality from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

## **8.8 CONFINED FEEDING OPERATIONS AND MANURE STORAGE FACILITIES**

- 1) Confined feeding operations and manure storage facilities for which an approval or a registration is required pursuant to the Agricultural Operations Act are not regulated by this Bylaw. Please refer to the Agricultural Operations Act and the Regulations under the Agricultural Operations Act for these developments.

## **8.9 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- 1) During the review of a development permit application, the Development Authority may consider the following Crime Prevention Through Environmental Design (CPTED) principles, and make recommendations for the proposed development:
  - a. the reduction of concealment opportunities;
  - b. the provision of lighting to minimize unlit areas;
  - c. the placement of windows to maximize informal surveillance; and
  - d. easily-identified street addresses.

## **8.10 DAY USE AND PICNIC AREAS**

- 1) A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers of such facilities shall be at the discretion of the Development Authority.
- 2) Day use and picnic facilities shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- 3) Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.
- 4) Parking areas should be physically separated from the rest of the day use or picnic areas by landscaping or natural vegetation buffers.

## **8.11 DRIVE IN (AND THROUGH) ORIENTED BUSINESSES**

- 1) Access
  - a. Points of access and egress shall be located to the satisfaction of the Development Authority.
- 2) Site Area
  - a. The minimum lot area shall be 600 m<sup>2</sup> (6,458 ft<sup>2</sup>), and shall contain space for at least eight (8) customer vehicles to wait or be parked on the lot.
- 3) Site and Building Requirements
  - a. All parts of the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
  - b. The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
  - c. Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
  - d. The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the site.

## 8.12 HOME OCCUPATIONS

- 1) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in their opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.
- 2) A permit issued for a home occupation is valid for one year or longer as determined by the Development Authority. It is the obligation of the developer to seek renewal of a development permit prior to the expiry of the time period for which the initial permit was issued. The Development Authority shall consider the renewal on its merits.
- 3) A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provision of this Bylaw or conditions of the approval of the development permit.
- 4) General Regulations
  - a. All home occupations shall comply with the following requirements:
    - i. In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation;
    - ii. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
    - iii. Home occupations shall not involve:
      1. activities that use or store hazardous material in quantities exceeding those found in a normal household; or

2. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- iv. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the home occupation is located shall be produced by the home occupation.
- v. There shall be no exterior signage, display or advertisement other than a business identification sign which shall not exceed 0.19 m<sup>2</sup> (2.0 ft<sup>2</sup>) in size unless otherwise granted in a separate development permit.
- vi. In the Residential districts, no more than one (1) commercial vehicle, up to the size of a tandem truck, to be used in conjunction with the home occupation, shall be parked on the site. The parking space for the commercial vehicle shall be either within a garage or adequately screened and sited behind the main building to the satisfaction of the Development Authority.
- vii. In the UR – Urban Reserve District, not more than four (4) commercial vehicles, each with one (1) accessory trailer, to be used in conjunction with a major home occupation, shall be parked or maintained on the site.

#### 5) Additional Regulations Affecting Minor Home Occupations

- a. In addition to the requirements of **SECTION 8.10.4**, a minor home occupation shall comply with the following regulations:
  - i. A minor home occupation shall not change the principal character or external appearance of the dwelling involved, nor occupy more than 20% of the gross floor area of the main building. Except as noted in **SECTION 7.23** there shall be no exterior signage, display or advertisement, and all sales relating to the home occupation shall occur off the premises.
  - ii. Except in the UR – Urban Reserve District, there shall be no outdoor business activity or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed in either the dwelling or accessory buildings.
  - iii. The minor home occupation shall not employ any person on-site other than the occupants of the dwelling.
  - iv. Up to five (5) business visits per day are allowed.
  - v. Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.

#### 6) Additional Regulations Affecting Major Home Occupations

- a. In addition to the requirements of **SECTION 8.10.5** above, a major home occupation shall comply with the following regulations:
  - i. A major home occupation shall not change the principal character or external appearance of the dwelling involved, nor occupy more than 20% of the gross floor area of the main building. Except as noted in **SECTION 7.23**, there shall be no exterior signage, display or advertisement.
  - ii. The number of non-resident employees working on-site shall not exceed one (1) at any time.

- iii. Up to ten (10) business visits per day are allowed in the UR – Urban Reserve District. In all other Districts, up to eight (8) business visits per day are allowed.
- iv. Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this Bylaw and the Alberta Safety Codes thereunder.
- v. Except in the UR – Urban Reserve District, there shall be no outdoor business activity or outdoor storage of material or equipment associated with the major home occupation allowed on the site. Storage related to the major home occupation shall be allowed in either the dwelling or accessory buildings.
- vi. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.

### 8.13 INDUSTRIAL DEVELOPMENTS

- 1) The Development Authority may request advisory comment from various departments within the Provincial and Federal Government and/or from the Health Authority, when considering an application for the establishment of an industrial use.
- 2) All site regulations and development requirements, including any requirement for buffers, shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority.
- 3) A development permit for an industrial use may only be issued if, in the opinion of the Development Authority, the applicant can satisfy the Development Authority with respect to any concerns about:
  - a. The type and level of exhaust that may be emitted into the atmosphere by the proposed development;
  - b. Servicing requirements and provisions for meeting them; and
  - c. Any costs associated with providing new or upgraded municipal services associated with the proposed development.
- 4) The proponent of a rural industrial park shall be required to provide the following information concerning the proposal before the development or subdivision authority considers approval:
  - a. environmental suitability of the site, with particular reference to soils, slopes, drainage and availability of services;
  - b. the type and level of exhaust which may be emitted into the atmosphere;
  - c. size and number of parcels proposed;
  - d. phasing, if anticipated;
  - e. servicing requirements and provisions for meeting them;
  - f. costs associated with providing new or upgraded municipal services required by the development; and
  - g. any other information as listed in **SECTION 3.4** of this Bylaw, as required by the Development Authority or Subdivision Authority.



- 5) Industrial activities may be subject to a development agreement between the developer and the Town of Smoky Lake.
- 6) Industrial buildings and businesses on lots abutting Residential Districts shall be screened from view by means of a fence not less than 1.85 m (6.0 ft.) in height. Such a fence shall be aesthetically designed and constructed of materials satisfactory to the Development Authority.

#### **8.14 LICENCED INDUSTRIAL HEMP PRODUCTION FACILITY**

- 1) No Licenced Industrial Hemp Production facility shall be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- 2) A Licenced Industrial Hemp Production facility shall comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
  - a. Only facilities licensed by Health Canada under the IHR (SOR/98-156), or as amended, will be permitted.
  - b. A copy of the current license for the Licenced Industrial Hemp Production Facility as issued by Health Canada shall be provided to the Development Authority before a permit can be issued.
- 3) The development shall be designed and located to minimize any impacts on the natural environment.
- 4) The development shall minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- 5) There shall be no outdoor storage of industrial hemp in accordance with IHR (SOR/98-156).
- 6) Solid waste material shall be disposed of in accordance with the Controlled Drugs and Substances Act (S.C. 1996, c. 19) and Industrial Hemp Regulations (SOR/98-156), as amended or any subsequent legislation that may be enacted in substitution.
- 7) All activities related to the Licenced Industrial Hemp Production Facility shall occur within a fully enclosed stand-alone building, including but not limited to loading, receiving, and shipping of industrial hemp in accordance with IHR (SOR/98-156).
- 8) A Licenced Industrial Hemp Production Facility's exterior lighting levels should meeting the following:
  - a. The illumination of parking areas, walkways, signs, and other structures associated with Licenced Industrial Hemp Production Facilities shall be arranged to meet any requirements of the Land Use Bylaw or any other bylaw and/or policy approved by the Town and any requirements under the IHR (SOR/98-156).
- 9) A Licenced Industrial Hemp Production Facility Site, for the purposes of this section, means the lot(s) on which the Licenced Industrial Hemp Production Facility is located or is proposed to be located.
- 10) The minimum lot size shall be at the discretion of the Development Authority having regard to the requirements in the IHR.
- 11) The minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
- 12) The maximum lot coverage shall be at the discretion of the Development Authority.
- 13) The maximum height shall be 10.0 m (32.8 ft.) for the principal building.
- 14) The minimum front setback from any property line next to a road right of way shall be:

- a. From an internal service road - 7.6 m (25.0 ft.)
  - b. From a highway – As required by Alberta Transportation.
- 15) A building or structure used for security purposes for a Licenced Industrial Hemp Production Facility may be located in the front yard and shall comply with the required minimum setbacks:
  - 16) Minimum side setback: 6.1 m (20.0 ft.) from lot line.
  - 17) Minimum rear setback: 7.6 m (25.0 ft.) from lot line.
  - 18) The Minimum landscaping buffer width shall be as required by the Development Authority excluding those developments proposed adjacent to a provincial highway which are subject to Alberta Transportation regulations.
  - 19) Buffers shall be required for all Licenced Industrial Hemp Production Facilities. Buffers may combine: setbacks, landscaping, and fencing to mitigate the impacts on farming and adjacent activities.
  - 20) Parking and loading requirements for a Licenced Industrial Hemp Production Facility shall be provided based on this regulation in **SECTION 7.18 AND 7.19** of this Bylaw and any applicable requirements and regulations under the Industrial Hemp Regulations (SOR/98-156), as amended.

The regulations in this section are not exclusive and shall not prevent the County from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

## 8.15 MANUFACTURED HOME PARKS

- 1) Manufactured home stalls shall be located minimum of 7.62 m (25 ft.) from a boundary of a road and 4.57 m (15 ft.) from adjacent parcels. The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
- 2) The minimum size for a manufactured home stall shall be 464.52 m<sup>2</sup> (5000.0 ft<sup>2</sup>).
- 3) All roads shall be constructed and maintained to the satisfaction of the Development Authority. The minimum road right-of-way width shall be 15.24 m (50.0 ft.).
- 4) There shall be safe, convenient, all-season pedestrian access of not less than 0.91 m (3.0 ft.) in width for the intended use between individual manufactured homes, the park streets and all community facilities provided for park residents.
- 5) Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured homes, be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, recreational vehicles, trailers, etc.
- 6) Two (2) off-street parking spaces shall be provided on or adjacent to each recreational space as required by the Development Authority.
- 7) The design of manufactured home parks shall be to the satisfaction of the Development Authority.
- 8) All utilities shall be provided underground to stalls.

- 9) A minimum of 5% of the gross site area shall be devoted to recreational use or recreational space. This recreation space shall be placed in locations convenient to all park residents, free from traffic hazards, shall not be included in areas designated as buffer strips, and shall be clearly defined.
- 10) All areas not occupied by manufactured homes and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities, shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around laundry yards, refuse collection points and playgrounds.
- 11) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park resident and for the management and maintenance of the park.
- 12) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- 13) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- 14) Only one main, free-standing identification sign of residential character and appearance shall be erected at the entrance to a manufactured home park unless the development authority is of the opinion that a further and similar sign shall be allowed under exceptional circumstances involving the layout, location and size of the park in relation to the surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the development authority, and otherwise conform to **SECTION 7.23** of this Bylaw.
- 15) Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- 16) Manufactured homes shall be separated from each other by at least 6.10 m (20.0 ft.) side-to-side and at least 3.05 m (10.0 ft.) from either front or rear stall line, provided further that any porch or addition to the manufactured home is regarded as part of the manufactured home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirement shall be 3.05 m (10.0 ft.).
- 17) The minimum site area shall be 2.02 ha (5.0 ac).
- 18) The maximum permissible density shall be twenty (20) manufactured home spaces per gross developable hectare (8.09 per acre) of the area actually being developed at each stage of the development.

## **8.16 MANUFACTURED HOMES**

- 1) Before a development permit is issued for a manufactured home, the Development Authority shall normally receive verification that the home fully complies with both the CSA Z240 MH National Manufactured Home Standard and the Alberta Building Code (ABC). If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer or structural engineer certified to conduct such inspection
- 2) Should an inspection by an Alberta Safety Codes officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.
- 3) In addition to the requirements of **SECTIONS 8.16.1 AND 8.16.2**, a manufactured home located within a residential District must meet the following aesthetic regulations:

- a. The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area.
- b. The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area.
- c. Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition.
- d. Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate or general area.
- e. The design of each manufactured home shall ensure the side or end facing the street on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area.
- f. Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed.
- g. The full perimeter of the foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
- h. All accessory structures, such as patios, porches, additions and skirting, shall be:
  - i. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes, and
  - ii. considered as part of the main building; and
  - iii. erected only after obtaining a development permit.
- i. The floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.
- j. No accessory building, use or parking space shall be located in the front yard of a manufactured home use.
- k. For the purposes of storage, any furniture, domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally, and shall conform to the Alberta Building Codes (ABC) standards.
- l. The following regulations also apply to manufactured home uses located in residential subdivisions and manufactured home parks:
  - i. The hitch and wheels are to be removed from the manufactured home.
  - ii. All manufactured homes shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed; and

- iii. The full perimeter of the foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
  - iv. The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
  - v. Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.
- 4) Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
  - 5) With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park or any Residential District.

### 8.17 MOTELS & HOTELS

- 1) A person applying to develop a site as a motel where permitted under this Bylaw shall comply with the following provisions of this section.
- 2) Site Requirements for Motels

SITE REQUIREMENTS FOR MOTELS		
MINIMUM SITE AREA	YARDS	MINIMUM FLOOR AREA/UNIT
<b>ONE STOREY</b>		
139.3 m <sup>2</sup> (1500 ft <sup>2</sup> )	Front 7.6 m (25 ft.) Side 3 m (10 ft.) Rear 3 m (10 ft.)	26.4 m <sup>2</sup> . (285 ft <sup>2</sup> )
<b>TWO STOREY AND GREATER</b>		
139.3 m <sup>2</sup> (1500 ft <sup>2</sup> )	Front 7.6 m (25 ft.) Side 3 m (10 ft.) Rear 3 m (10 ft.)	26.4 m <sup>2</sup> . (285 ft <sup>2</sup> )

- 3) Space Between Buildings
  - a. Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.66 m (12.0 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the site.
- 4) Driveway
  - a. Each rentable unit shall face onto or abut a driveway not less than 6.1 m (20 ft.) in width and shall have unobstructed access thereto.

- 5) Entrances and Exits
  - a. Not more than one (1) motor vehicle entrance and one motor vehicle exist to a road or highway, each of a minimum of width of 7.62 m (25 ft.) measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.14 m (30 ft.) in width.
- 6) Maintenance of Site and Buildings and Business
  - a. The owner, tenant, operator or person in charge of a motel shall at all times:
    - i. maintain the site and the buildings, structure and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;
    - ii. maintain garbage facilities to the satisfaction of the Development Authority;
    - iii. maintain an appropriate fence where required, no less than 0.75 m (30 inches) in height around the boundaries of the site; and
    - iv. landscape and keep the site landscaped, to the satisfaction of the Development Authority.

## 8.18 MULTI-DWELLING DEVELOPMENTS

- 1) The following application procedure applies to all multi-dwelling development:
  - a. Before any development permit application can be considered by the Development Authority, the applicant must submit:
    - i. design plans and working drawings including elevations which have been done or endorsed by a registered architect;
    - ii. site plans showing the proposed:
      1. location and position of structures on the site, including any "For Rent" or identification signs;
      2. location and number of parking spaces, exits, accesses and drives from public roads;
      3. location of an access to refuse storage areas and incinerators and the fencing and landscaping of such facilities; and
      4. landscaping plan of the entire site which shall show intended surfacing for drives and parking areas.
    - iii. All required plans will be appended to the decision and development on the site must be consistent with conditions of approval including the attached plans.
    - iv. The Development Authority may, at their discretion, require a performance bond as a condition of approval.

## 8.19 NEIGHBOURHOOD COMMERCIAL DEVELOPMENTS

- 1) Neighbourhood commercial developments located entirely within a standalone building or located within a building that also contains residential use may be allowed to locate in the **R1, R2, R3, and C1 Districts** provided the development meets all of the other regulations of this Bylaw and, further, that the development:
  - a. does not include as part of its operation a gas bar or vehicular servicing component, and/or
  - b. is situated on a corner lot with safe access to a collector road.
- 2) The façade of a building containing a neighbourhood commercial development that is located in a Residential District must be integrated with the surrounding residential area.
- 3) The height of a building containing a neighbourhood commercial development in a Residential District may not exceed twice the height and massing of adjacent buildings.



**FIGURE 24: EXAMPLE OF A NEIGHBOURHOOD COMMERCIAL DEVELOPMENT**

## 8.20 PET KEEPING AND ANIMAL BREEDING AND/OR BOARDING FACILITIES

- 1) The keeping of more than three (3) dogs on any lot, whether the dogs are being bred or boarded, shall be allowed at the discretion of the Development Authority only in those Districts where animal breeding and/or boarding facilities are listed as discretionary use in this Bylaw.
- 2) The maximum number of dogs to be kept on-site in each of the Districts shall be in accordance with the Animal Control Bylaw.
- 3) In determining the number of dogs, pups less than six (6) months of age shall not be included.

- 4) For animal breeding and/or boarding facilities, an exercise area shall be provided for each dog as follows:
  - a. breeds weighing 16 kg (35 lbs.) or less – at least 2.3 m<sup>2</sup> (25.0 ft<sup>2</sup>) per dog; and
  - b. breeds weighing more than 16 kg (35 lbs.) – at least 4.6 m<sup>2</sup> (50.0 ft<sup>2</sup>) per dog.
- 5) No building or exterior exercise area to be used to accommodate dogs shall be allowed within 25.0 m (82.0 ft.) of any lot line of the lot for which an application is made.
- 6) No building or exterior exercise area to be used to accommodate dogs shall be allowed within 300 m (1000 ft.) of any dwelling located on adjacent lots.
- 7) All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 2.0 m (6.5 ft.).
- 8) All dogs in animal breeding and/or boarding facilities shall be kept within buildings or a fenced area at all times when not leashed.
- 9) All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.
- 10) Pens, rooms, exercise runs and holding stalls shall be soundproofed where possible to the satisfaction of the Development Authority.
- 11) A separate air extractor system shall be provided in the animal shelter or holding area where heating and air conditioning is necessary.
- 12) All facilities and operations shall be in compliance with applicable Provincial regulations.
- 13) All development permits issued for animal breeding and/or boarding facilities shall be subject to cancellation if any of the above requirements, or any other condition of the development permit, is not adhered to.
- 14) On parcels larger than 0.81 ha (2.0 ac) in size in the Urban Reserve and Industrial Districts, the following animal units shall be allowed in addition to domestic pets in accordance to the following chart:

Residential Parcel Size		Allowable Number of Animal Units
0.81 - 1.21 ha	(2.0 - 2.99 ac.)	1
1.22 - 1.61 ha	(3.0 - 3.99 ac.)	2
1.62 - 2.02 ha	(4.0 - 4.99 ac.)	3
2.03 - 2.42 ha	(5.0 - 5.99 ac.)	4
2.43 - 4.04 ha	(6.0 - 9.99 ac.)	5
4.05 ha or greater	(10.0 ac. or greater)	5*

\*plus - the number of animal units permitted for that portion of the parcel in excess of 4.05 ha 10.0 ac.). Example: 5.26 ha 13.0 ac.) = 5+2=7 total animal units.

- 15) On parcels smaller than 0.81 ha (2.0 ac.) in size, within any Residential District, no livestock shall be permitted, except for the keeping of hens.
- 16) For the purposes of this Part, “one animal unit” means the following:
  - a. 1 horse, donkey, mule or ass (over one year old), or



- b. 2 colts up to one year old, or
  - c. 1 llama, alpaca, or
  - d. 2 ostrich, emu, or other ratite, or
  - e. 1 cow or steer (over one year old), or
  - f. 2 calves up to one year old, or
  - g. 3 pigs, or
  - h. 15 chickens, or
  - i. ducks, turkeys, pheasants, geese or other similar fowl, or
  - j. 3 sheep or goats, or
  - k. 20 rabbits or other similar rodents
- 17) The Development Authority will have the absolute authority to determine the number of animal units applicable to any animals not listed in Subsection (5) above.

### **8.21 PLACES OF WORSHIP**

- 1) The site on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 930 m<sup>2</sup> (10,010 ft<sup>2</sup>) except in the case where a building for a clergy person's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1400.0 m<sup>2</sup> (15,069.5 ft<sup>2</sup>).

### **8.22 RECREATIONAL USES**

- 1) Recreational development shall be required to:
- a. maintain an open space buffer of sufficient size and composition to act as a visual and noise barrier from adjacent uses which may be incompatible; and
  - b. install, when necessary, adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.

### **8.23 RECREATIONAL VEHICLE CAMPGROUNDS**

- 1) Provisions in this section apply to both recreational vehicle campgrounds and recreational vehicle campgrounds-seasonal.
- 2) Each recreational vehicle parking space shall have a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 m<sup>2</sup> (2,691.0 ft<sup>2</sup>).
- 3) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act that may be applicable.
- 4) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.

- 5) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft.) usable top.
- 6) The developer shall provide on-site potable water supply which meets all applicable Provincial water requirements.
- 7) The developer shall provide sewage disposal facilities which all applicable Provincial regulations.
- 8) All spaces for recreational vehicles designated for year round use must have on-site connections to municipal sewer and water systems.
- 9) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
- 10) The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 11) The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle campground area as a playground or recreational area. This area is to be clearly marked and free from all traffic hazards.
- 12) All spaces for recreational vehicles or tents shall maintain a minimum set back of 30.0 m (98.4 ft.) from the shoreline of any body of water.
- 13) The maximum number of recreational vehicles allowed per space shall be one (1).
- 14) A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- 15) Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
- 16) All other site requirements shall be as required by the Development Authority.
- 17) Minimum Yard Setbacks:
  - a. Front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft.) or 10% of the lot width, whichever is lesser.
- 18) Developers will be encouraged to include on their site plan an overflow area which provides that may be used temporarily, on an overflow basis, for a maximum of four (4) consecutive nights to accommodate recreational events which may result in a need for temporary additional tenting or recreational vehicle spaces.

#### **8.24 RECREATIONAL VEHICLE CAMPGROUND, WORKCAMPS**

- 1) Provisions in this section apply to recreational vehicle campground, workcamps.
- 2) Each space for a recreational vehicle shall have a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 m<sup>2</sup> (2,691.0 ft<sup>2</sup>).
- 3) All spaces for recreational vehicles shall maintain a minimum setback of 30.0 m (98.4 ft.) from the shoreline of any body of water.

- 4) Minimum Yard Setbacks:
  - a. Front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft.).
- 5) The maximum number of recreational vehicles allowed per space shall be one (1).
- 6) All recreational vehicle campground, workcamps shall be considered temporary developments.
- 7) All recreational vehicle campground workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- 8) A development permit for a recreational vehicle campground workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period. An application may be made for a continuance of the use for one (1) additional year, after which a new development permit approval is required.
- 9) The Development Authority may establish whatever conditions for the approval of a recreational vehicle campground, workcamp that it, at its discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- 10) In addition to the requirements of **SECTION 3.4** of the Bylaw, an application for a development permit for a recreational vehicle campground workcamp must provide the following information:
  - a. the location, type and purpose of the camp,
  - b. adjacent land uses,
  - c. the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems,
  - d. the number of persons proposed to live in the camp,
  - e. the start date for the development, date of occupancy by residents, and removal date for the camp, and
  - f. reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.
- 11) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act that may be applicable.
- 12) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
- 13) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft.) usable top.
- 14) The developer shall provide on-site potable water supply in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
- 15) The developer shall provide sewage disposal facilities in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.

- 16) All stalls designated for year round use must have on-site connections to municipal sewer and water systems.
- 17) The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 18) A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- 19) All other site requirements shall be as required by the Development Authority.
- 20) All recreational vehicle campground, workcamps must:
  - a. ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
  - b. be designed so that all points of access and egress are located to the satisfaction of the Development Authority and when required, Alberta Transportation;
  - c. be able to accommodate a minimum of twenty (20) persons and a maximum of five hundred (500) persons;
  - d. be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
  - e. if required by the development authority, provide on-site security staff to the satisfaction of the Development Authority;
  - f. provide and develop all parking on the lot to the satisfaction of the Development Authority. Normally, on-site parking for private vehicles will adhere to the same standard as parking for a hotel or motel;
  - g. post security with the municipality sufficient to ensure removal of the development and/or reclamation of the site if needed after the recreational vehicle campground, workcamp has been removed from the site; and
  - h. be separated from adjacent land uses.
- 21) Maximum site coverage shall be such that space is available for all the parking on the site, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- 22) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
- 23) The development must comply with current Building and Fire Code requirements as amended from time to time.
- 24) Because of the number of temporary workers and related traffic impacts the applicant will also be required to provide a report which details the following:
  - a. discussions with and impact on the local RCMP,
  - b. discussions with and impact on the local Emergency Medical Services,
  - c. discussions with and impact on the local Fire Department, and
  - d. discussions with and impact on the local road system including a Traffic Impact Assessment.

- 25) Any other conditions required to the satisfaction of the Development Authority.

### **8.25 RECREATIONAL VEHICLES**

- 1) No person shall use any recreational vehicle for occupancy for a period of more than seven (7) consecutive days within the Town limits, other than within an approved campground in the PR – Parks and Recreation District.
- 2) One (1) recreational vehicle may be stored on a lot located within any residential district, subject to the following provisions:
  - a) The recreational vehicle must be entirely located within the boundaries of the subject site; and
  - b) The recreational vehicle must be located on a hard surfaced driveway or pad.”
- 3) No person shall keep more than one (1) recreational vehicle on a residential lot at any time.
- 4) No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.
- 5) Provided that it conforms to all other provisions of Section 8.25, a recreational vehicle located on any residential parcel may be temporarily connected to a utility or municipal service, provided that the purpose of such connection is to prepare the recreational vehicle for off-site use, or for the period of occupancy permitted pursuant to Subsection 1).

### **8.26 RECREATIONAL VEHICLES LOCATED IN RECREATIONAL VEHICLE CAMPGROUNDS AND RECREATIONAL VEHICLE CAMPGROUNDS, WORKCAMPS**

- 1) No recreational vehicle, whether located within a recreational vehicle campground or on a lot, may have associated with it any more than two (2) accessory structures or buildings, in addition to fences, benches, fire pits, and picnic tables. The two (2) accessory structures may include a small shed with a maximum size of 18.58 m<sup>2</sup> (200.0 ft<sup>2</sup>), and a screened or roofed patio around or beside the recreational vehicle.
- 2) No structure accessory to a recreational vehicle shall be used as sleeping quarters.
- 3) The total gross floor area or ground area covered by all accessory structures and buildings or recreational vehicles shall not exceed fifty percent (50%) of the size of the lot on which the recreational vehicle campground is located.

### **8.27 RELOCATION OF BUILDINGS & MOVED ON MODULAR HOUSING**

- 1) No person shall alter the location on a parcel of a building already constructed on that parcel, unless a development permit has been issued.
- 2) No person shall place on a parcel of land a building formerly erected or placed on a different parcel, including portable pre-fabricated buildings, without an approved development permit.
- 3) Any application for a **"MOVED-IN BUILDING"** considered by the Development Authority shall:
  - a. be accompanied by recent colour photographs of the structure; and
  - b. indicate if the building will meet current requirements of the Alberta Building Code (ABC), and if it does not, how the building will be brought up to these requirements; and

- c. meet all other requirements or conditions as required by the Development Authority.
- 4) The Development Authority may, at their discretion, require, prior to the approval of a development permit for a relocated building, that an inspection of the proposed relocated building be completed by the Development Authority or a designated officer to determine its suitability for relocation in the Town.

## **8.28 RESIDENTIAL USES**

- 1) In all districts where residential uses are permitted or discretionary, residential development shall not be allowed on land having critical development constraints. The following list of development criteria shall be used in determining the suitability of land for seasonal and permanent residential development:
  - 2) Development shall be prohibited on slopes in excess of 15%, except where a geotechnical report prepared by a certified engineer which identifies any slope stability issues and mitigation requirements is provided to the satisfaction of the Development Authority.
  - 3) Development for residential purposes shall be prohibited:
    - a. on sites where adequate year-round access is not available by either a paved or gravelled all-weather road in good condition; and/or
    - b. on sites where necessary services are not provided at the sole expense of the developer.

## **8.29 SATELLITE DISHES**

- 1) Satellite television dishes over 0.6 m in diameter shall not be permitted within a yard abutting a public street in any residential district and shall meet the district regulations for accessory buildings in the district in which they are provided.
- 2) Satellite dishes over 0.6 m in diameter shall not be permitted on a street facing roof of a building in, or abutting, a residential district, nor shall they be visible from the road if placed on the roof of any building.
- 3) Satellite dishes shall be of a colour that, in the opinion of the Development Officer, is compatible with the surrounding area.
- 4) No advertising shall be displayed on satellite dishes.

## **8.30 SEA CANS AND SHIPPING CONTAINERS**

- 1) The permanent placement of sea cans or shipping containers shall not be allowed on any parcel within a Residential District.
- 2) Notwithstanding the above, a development permit may be issued for the temporary placement of one sea can or shipping container on a parcel within the R1, R2, or R3 Residential Districts on a temporary basis during the construction of the principal dwelling.
- 3) If a temporary development permit for a sea can or shipping container has been approved by the Development Authority then the sea can or shipping container may be placed on a site for a period of six (6) months. After that period has expired the developer will be required to apply to the Town for an extension for the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.
- 4) The maximum number of sea cans or shipping containers that may be placed on an urban reserve, commercial or industrial parcel is at the discretion of the Development Authority.

- 5) The placement of a sea can or shipping container on any urban reserve, commercial or industrial parcel requires a development permit.
- 6) Sea cans or shipping containers may not be stacked. The maximum height for a sea can or shipping container allowed on a parcel is 3.0 m (10.0 ft.).
- 7) Sea cans or shipping containers located in a residential district may be a maximum of 6.0 m (20.0 ft.) in length.
- 8) Sea cans or shipping containers cannot be used as a dwelling, bunk house or guest house within the Town.
- 9) No human or animal habitation will be permitted within a sea can or shipping container.

### **8.31 SERVICE STATIONS AND GAS STATIONS**

- 1) A person applying to develop a site as a service station or gas station establishment where allowed under this Bylaw shall comply with the following provisions of this section.
- 2) Service and gas stations shall be located in such a manner that:
  - a. No entrance or exit thereto for motor vehicles shall be within 60.9 m (200.0 ft.) of an entrance to or exit from a public or quasi-public use.
  - b. No part of a service station or gas station building or any pump or other accessory building shall be within 6.0 m (20.0 ft.) of a side or rear property line.
  - c. Service stations shall have a front yard of not less than 12.2 m (40.0 ft.), and no gasoline pump shall be located closer than 6.0 m (20.0 ft.) to the front property line.
  - d. Storage tanks shall be set back from adjacent building in accordance with applicable Provincial requirements.
- 3) Site Area and Coverage
  - a. The minimum site area shall be 743.2 m<sup>2</sup> (8,000.0 ft<sup>2</sup>) and the maximum building coverage shall be 25% of the site area. For service stations including car washes the minimum site area shall be 1114.9 m<sup>2</sup> (12,000 ft<sup>2</sup>).
  - b. In the case of a service station designed and built as part of a shopping centre, the ratio of building space to parking space shall be as determined by the Development Authority.
- 4) Surfacing
  - a. All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Authority.
- 5) Lighting
  - a. Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.
- 6) Use and Maintenance of Service Station Site and Building
  - a. The owner, tenant, operator or person in charge of a service station shall at all times:

- i. Be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available on any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odour, smoke or vibration.
- ii. Be responsible for the proper, safe and orderly operation thereof and of motor vehicles using said service station or when repaired or serviced thereat, and without restricting the generality of the foregoing, shall see:
  1. that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service stations, and
  2. that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere.
- iii. Maintain on the boundaries of the site, where required by the Development Authority, an appropriate fence not less than 1.5 m (5.0 ft.) in height.

### **8.32 SHOW HOMES**

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

### **8.33 SMALL RADIO COMMUNICATIONS FACILITIES**

- 1) A Small Radio Communication Facility, where allowed as a discretionary use under this Bylaw, shall require an application for a development permit and may be approved provided that the structure and apparatus:
  - a. have Industry Canada approval;
  - b. be camouflaged and, as far as possible, have the appearance and aesthetic of other buildings permitted in the District;
  - c. meet the setback requirements of the District or meet setback requirements that are satisfactory to the Development Authority;
  - d. be limited to a maximum height of 18.0 m (59.0 ft.) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
  - e. be a free-standing, ground-mounted unit;



- f. notwithstanding (e) above, a roof-mounted unit shall be allowed where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft.) from the typical ground surface to its highest point;
  - g. be located in a rear yard only;
  - h. not be illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
  - i. be landscaped to screen the base of the antenna and reduce the negative visual impact on adjacent properties. The Development Authority may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Authority, such measures would reduce potential negative visual impact of the structure on adjacent properties.
- 2) All Telecommunication Facilities shall have landscaping that reflects the typical landscaping in the District.
  - 3) The development of all Telecommunication Facilities shall follow the regulations of Industry Canada including public consultation as required.

### 8.34 SOLAR ENERGY COLLECTION SYSTEMS

- 1) Location
  - a. Ground mounted solar collectors shall be located in a side or rear yard only.
  - b. When a solar energy collection system is installed on a lot, accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion that:
    - i. is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 12-foot obstruction located on the lot line; and
    - ii. has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.
- 2) **SECTION 8.34.1** above does not apply to structure or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

### 8.35 SUITE, GARAGE

- 1) A garage suite shall only be allowed on a lot occupied by a single detached dwelling.
- 2) A garage suite shall not be constructed on a lot with a duplex, row housing or apartment housing.
- 3) A maximum of one (1) garage suite shall be permitted on any single detached dwelling lot.
- 4) A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m<sup>2</sup> (860.0 ft<sup>2</sup>).

- 5) A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage suite.
- 6) The minimum floor area for an at-grade garage suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 7) The minimum floor area for an above-grade suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 8) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 9) A garage suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet and bathing facilities.
- 10) A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 11) At-grade garage suites shall be a maximum height of 4.5 m (14.8 ft.).
- 12) Above-grade garage suites shall be a maximum height of 5.5 m (18.0 ft.) for suites with a flat roof, and 7.3 m (24.0 ft.) for suites with a sloped roof, provided that the maximum height is not higher than the height of the main dwelling.
- 13) A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.
- 14) No additional approach will be permitted to provide access or egress to the suite.

### **8.36 SUITE, GUEST HOUSE**

- 1) A maximum of one guest house may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 2) A guest house shall only be allowed on a lot occupied by a single detached dwelling.
- 3) A guest house shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.
- 4) If a permit for a guest house is approved by the Development authority then no additional garage suite, in-law suite or secondary suite shall be allowed on the same lot.
- 5) Notwithstanding any other provisions in this Bylaw, a guest house shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
- 6) The exterior finish of a guest house must be well maintained and consistent with the finish of the primary building.
- 7) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the guest house.
- 8) A guest house includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.
- 9) The minimum floor area for a guest house shall be 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 10) A guest house shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m<sup>2</sup> (860.0 ft<sup>2</sup>) in floor area.
- 11) Guest houses shall have a maximum height of 4.3 m (14.1 ft.).

- 12) A minimum of three (3) on-site parking spaces shall be required for lots with approved guest house development. Tandem parking may be permitted at the discretion of the Development Authority.
- 13) Windows contained within a guest house shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
  - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Guest house window on an abutting site;
  - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
  - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property
- 14) A guest house shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
- 15) No additional approach will be permitted to provide access or egress to the suite.

### **8.37 SUITE, IN-LAW**

- 1) An in-law suite shall be restricted to a site occupied by a single detached dwelling or a duplex.
- 2) A guest house shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.
- 3) A maximum of one in-law suite shall be permitted on any single detached dwelling or duplex dwelling lot.
- 4) An in-law suite shall remain accessory to and subordinate to the primary dwelling.
- 5) The floor area of the in-law suite shall not exceed 30 percent (30%) of the existing living area of the primary dwelling unit or 80 m<sup>2</sup> (861.1 ft<sup>2</sup>) in floor area on a residential lot, whichever is the lesser;
- 6) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.
- 7) An in-law suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- 8) An in-law suite does not have an entrance separate from the entrance to the main dwelling.
- 9) The minimum floor area for an in-law suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 10) No additional approach will be permitted to provide access or egress to the suite.

### **8.38 SUITE, SECONDARY**

- 1) A secondary suite shall be restricted to a site occupied by a single detached dwelling or a duplex.
- 2) A secondary suite shall not be constructed within Row housing or Apartment housing.
- 3) A maximum of one secondary suite is permitted on any single detached dwelling lot.
- 4) A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m<sup>2</sup> (860.1 ft<sup>2</sup>)

- 5) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 6) A secondary suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- 7) A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
- 8) A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.
- 9) The minimum parcel size for a secondary suite is 360.0 m<sup>2</sup> (3875.0 ft<sup>2</sup>).
- 10) The minimum lot width requirement for secondary suites is 12.2 m (40.0 ft.).
- 11) The minimum area for a secondary suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 12) Prior to development permit approval the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 13) One on-site parking stall shall be provided for the secondary suite, in addition to the parking requirements for the main dwelling pursuant to this Bylaw. Tandem parking may be permitted at the discretion of the Development Authority.
- 14) No additional approach will be permitted to provide access or egress to the suite.



**FIGURE 25: EXAMPLES OF DIFFERENT TYPES OF SUITES**

### 8.39 SUITE, SURVEILLANCE

- 1) The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
  - a. A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the main use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, main development/land uses on adjacent properties and shall not interfere with future main development/land uses of adjacent properties.
  - b. Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or parcel.
  - c. Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
    - i. a minimum of 1.8 m (6.0 ft.) from any buildings; and
    - ii. a minimum of 1.8 m (6.0 ft.) from the rear and side property lines; and
    - iii. no closer than the front line of the main building to the front property line.
  - d. The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.6 m<sup>2</sup> (500.0 ft<sup>2</sup>).
  - e. The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

#### **8.40 SWIMMING POOLS AND HOT TUBS**

- 1) Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private in ground swimming pool or hot tub. All private swimming pools and hot tubs equal to or greater than 60.96 cm (24.0 inches) in depth require building and safety code approval(s). If the Alberta Building and Safety Code Act is revised to change the requirements for a building permit for a pool or hot tub then the current building and safety code requirements will apply.
- 2) Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- 3) Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests.
- 4) No private swimming pool or hot tub may be constructed except within an enclosed building unless it is entirely fenced, except that a wall of a building may be considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (6.0 ft.) in height for the length that it replaces the fence.
- 5) Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (6.0 ft.) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.

- 6) No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

## 8.41 VEHICLE WASHING ESTABLISHMENTS

- 1) A person applying to develop a site as a car washing establishment where allowed under this Bylaw shall comply with the following provisions of this section.
- 2) Site Location
  - a. In addition to those Districts where vehicle washing establishments are permitted or discretionary, a vehicle washing establishment may be allowed as a discretionary use as part of a shopping centre if the Development Officer is satisfied that it will not adversely affect an adjoining land use or the function for the shopping centre in relation to traffic circulation.
- 3) Site Area
  - a. The minimum site area shall be 557.4 m<sup>2</sup> (6,000.0 ft<sup>2</sup>) and shall contain storage space for ten (10) vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, a minimum site area shall be 1115 m<sup>2</sup> (12,000 ft<sup>2</sup>).
- 4) Site and Building Requirements
  - a. All site and building requirements as they pertain to drive-in businesses shall also apply to vehicle washing establishments and shall be to the satisfaction of the Development Authority.

## 8.42 WIND CONVERSION SYSTEMS, LARGE

- 1) Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
  - a. any adjacent municipality should the proposed development be located within 2 km (1.2 mi.) of the municipality; and
  - b. landowners within 2 km (1.2 mi.) of the proposed development.
- 2) When making an application for a development permit for a Large Wind Energy Conversion System, the developer shall provide to the Development Authority appropriate reports and/or approvals from the following:
  - a. Transport Canada;
  - b. Nav Canada;
  - c. Alberta Culture and Tourism;
  - d. Alberta Environment and Parks; and
  - e. Alberta Transportation.
- 3) Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of this Bylaw.
- 4) A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the district in which it is located.

- 5) Where, in the opinion of the Development Authority, the setbacks referred to in **SECTION 8.41.4** are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
- 6) The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
- 7) The minimum vertical blade clearance from grade shall be 7.4 m (24.6 ft.) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.
- 8) To ensure public safety, the Development Authority may require that:
  - a. a secure fence not less than 1.8 m (5.9 ft.) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
  - b. no ladder or permanent tower access device be located less than 3.7 m (12.1 ft.) from grade;
  - c. a locked device be installed on the tower to preclude access to the top of the tower; and
  - d. such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the sole discretion of the Development Authority, make unnecessary the above requirements.

- 9) All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.
- 10) Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the sole requirements of the Development Authority.
- 11) No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the sole discretion of the Development Authority.
- 12) The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
  - a. information provided in the application;
  - b. the proximity of the proposed development to other land uses;
  - c. the cumulative effect of all wind energy conversion systems approved or proposed in the area;
  - d. underlying utilities; and
  - e. information received from the circulation of the application and from the public.



- 13) Large wind energy systems must comply with applicable air traffic safety regulations. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process.

#### **8.43 WIND CONVERSION SYSTEMS, MICRO**

- 1) Notwithstanding any other provision in this Land Use Bylaw, micro wind energy conversion systems, which are systems which have a rated capacity of less than 0.5 kW, may only be roof-mounted or ground-mounted within a side or rear yard.
- 2) Micro wind energy conversion systems shall be required to conform to setback requirements for accessory buildings.
- 3) Maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.
- 4) One micro wind energy conversion system is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

#### **8.44 WIND CONVERSION SYSTEMS, SMALL**

- 1) Small wind energy conversion systems shall only be allowed as accessory developments.
- 2) For property sizes between 0.1 ha (0.25 ac.) and 0.2 ha (0.5 ac.) the wind turbine tower height shall be limited to 25.0 m (82.0 ft.). For property sizes of 0.2 ha (0.5 ac.) or more, there is no limitation on wind turbine tower height, subject to the set-back requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.
- 3) The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (9.8 ft.) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.6 ft.) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
- 4) The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except during short-term events such as utility outages and/or severe wind storms.
- 5) Development permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.
- 6) Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Nav Canada.

- 7) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.
- 8) No small wind energy system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.
- 9) One Small Wind Energy System is allowed per single detached dwelling on a lot.

#### **8.45 WORK CAMPS**

- 1) Work camps may be allowed in Districts where they are listed as discretionary uses only:
  - a. in areas within or immediately adjacent to existing hamlets;
  - b. where the development of a work camp will not unduly conflict with adjacent uses and/or developments; and
  - c. where the development of a work camp will extend or upgrade municipal services.
- 2) Notwithstanding any other provision in this Bylaw, project-oriented work camps of fifteen (15) sleeping units or less may be permitted for a maximum of twenty-eight (28) days.
- 3) All work camps shall be considered temporary developments.
- 4) All work camps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- 5) No development permit for a work camp shall be approved unless:
  - a. it is for a temporary period of time as specified by the Development Authority;
  - b. all required access provisions are provided to the satisfaction of the Development Authority at the sole cost to the developer;
  - c. the developer provides undertakings and guarantees acceptable to the Development Authority, that the work camp will be removed and the subject site returned to its state before the work camp was developed upon its removal; and
  - d. it is an accessory development to an approved industrial or commercial development for construction employees and located on the site of that industrial or commercial development.
- 6) The Development Authority may establish whatever conditions for the approval of a work camp that it, at its sole discretion, deems reasonable to ensure the work camp will be a temporary development.
- 7) The Development Authority may, at its sole discretion, establish any conditions of approval for a work camp to ensure that the site of the development will be restored to its previous situation after the development ceases operations.
- 8) Work camps shall not be allowed in close proximity to residential developments, determined at the sole discretion of the Development Authority.

- 9) All parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority.
- 10) All points of access and egress shall be located to the satisfaction of the Development Authority.
- 11) Maximum parcel coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and such area as required for landscaping as determined by the Development Authority.
- 12) Adjacent buildings in work camps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
- 13) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.

## 9 ESTABLISHMENT OF DISTRICTS

1) For the purpose of this Bylaw, the Town of Smoky Lake is divided into the following Districts:

<b>R1</b>	<b>RESIDENTIAL LOW DENSITY SINGLE DETACHED DISTRICT</b>
<b>R2</b>	<b>RESIDENTIAL MEDIUM LOW DENSITY DISTRICT</b>
<b>R3</b>	<b>RESIDENTIAL HIGH MEDIUM DENSITY DISTRICT</b>
<b>RMH1</b>	<b>RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT</b>
<b>RMH2</b>	<b>RESIDENTIAL MANUFACTURED HOME PARK DISTRICT</b>
<b>C1</b>	<b>CENTRAL COMMERCIAL DISTRICT</b>
<b>C2</b>	<b>SECONDARY COMMERCIAL DISTRICT</b>
<b>C3</b>	<b>HIGHWAY COMMERCIAL DISTRICT</b>
<b>M</b>	<b>INDUSTRIAL DISTRICT</b>
<b>PR</b>	<b>PARKS AND RECREATION DISTRICT</b>
<b>I</b>	<b>INSTITUTIONAL DISTRICT</b>
<b>U</b>	<b>URBAN RESERVE DISTRICT</b>
<b>DC</b>	<b>DIRECT CONTROL DISTRICT</b>

- 2) The boundaries of the districts listed in this Bylaw are as delineated on the Land Use District Map, being Section 14 hereto.
- 3) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
- a. **RULE 1** Where a boundary is shown as following a road, lane, railroad line, or water course, it shall be deemed to follow the centre line thereof.
  - b. **RULE 2** Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
  - c. **RULE 3** In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:
    - i. where dimensions are set out on the Land Use District Map, by the dimensions so set, or
    - ii. where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

- 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 any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- 5) After the Council has fixed a District boundary pursuant to the provisions of **SECTION 9.4**, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- 6) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

## 10 RESIDENTIAL DISTRICTS

### 10.1 R1 – RESIDENTIAL LOW DENSITY DISTRICT

#### 1) GENERAL PURPOSE

To allow for the development of low density single detached dwellings and associated uses.

#### 2) USES

PERMITTED	DISCRETIONARY
Buildings and uses accessory to permitted uses	Bed and breakfast
Day homes	Buildings and uses accessory to discretionary uses
Dwellings, single detached	Family care facilities
Essential public service	Home occupation, major
Home occupation, minor	Neighbourhood commercial developments
Public parks	Places of worship
Solar energy conversion systems	Public or quasi-public buildings or uses
Wind energy conversion systems, micro	Public utilities
	Public utility buildings
	Sea cans (temporary only)
	Show homes
	Small radio communications towers
	Suites, garage
	Suites, guest house
	Suites, in-law
	Suites, secondary
	Other uses that, in the opinion of the development authority, are similar to the permitted and discretionary uses of this district

#### 3) REGULATIONS

MINIMUM LOT REQUIREMENTS	
LOT AREA (WITH LANES)	577 m <sup>2</sup> (6,000 ft <sup>2</sup> )
LOT AREA (WITHOUT LANES)	604 m <sup>2</sup> (6,500 ft <sup>2</sup> )
LOT WIDTH	15 m (49.2 ft.)

MINIMUM GROUND FLOOR AREA	
1 STOREY	85 m <sup>2</sup> (915 ft <sup>2</sup> )
1 ½ STOREY & SPLIT LEVEL	120 m <sup>2</sup> (1,184 ft <sup>2</sup> )
2 STOREY	130 m <sup>2</sup> (1400 ft <sup>2</sup> )

**MINIMUM YARD REQUIREMENTS**

SIDE YARD (NON-CORNER LOT)	10% OF THE LOT WIDTH Up to a maximum of 1.5 m (4.9 ft.) for each side, except that a dwelling without an attached garage that is located on a lot not served by a lane shall have one unobstructed side yard of at least 3 m (9.8 ft.)
SIDE YARD (CORNER LOT ABUTTING A ROAD)	4.5 m (14.6 ft.)
FRONT YARD	7.5 m (24.6 ft.)
REAR YARD	7.5 m (24.6 ft.)

**MAXIMUM LOT COVERAGE**

ALL BUILDINGS	35%
ACCESSORY BUILDINGS AND DETACHED GARAGES	15%

**MAXIMUM HEIGHT**

DWELLINGS	9 m (29.5 ft.)
ACCESSORY BUILDINGS AND USES	4.5 m (14.7 ft.)

**PARKING**

Parking spaces shall not be permitted to locate in the front yard of any lot unless otherwise allowed by the Development Authority.

**ALL OTHER SITE REQUIREMENTS**

All other site requirements shall be determined by the Development Authority.

## 10.2 R2 – RESIDENTIAL MEDIUM DENSITY DISTRICT

### 1) GENERAL PURPOSE

To allow for the development of a variety of low to medium density dwellings and accessory uses including small single detached dwellings and duplexes.

### 2) USES

PERMITTED	DISCRETIONARY
Buildings and uses accessory to permitted uses	Bed and breakfast
Day homes	Buildings and uses accessory to discretionary uses
Dwellings, single detached	Day care facilities
Essential public service	Dwellings, duplexes
Home occupation, minor	Family care facilities
Public parks	Group care facilities
Solar energy conversion systems	Home occupation, major
	Neighbourhood commercial developments
	Place of worship
	Public or quasi-public buildings or uses
	Public utilities
	Public utility buildings
	Sea cans (temporary only)
	Show homes
	Small radio communications towers
	Suites, garage
	Suites, in-law
	Suites, secondary
	Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

### 3) REGULATIONS – SINGLE DETACHED DWELLINGS

MINIMUM LOT REQUIREMENTS	
LOT AREA	460 m <sup>2</sup> (4951 ft <sup>2</sup> )
LOT WIDTH	15 m (49.2 ft.)

MINIMUM GROUND FLOOR AREA	
1 STOREY	75.0 m <sup>2</sup> (807 ft <sup>2</sup> )
1 ½ STOREY & SPLIT LEVEL	93 m <sup>2</sup> (1001 ft <sup>2</sup> )
2 STOREY	110 m <sup>2</sup> (1184 ft <sup>2</sup> )



MINIMUM YARD REQUIREMENTS	
SIDE YARD (NON-CORNER LOT)	10% OF THE LOT WIDTH Up to a maximum of 1.5 m (4.9 ft.) for each side, except that a dwelling without an attached garage that is located on a lot not served by a lane shall have one unobstructed side yard of at least 3 m (9.8 ft.)
SIDE YARD (CORNER LOT ABUTTING A ROAD)	4.5 m (14.6 ft.)
FRONT YARD	7.5 m (24.6 ft.)
REAR YARD	7.5 m (24.6 ft.)

MAXIMUM LOT COVERAGE	
DWELLINGS	30%
ACCESSORY BUILDINGS AND GARAGES	12%

MAXIMUM HEIGHT	
DWELLINGS	9 m (29.5 ft.)
ACCESSORY BUILDINGS AND USES	4.5 m (14.7 ft.)
OTHER BUILDINGS AND USES	AS ALLOWED BY THE DEVELOPMENT AUTHORITY

PARKING	
Parking spaces shall not be permitted to locate in the front yard of any lot unless otherwise allowed by the Development Authority.	

ALL OTHER SITE REQUIREMENTS	
All other site requirements shall be determined by the Development Authority.	

#### 4) REGULATIONS – DUPLEXES

MINIMUM LOT REQUIREMENTS	
LOT AREA (FOR EACH DWELLING IN A SIDE-BY-SIDE DUPLEX)	325 m <sup>2</sup> (3498 ft <sup>2</sup> )
LOT AREA (FOR EACH DWELLING IN A UP-AND-DOWN DUPLEX)	603 m <sup>2</sup> (6491 ft <sup>2</sup> )
LOT WIDTH (FOR EACH DWELLING IN A SIDE-BY-SIDE DUPLEX)	9.14 m (30 ft.)
LOT WIDTH (FOR EACH DWELLING IN A UP-AND-DOWN DUPLEX)	18.3 m (60 ft.)

MINIMUM GROUND FLOOR AREA	
1 STOREY	75.0 m <sup>2</sup> (807 ft <sup>2</sup> )
1 ½ STOREY & SPLIT LEVEL	93 m <sup>2</sup> (1001 ft <sup>2</sup> )
2 STOREY	110 m <sup>2</sup> (1184 ft <sup>2</sup> )

MINIMUM YARD REQUIREMENTS	
SIDE YARD (NON-CORNER LOT)	10% OF THE LOT WIDTH Up to a maximum of 1.5 m (4.9 ft.) for each side
SIDE YARD (CORNER LOT ABUTTING A ROAD)	4.5 m (14.6 ft.)
FRONT YARD	6 m (19.7 ft.) Except that, in new subdivisions, the minimum required front yard may be varied by the Development Authority in order to increase the visual attractiveness of the District
REAR YARD	7.5 m (24.6 ft.) Or as required by the Development Authority

MAXIMUM LOT COVERAGE	
ALL BUILDINGS	40%

MAXIMUM HEIGHT	
DWELLINGS	9 m (29.5 ft.)
ACCESSORY BUILDINGS AND USES	4.5 m (14.7 ft.)
OTHER BUILDINGS AND USES	AS ALLOWED BY THE DEVELOPMENT AUTHORITY

PARKING	
Parking spaces shall not be permitted to locate in the front yard of any lot unless otherwise allowed by the Development Authority.	

ALL OTHER SITE REQUIREMENTS	
All other site requirements shall be determined by the Development Authority.	

5) REGULATIONS – OTHER USES

ALL SITE REQUIREMENTS	
All site requirements shall be determined by the Development Authority.	

### 10.3 R3 – RESIDENTIAL HIGH DENSITY DISTRICT

#### 1) GENERAL PURPOSE

To permit development of a variety of medium to high density dwellings and accessory uses.

#### 2) USES

PERMITTED	DISCRETIONARY
Bed and breakfast	Assisted care housing
Buildings and uses accessory to permitted uses	Boarding/lodging houses
Day homes	Buildings and uses accessory to discretionary uses
Dwellings, apartments	Day care facilities
Dwellings, duplexes	Dwellings, single detached
Dwellings, fourplexes	Family care facilities
Dwelling, row housing	Group care facilities
Essential public service	Home occupations – Major
Home occupations – Minor	Mixed Use Developments
Public parks	Neighbourhood commercial developments
Suite, Secondary	Places of worship
Solar energy conversion systems	Public or quasi-public buildings or uses
Wind energy conversion systems, micro	Public utilities
	Public utility buildings
	Sea cans (temporary only)
	Show homes
	Small homes
	Other uses that, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District

#### 3) REGULATIONS – SINGLE DETACHED DWELLINGS

##### ALL SITE REQUIREMENTS

All requirements for single detached dwellings in the R3 – Residential High Density District will be as provided for in the R2 – Residential Medium Density District (**SECTION 10.2** of this bylaw).

#### 4) REGULATIONS – DUPLEXES

##### ALL SITE REQUIREMENTS

All requirements for single detached dwellings in the R3 – Residential High Density District will be as provided for in the R2 – Residential Medium Density District (**SECTION 10.2** of this bylaw).

5) REGULATIONS – FOURPLEX

MINIMUM LOT REQUIREMENTS	
LOT AREA (FOR EACH DWELLING IN A SIDE-BY-SIDE DUPLEX)	1,300 m <sup>2</sup> (13,992 ft <sup>2</sup> )
LOT AREA (FOR EACH DWELLING IN A UP-AND-DOWN DUPLEX)	AT THE DISCRETION OF THE DEVELOPMENT AUTHORITY

ALL OTHER SITE REQUIREMENTS
All other requirements for fourplex dwellings in the R3 – Residential High Density District will be as provided for duplex developments in the R2 – Residential Medium Density District ( <b>SECTION 10.2</b> of this bylaw).

6) REGULATIONS – ROW HOUSING

MINIMUM LOT REQUIREMENTS	
LOT AREA (FOR EACH INTERNAL DWELLING)	185 m <sup>2</sup> (1,991 ft <sup>2</sup> )
LOT AREA (FOR EACH END DWELLING UNIT)	232 m <sup>2</sup> (2,497 ft <sup>2</sup> )
LOT AREA (FOR EACH DWELLING UNIT WITH A SIDE YARD ABUTTING A ROAD)	278 m <sup>2</sup> (2,992 ft <sup>2</sup> )
LOT WIDTH	7.6 m (24.9 ft.)

MINIMUM FLOOR AREA	
MINIMUM GROUND FLOOR AREA FOR A DWELLING UNIT	55 m <sup>2</sup> (592 ft <sup>2</sup> )
MINIMUM GROSS FLOOR AREA FOR A DWELLING UNIT	92 m <sup>2</sup> (991 ft <sup>2</sup> )

MINIMUM BUILDING SEPARATION	
MINIMUM SEPARATION BETWEEN BUILDINGS	The minimum distance separation between dwellings with 6 dwelling units shall be the same as the maximum height of the dwelling.

MAXIMUM HEIGHT	
ALL DWELLINGS	9.0 m (29.5 ft.)

MAXIMUM LOT COVERAGE	
DWELLINGS	35%
ACCESSORY BUILDINGS AND GARAGES	12%

### OUTDOOR LIVING SPACE

Each dwelling unit shall have an outdoor living space with a minimum depth of 7.5 m (24.6 ft.). A minimum of 4.5 m (14.7 ft.) of this depth must be designed for the exclusive use of the occupants of the dwelling unit. This may be achieved by the provision of fences or landscaping as required by the Development Authority.

### ARRANGEMENT AND SPACING OF DWELLING UNITS

The main entry for every dwelling unit must be separate and be directly accessible to ground level.  
 Windows of all habitable rooms shall be separated by a minimum of 3 m (9.8 ft.) from any other window or wall.  
 All other site requirements shall be determined by the Development Authority.

### MAXIMUM DENSITY

30 dwelling units per hectares (12 dwelling units per acre)

### MAXIMUM NUMBER OF DWELLING UNITS IN A DEVELOPMENT

6 dwelling units

### MINIMUM YARD REQUIREMENTS

The minimum yards shall be as they apply to single detached developments in this District, except that no side yard shall be less than 3.0 m (9.8 ft.), and on Corner lots, the minimum side yard shall be no less than 4.5 m (14.7 ft.) on the side abutting the road.  
 In new subdivisions, the minimum required front yard may be varied by the Development Authority in order to increase the visual attractiveness of the District.

### ALL OTHER SITE REQUIREMENTS

All other requirements for fourplex dwellings in the R3 – Residential High Density District will be as provided for duplex developments in the R2 – Residential Medium Density District (**SECTION 10.2** of this bylaw).

## 7) REGULATIONS – APARTMENTS

### MINIMUM LOT REQUIREMENTS

LOT AREA	800 m <sup>2</sup> (8610 ft. <sup>2</sup> )
LOT WIDTH	21 m (69 ft.)

### MINIMUM YARD REQUIREMENTS

SIDE YARD (NON-CORNER LOT)	15% OF THE LOT WIDTH With a minimum of 3 m (9.8 ft.) on each side, or as required by the Development Authority
SIDE YARD (CORNER LOT ABUTTING A ROAD)	4.5 m (14.6 ft.)
FRONT YARD	9 m (29.5 ft.) Or as required by the Development Authority
REAR YARD	7.5 m (24.6 ft.)

	Or as required by the Development Authority
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### MAXIMUM HEIGHT

APARTMENTS	13.7 m (45.0 ft.) OR 3 STOREYS
ACCESSORY BUILDINGS AND USES	4.5 m (14.7 ft.)

### MINIMUM FLOOR AREA AND LOT AREA REQUIREMENTS PER DWELLING UNIT

TYPE OF DWELLING UNIT	FLOOR AREA	LOT AREA
BACHELOR	42 m <sup>2</sup> (452 ft <sup>2</sup> )	85 m <sup>2</sup> (915 ft <sup>2</sup> )
ONE BEDROOM	55 m <sup>2</sup> (592 ft <sup>2</sup> )	115 m <sup>2</sup> (1238 ft <sup>2</sup> )
TWO OR MORE BEDROOM	70 m <sup>2</sup> (753 ft <sup>2</sup> )	160 m <sup>2</sup> (1722 ft <sup>2</sup> )

### MINIMUM AMENITY AREAS

TYPE OF DWELLING UNIT	MINIMUM AMENITY AREA
BACHELOR	18.0 m <sup>2</sup> (194 ft <sup>2</sup> )
ONE BEDROOM	28.0 m <sup>2</sup> (301 ft <sup>2</sup> )
TWO OR MORE BEDROOM	70.0 m <sup>2</sup> (753 ft <sup>2</sup> )

Side yards shall not be considered as part of or contributing to the amenity area.

The site of amenity area shall be subject to the approval of the Development Authority.

The area of balconies and recreational facilities within the building can be considered part of the amenity area.

### MAXIMUM LOT COVERAGE

ALL DEVELOPMENTS	35%
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### LANDSCAPING

Landscaping shall be required to the satisfaction of the Development Authority.

## 9) REGULATIONS – SMALL HOMES

### MINIMUM FLOOR AREA

MINIMUM GROUND FLOOR AREA	74.9 m <sup>2</sup> (806 ft <sup>2</sup> )
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### MINIMUM YARD REQUIREMENTS

SIDE YARD (NON-CORNER LOT)	10% OF THE LOT WIDTH Up to a maximum of 1.5 m (4.9 ft.) for each side, except a Dwelling without an attached garage that is located on a
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	lot not served by a lane shall have one unobstructed side yard of at least 3 m (9.8ft.)
SIDE YARD (CORNER LOT ABUTTING A ROAD)	4.5 m (14.6 ft.)
FRONT YARD	7.5 m (29.5 ft.)
REAR YARD	7.5 m (24.6 ft.)

### MAXIMUM LOT COVERAGE

DWELLINGS	30%
ACCESSORY BUILDINGS AND GARAGES	12%

### MAXIMUM HEIGHT

DWELLINGS	9 m (29.5 ft.)
ACCESSORY BUILDINGS AND USES	4.5 m (14.7 ft.)
OTHER BUILDING AND USES	AS ALLOWED BY THE DEVELOPMENT AUTHORITY

### PARKING

Parking spaces shall not be permitted to be located in the front yard of any lot unless otherwise allowed by the Development Authority.

### ALL SITE REQUIREMENTS

All site requirements shall be as determined by the Development Authority.

## 10) REGULATIONS – OTHER USES

### ALL SITE REQUIREMENTS

All site requirements shall be as determined by the Development Authority.

## 10.4 RMH1 – RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

### 1) GENERAL PURPOSE

To permit the development of manufactured home subdivisions, in which each unit is located on a separate lot.

### 2) USES

PERMITTED	DISCRETIONARY
Buildings and uses accessory to permitted uses	Buildings and uses accessory to discretionary uses
Day homes	Dwellings, single detached
Essential public service	Family care facilities
Home occupations - Minor	Home occupations - Major
Manufactured homes	Neighbourhood commercial developments
Public parks	Public or quasi-public buildings or uses
Solar energy conversion systems	Public parks
Wind energy conversion systems, micro	Public utilities
	Public utility buildings
	Show homes
	Small homes
	Small radio communications towers
	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District

### 3) REGULATIONS

MINIMUM LOT REQUIREMENTS	
LOT AREA (SIDE WIDE)	420.0 m <sup>2</sup> (4520 ft <sup>2</sup> )
LOT AREA (DOUBLE WIDE)	460.0 m <sup>2</sup> (4951 ft <sup>2</sup> )
LOT WIDTH (SINGLE WIDE)	13.0 m (42.6 ft.)
LOT WIDTH (DOUBLE WIDE)	15.0 m (49.2 ft.)

MINIMUM YARD REQUIREMENTS	
FRONT YARD	7.6 m (24.9 ft.)
REAR YARD	3.0 m (9.8 ft.)
SIDE YARD	1.5 m (4.9 ft.) FOR EACH SIDE
CORNER LOTS	4.5 m (14.8 ft.) FOR SIDE ABUTTING A ROAD



MAXIMUM HEIGHT	
MANUFACTURED HOMES AND ACCESSORY USES	4.5 m (14.8 ft.)
ALL OTHER USES	AS ALLOWED BY THE DEVELOPMENT AUTHORITY

MAXIMUM LOT COVERAGE	
MANUFACTURED HOMES	32%
ACCESSORY USES	12%
ALL OTHER USES	AS ALLOWED BY THE DEVELOPMENT AUTHORITY

ALL OTHER SITE REQUIREMENTS	
All attached structures, such as sundecks, additions, and skirtings shall be designed and erected as to harmonize with the manufactured home.	
The undercarriage of each manufactured home unit shall be skirted with a suitable material that complements the external finish of the manufactured home within 60 days of the placement of the manufactured home on the lot.	
The floor area of porches shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.	
No accessory building, use, or parking space shall be located in the front yard of a dwelling	
The minimum floor area of a manufactured home unit, excluding attached structures, shall be 70 m <sup>2</sup> (753.5 ft <sup>2</sup> ).	
The minimum width of a manufactured home unit shall be 3.65 m. (12 ft.)	
All manufactured home subdivisions shall be designed to the satisfaction of the Development Authority and contain a variety of lot sizes and widths in order to accommodate expandable and double-wide units.	
The following requirements apply to manufactured homes when developed as a manufactured home subdivision:	The hitch and wheels shall be removed within 60 days of the placement of the manufactured home on the lot.
	The manufactured home shall be attached to a permanent foundation or basement, the average height of which does not exceed 1.0 m (3.3 ft.) above grade.
	The minimum height for a permanent foundation or basement shall be 0.15 m (0.5 ft.) above grade.

## 10.5 RMH2 – RESIDENTIAL MANUFACTURED HOME PARK DISTRICT

### 1) GENERAL PURPOSE

To permit and regulate manufactured home parks within stalls provided on a rental basis.

### 2) USES

PERMITTED	DISCRETIONARY
Buildings and uses accessory to permitted uses	Buildings and uses accessory to discretionary uses
Day homes	Dwelling, single detached; for the owner-operator of each mobile home park
Home occupations - Minor	Home occupations - Major
Manufactured home parks	Manufactured homes units not located within a manufactured home park
Public parks	Neighbourhood commercial developments
Solar energy conversion systems	Public or quasi-public buildings or uses
Wind energy conversion systems, micro	Public utilities
	Public utility buildings
	Small radio communications towers
	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District

### 3) REGULATIONS

#### MAXIMUM DENSITY OF MANUFACTURED HOME PARKS

20 MANUFACTURED HOME UNITS PER GROSS HECTARE (8 PER GROSS ACRE)

#### MINIMUM AREA OF MANUFACTURED HOME PARKS

ALL MANUFACTURED HOME PARKS	2.0 ha (4.9 ac.)
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#### MINIMUM STALL SIZE

SINGLE-WIDE	370.0 m <sup>2</sup> (3982 ft <sup>2</sup> )
DOUBLE-WIDE	420.0 m <sup>2</sup> (4520 ft <sup>2</sup> )

#### MINIMUM STALL SETBACK REQUIREMENTS

FRONT	3.0 m (9.8 ft.)
SIDE	3.0 m (9.8 ft.)
REAR	3.0 m (9.8 ft.)

MINIMUM LOT REQUIREMENTS	
LOT AREA (SIDE WIDE)	420.0 m <sup>2</sup> (4520 ft <sup>2</sup> )
LOT AREA (DOUBLE WIDE)	460.0 m <sup>2</sup> (4951 ft <sup>2</sup> )
LOT WIDTH (SINGLE WIDE)	13.0 m (42.6 ft.)
LOT WIDTH (DOUBLE WIDE)	15.0 m (49.2 ft.)
MINIMUM LOT REQUIREMENTS	
FRONT YARD	7.6 m (24.9 ft.)
REAR YARD	3.0 m (9.8 ft.)
SIDE YARD	1.5 m (4.9 ft.) for each side
CORNER LOTS (SIDE ABUTTING A ROAD)	4.5 m (14.8 ft.)
CORNER LOTS (REAR YARD ABUTTING A ROAD)	6.0 m (19.7 ft.)

MAXIMUM HEIGHT	
MANUFACTURED HOMES AND ACCESSORY USES	4.5 m (14.8 ft.)
ALL OTHER USES	as allowed by the Development Authority

MAXIMUM LOT COVERAGE	
MANUFACTURED HOMES	32%
ACCESSORY USES	12%
ALL OTHER USES	as allowed by the Development Authority

ALL OTHER SITE REQUIREMENTS
Every stall shall front onto an internal access road rather than a road.
All internal roads shall have a minimum right-of-way of 10 m (32.8 ft.) with a paved access way of 4.5 m (14.8 ft.). Internal roads shall be properly drained and maintained by the property owner to the satisfaction of the Development Authority.
Stalls, streets, and facilities shall be connected by an all-season pedestrian walkway with a minimum width of 1.0 m (3.3 ft.).
Municipal utilities shall be provided underground to all stalls.
A minimum of two off-street parking spaces shall be provided on each stall.
The location and screening of tourist trailer storage areas, refuse collection points, and common storage areas shall be to the satisfaction of the Development Authority.
Visitor parking spaces shall be provided at convenient locations throughout the manufactured home park at a ratio of one parking space for every two stalls.

All areas of a manufactured home park not occupied by manufactured homes and/or their accessory uses shall be fully landscaped to the satisfaction of the Development Authority.

Each stall shall be clearly marked.

Street lighting shall be to same standard as that in a conventional residential neighbourhood.

Only one main, free-standing, identification sign shall be erected at the entrance to a manufactured home park unless the Development Authority is of the opinion that a further and similar sign shall be allowed under exceptional circumstances involving the layout, location and size of the park in relation to the surrounding areas.

Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.

Each manufactured home shall be placed on a suitable hard-surfaced base within the stall.

Street lighting shall be to same standard as that in a conventional residential neighbourhood.

## 11 COMMERCIAL DISTRICTS

### 11.1 C1 – CENTRAL COMMERCIAL DISTRICT

#### 1) GENERAL PURPOSE

To provide for commercial development appropriate to the central business district of the municipality and involving fairly high density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.

#### 2) USES

PERMITTED	DISCRETIONARY
Buildings and uses accessory to permitted uses	Alcohol retail sales
Community garden	Amusement Establishments, Indoor
Eating and drinking establishments	Auctioneering establishments
Essential public service	Automotive and equipment maintenance and repair shop, light
Government Services	Automotive and Minor Recreational Vehicles Sales / Rental Establishments
Manufacture or treatment of products essential to an adjacent retail business, if the floor space area is not greater than 372.0 m <sup>2</sup> (4000 ft <sup>2</sup> )	Bed and breakfast establishments
Professional, financial, office, and business support service	Buildings and uses accessory to discretionary uses
Personal Service Shop	Bus depot
Public Parks	Cannabis retail sales
Public or quasi-public buildings or uses	Commercial business centre
Public utility	Commercial entertainment facility
Public utility building	Contractor services, limited
Retail Establishments, General	Day care facilities
Solar energy conversion systems	Day homes
Wind energy conversion systems, micro	Drinking establishments
	Drive-in business
	Equipment Rental Establishment (no outdoor storage)
	Funeral Services
	Head Shop
	Health services
	Household repair services
	Hotels
	Mixed use developments
	Nightclubs
	Off-street parking area

	Private clubs
	Protective and emergency services
	Public or quasi-public buildings and uses
	Public parks
	Recreation, indoor
	Sea cans
	Service stations and gas bars
	Sidewalk cafes
	Suites, surveillance
	Veterinary clinic
	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District

### 3) REGULATIONS

MINIMUM LOT REQUIREMENTS	
LOT AREA	280.0 m <sup>2</sup> (3014 ft <sup>2</sup> )
LOT WIDTH	9 m (29.5 ft.)

MAXIMUM HEIGHT	
ALL DEVELOPMENTS	13.7 m (45 ft.)

MAXIMUM LOT COVERAGE	
ALL DEVELOPMENTS	80%

ALL OTHER SITE REQUIREMENTS	
All other site requirements shall be as determined by the Development Authority.	

## 11.2 C2 – SECONDARY COMMERCIAL DISTRICT

### 1) GENERAL PURPOSE

To permit commercial development of a secondary nature, involving workshop-type uses, and, at the discretion of the Development Authority, uses which may require larger sites for their operations.

### 2) USES

PERMITTED	DISCRETIONARY
Alcohol retail sales	Abattoirs, for the purpose of freezing food for distribution only.
Automobile and equipment maintenance repair shop, light	Amusement establishment, indoor
Buildings and uses accessory to permitted uses	Animal hospital
Bus depot	Apiary
Cannabis Retail Sales	Auctioneering Establishments
Community garden	Automotive and equipment supply and repair shop, heavy
Contractor services, limited	Automotive and Minor Recreational Vehicles Sales / Rental Establishments
Crematorium	Buildings and uses accessory to discretionary uses
Drive-in businesses	Car washes
Eating and drinking establishments	Commercial business centre
Essential public service	Commercial entertainment facility
Government services	Commercial school
Head shop	Commercial storage
Health services	Communication tower/antenna
Hotels	Contractor services, general
Manufacture or treatment of products essential to an adjacent retail business, if the floor space area is not greater than 372.0 m <sup>2</sup> (4000 ft <sup>2</sup> )	Day care facility
Municipal service facility	Drinking establishment
Motels	Entertainment establishment
Personal service shop	Funeral services
Private clubs	Off-street parking area
Professional, financial, office, and business support service	Places of worship
Public parks	Recreational vehicle storage facilities
Public or quasi-public buildings or uses	Recycling depots
Public utility	Sea cans
Public utility building	Service stations and gas bars
Retail Establishments, General	Suites, surveillance
Solar energy conversion systems	Trucking and cartage establishments
Wind energy conversion systems, micro	Veterinary clinics

Workshops	Warehouse sales establishment
	Wind energy conversion system, small
	Wireless communications facility
	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District

### 3) REGULATIONS

#### ALL SITE REQUIREMENTS

All site requirements for developments in the C2 – Secondary Commercial District will be as provided for in the C1 – Central Commercial District (**SECTION 11.1** of this bylaw).



### 11.3 C3 – HIGHWAY COMMERCIAL DISTRICT

1) GENERAL PURPOSE

To permit commercial uses which will serve the travelling public.

2) USES

PERMITTED	DISCRETIONARY
Alcohol retail sales	Abattoirs, for the purpose of freezing food for distribution only.
Automobile and equipment maintenance repair shop, light	Amusement establishment, indoor
Automotive and Minor Recreational Vehicles Sales / Rental Establishments	Animal hospital
Buildings and uses accessory to permitted uses	Apiary
Bus depot	Auctioneering establishments
Cannabis retail sales	Automotive and equipment supply and repair shop, heavy
Contractor services, limited	Buildings and uses accessory to discretionary uses
Crematorium	Campgrounds
Drive-in businesses	Campground, recreational vehicle
Eating and drinking establishments	Campground, recreational vehicle (seasonal)
Essential public service	Car washes
Government Services	Commercial business centre
Head shop	Commercial entertainment facility
Health services	Commercial school
Highway commercial uses	Communication tower/antenna
Hotels	Day care facility
Manufacture or treatment of products essential to an adjacent retail business, if the floor space area is not greater than 372.0 m <sup>2</sup> (4000 ft <sup>2</sup> )	Drinking establishment
Municipal service facility	Entertainment establishment
Motels	Funeral services
Personal service shop	Off-street parking area
Professional, financial, office, and business support service	Places of worship
Private clubs	Recreational vehicle storage facilities
Public parks	Sea cans
Public or quasi-public buildings or uses	Service stations and gas bars
Public utility	Suites, surveillance
Public utility building	Veterinary clinics
Retail establishments, general	Wind energy conversion system, small
Solar energy conversion systems	Wireless communications facility

Wind energy conversion systems, micro	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District
Workshops	

### 3) REGULATIONS

MINIMUM LOT REQUIREMENTS	
LOT AREA	280.0 m <sup>2</sup> (3014 ft <sup>2</sup> )
LOT WIDTH	9 m (29.5 ft.)

MINIMUM LOT REQUIREMENTS	
FRONT YARD	6.0 m (19.7 ft.)
REAR YARD	6.0 m (19.7 ft.)
SIDE YARD	1.5 m (4.9 ft.) ON ONE SIDE AND ZERO ON THE OTHER SIDE
CORNER LOTS	6.0 m (19.7 ft.) FOR SIDE ABUTTING ROAD
YARD THAT ABUTS THE PROPERTY LINE OF A RESIDENTIAL DISTRICT	6.0 m (19.7 ft.)

MAXIMUM HEIGHT	
ALL DEVELOPMENTS	13.7 m (45 ft.)

MAXIMUM LOT COVERAGE	
ALL DEVELOPMENTS	40%

SITE ACCESS REQUIREMENTS	
Development within this District shall be located where it may be served directly and efficiently from the lot by collector or arterial roads.	
Heavy vehicle traffic will be discouraged from travelling along local roads through residential neighbourhoods.	
The number of access points provided to each lot shall be to the satisfaction of the Development Authority and the Town's Public Works department.	

ALL OTHER SITE REQUIREMENTS	
All other site requirements shall be as determined by the Development Authority.	



## 12 INDUSTRIAL DISTRICTS

### 12.1 M – INDUSTRIAL DISTRICT

#### 1) GENERAL PURPOSE

To provide opportunities for light industrial and manufacturing uses.

#### 2) USES

PERMITTED	DISCRETIONARY
Animal hospital	Abattoirs
Auctioneering Establishments	Animal breeding and/or boarding facility
Automobile and equipment maintenance repair shop, light	Apiary
Automotive and equipment supply and repair shop, heavy	Buildings and uses accessory to discretionary uses
Buildings and uses accessory to permitted uses	Cannabis production and distribution development
Bus depot	Commercial business centre
Car washes	Commercial school
Contractor services, general	Commercial storage
Contractor services, limited	Commercial entertainment facility
Crematorium	Communication tower/antenna
Drive-in businesses	Funeral services
Eating and drinking establishments	Industrial use, heavy
Essential public service	Licensed industrial hemp production facility
Government Services	Livestock sales yard
Hotels	Manufacturing/processing facility
Industrial use, general	Off-street parking area
Industrial vehicle and equipment sales/rental establishment	Places of worship
Liquor sales and storage establishment	Recreation, indoor
Municipal service facility	Recreation, outdoor motorized vehicle
Oilfield support	Recreational vehicle campground, workcamp
Outdoor storage facility	Recreational vehicle storage facilities
Personal service shop	Recycling facilities
Professional, financial, office, and business support service	Rural farms
Protective and emergency services	Sea cans
Public or quasi-public buildings or uses	Suites, surveillance
Public parks	Trucking and cartage establishments
Public utility	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District
Public utility building	

Recycling depots
Retail establishments, general
Service stations and gas bars
Solar Energy Conversion System
Truck and Recreational Vehicle Sales / Rental Establishments
Vehicle repair establishment
Veterinary clinics
Warehouse sales establishment
Wind energy conversion systems, micro
Wind energy conversion systems, small
Wireless communications facility
Workcamp, project oriented
Workshops

### 3) REGULATIONS

MINIMUM LOT REQUIREMENTS	
LOT AREA	450.0 m <sup>2</sup> (4844 ft <sup>2</sup> )
LOT WIDTH	15.0 m (49.2 ft.)

MINIMUM LOT REQUIREMENTS	
FRONT YARD	10.0 m (32.8 ft.)
REAR YARD	10.0 m (32.8 ft.)
SIDE YARD (ABUTTING A ROAD – NOT A LANE)	6.0 m (19.7 ft.)
SIDE YARD (NOT ABUTTING A ROAD)	3.0 m (9.8 ft.)
YARD THAT ABUTS THE PROPERTY LINE OF A RES. DISTRICT	6.0 m (19.7 ft.)

MAXIMUM HEIGHT	
ALL DEVELOPMENTS	13.7 m (45.0 ft.)

MAXIMUM LOT COVERAGE	
ALL DEVELOPMENTS	60%

EXTERNAL STORAGE REQUIREMENTS	
External storage of goods and/or materials must be kept in a neat and orderly manner or suitably enclosed by a fence or wall.	

## ALL OTHER SITE REQUIREMENTS

All other site requirements shall be as determined by the Development Authority.

## 13 SPECIAL DISTRICTS

### 13.1 PR – PARKS AND RECREATION DISTRICT

#### 1) GENERAL PURPOSE

To permit the use of land for services, mainly of a public nature which have a primary orientation toward the community.

#### 2) USES

PERMITTED	DISCRETIONARY
Buildings and uses accessory to permitted uses	Buildings and uses accessory to discretionary uses
Campgrounds, basic	Campground, recreational vehicle
Public or quasi-public buildings or uses	Campground, recreational vehicle seasonal
Public parks	Cemeteries
Public utility	Eating and drinking establishments which are accessory to permitted or discretionary uses
Public utility building	Public education facility
Recreation, indoor	Recreation, outdoor motorized vehicle
Recreation, outdoor	Sea Cans
Solar energy conversion systems	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District
Wind energy conversion systems, micro	

#### 3) REGULATIONS

##### ALL SITE REQUIREMENTS

ALL SITE REQUIREMENTS SHALL BE AS DETERMINED BY THE DEVELOPMENT AUTHORITY.

##### ALL YARD REQUIREMENTS

ALL YARD REQUIREMENTS SHALL BE AS DETERMINED BY THE DEVELOPMENT AUTHORITY.

##### DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS

If the Development Authority is of the opinion that screening between public/institutional uses and Residential Districts is required, such screening should be achieved with a fence not less than 1.85 m (6.1 ft.) in height. Such a fence shall be aesthetically designed and constructed of materials satisfactory to the Development Authority.

## 13.2 I – INSTITUTIONAL DISTRICT

### 1) GENERAL PURPOSE

To permit development if uses of either a public or private nature which provide services to the community.

### 2) USES

PERMITTED	DISCRETIONARY
Assisted care housing	Buildings and uses accessory to discretionary uses
Buildings and uses accessory to permitted uses	Cemeteries
Essential public service	Private clubs
Government services	Recreation, indoor
Health Services	Recreation, outdoor
Places of Worship	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District
Professional, financial, office, and business support service	
Public education facility	
Public and quasi-public buildings or uses	
Public parks	
Public utility	
Public utility building	
Social care home, major	
Solar energy conversion systems	
Wind energy conversion systems, micro	

### 3) REGULATIONS

#### ALL SITE REQUIREMENTS

All site requirements shall be as determined by the Development Authority.

#### ALL YARD REQUIREMENTS

All YARD requirements shall be as determined by the Development Authority.

#### DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS

If the Development Authority is of the opinion that screening between public/institutional uses and Residential Districts is required, such screening should be achieved with a fence not less than 1.85 m (6.1 ft.) in height. Such a fence shall be aesthetically designed and constructed of materials satisfactory to the Development Authority.

### 13.3 UR – URBAN RESERVE DISTRICT

#### 1) GENERAL PURPOSE

To reserve those lands on the periphery of the Town which by their relationship to existing land uses, to the main road system, and to established utility systems, will in time become suitable for general urban uses.

#### 2) USES

PERMITTED	DISCRETIONARY
Buildings and uses accessory to permitted uses	Any strictly temporary use of building which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically developing the area in the future.
Day homes	Animal hospitals
Dwellings, Single detached (on existing lots only)	Animal breeding and/or boarding facility
Essential public service	Buildings and uses accessory to discretionary uses
Extensive Agriculture	Greenhouses and plant nursery
Home occupation, major	Group care facilities
Home occupation, minor	Group homes
Public and quasi-public buildings or uses	Places of worship
Public parks	Suite, in-law
Public utility	Suite, secondary
Public utility building	Veterinary clinics
Rural farms	Wind energy conversion systems, small
Sea cans	Other uses which, in the opinion of the Development Authority, are similar to the Permitted and Discretionary uses of this District
Small radio communications towers	
Solar energy conversion systems	
Urban Outdoor Farms	
Wind energy conversion systems, micro	
Wireless communications facilities	

#### 3) REGULATIONS

##### SINGLE DETACHED DWELLING SITE REQUIREMENTS

No subdivision or development, other than for the above uses, shall take place until an overall plan for the area has been resolved. This plan should establish an outline plan of subdivision, the proposed land uses, dedications and utilities policies and requirements.



### ALL OTHER SITE REQUIREMENTS

All other site requirements shall be as determined by the Development Authority.

### ALL YARD REQUIREMENTS

All yard requirements shall be as determined by the Development Authority.

### DEVELOPMENT ADJACENT TO RESIDENTIAL DISTRICTS

If the Development Authority is of the opinion that screening between public/institutional uses and Residential Districts is required, such screening should be achieved with a fence not less than 1.85 m (6.1 ft.) in height. Such a fence shall be aesthetically designed and constructed of materials satisfactory to the Development Authority.

## 13.4 DC – DIRECT CONTROL DISTRICT

### 1) GENERAL PURPOSE

To provide for the development of land uses under individually unique or special circumstances requiring site-specific controls where the application of conventional land use districts would be inappropriate or inadequate.

### 2) PERMITTED AND DISCRETIONARY USES

In approving a bylaw for a Direct Control district for a particular site, council shall specify those uses that may be allowed.

### 3) SUBDIVISION DEVELOPMENT REGULATIONS

In approving a bylaw for a Direct Control district for a particular site, Council shall establish the development standards that apply.

### 4) ADMINISTRATIVE PROVISIONS

#### (A) CONDITIONS

This District shall only be applied where the following conditions are met:

- I. The development is, in the opinion of Council, considered appropriate for the site having regard for the policies and objectives of any statutory plans applicable to the site and surrounding area and its compatibility with the scale and character of surrounding development;
- II. The use of any other District on the site would, in the opinion of Council, result in potential conflicts with existing or future surrounding developments, should the full development potential of uses in the District be realized; and
- III. The development is of a unique form or nature not contemplated or reasonably regulated by another District.

#### (B) AMENDMENTS

In addition to the information required by this Bylaw for an amendment application, the applicant shall also provide the following:

- I. Support rationale explaining why the proposed District is desirable for the site having regard for the conditions listed in Part **13.4(4)(a)** above;
- II. A list of uses proposed for the site;
- III. An explanation of the methods used to obtain public input and written documentation of the opinions and concerns of surrounding property owners and residents and how the proposed development responds to those concerns;

- IV. Any other information as required by the Development Authority to evaluate the proposed development and its potential impacts.

### (C) APPROVALS

In approving a bylaw for a Direct Control District for a particular site, Council may specify:

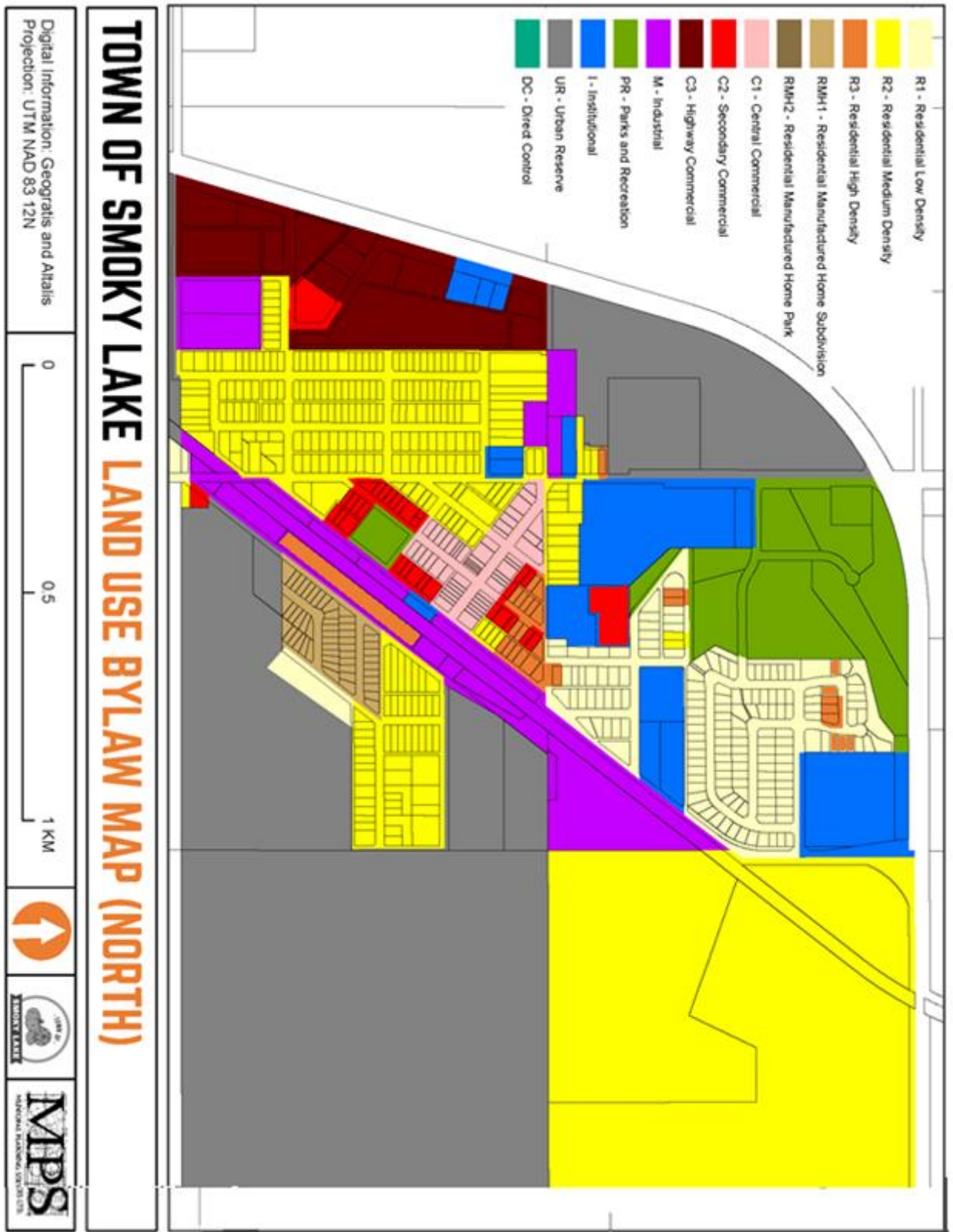
- I. The Development Authority for those uses to be decided upon; and
- II. Those development standards for which a variance may be granted.

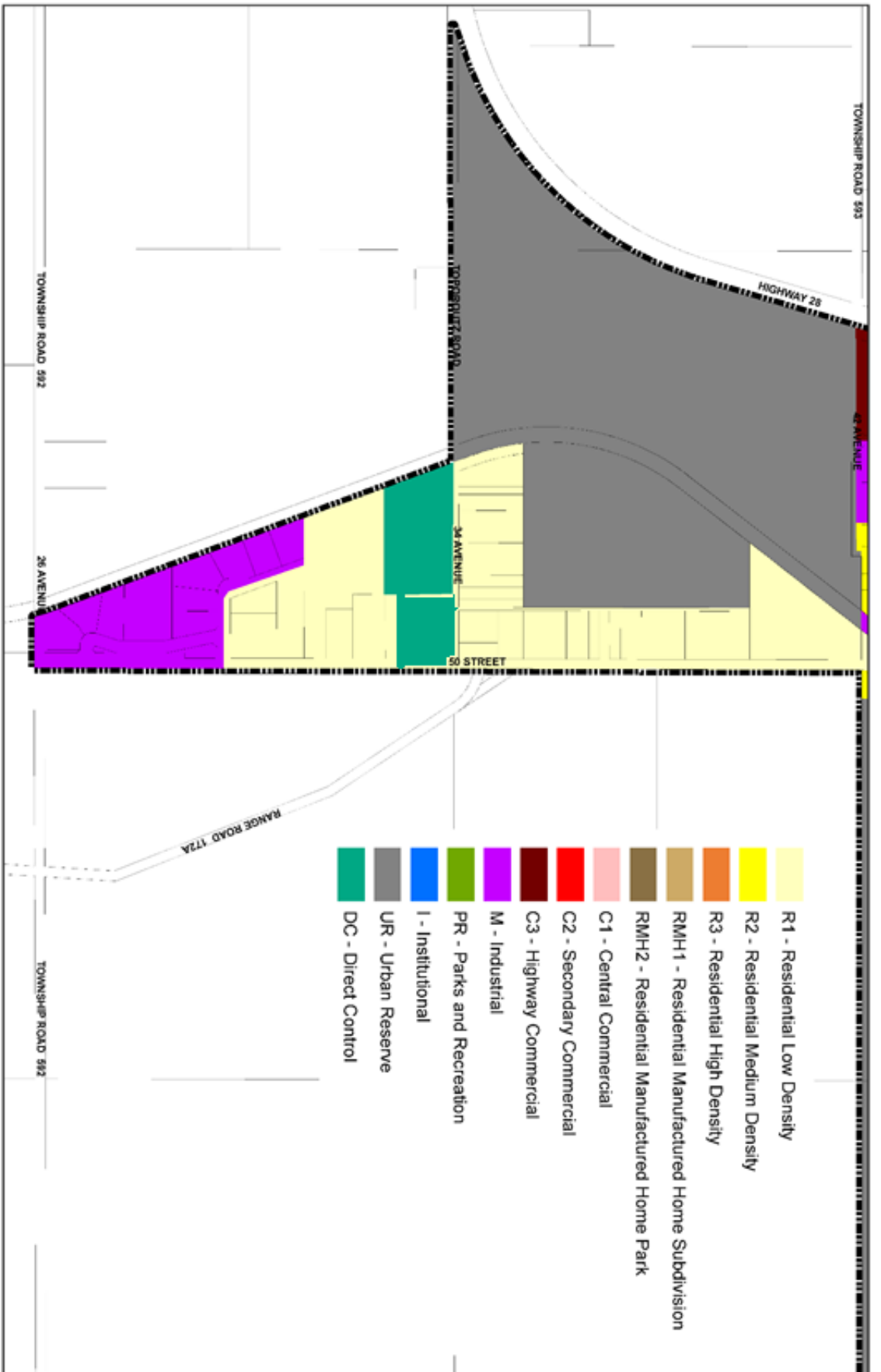
### 5) SITES SUBJECT TO DIRECT CONTROL

The allowable uses and specific regulations for a particular site subject to Direct Control are described in the applicable bylaw (listed below, if any).

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14 LAND USE BYLAW MAPS





# TOWN OF SMOKY LAKE LAND USE BYLAW MAP (SOUTH)

Digital Information: Geogratis and Altalis  
 Projection: UTM NAD 83 12N

0 0.5 1 KM

## 15 DATE OF COMMENCEMENT

### 15.1 REPEALING EXISTING CONTROLS

Bylaw No. 011-06, the Town of Smoky Lake Land Use Bylaw, as amended is hereby repealed.

### 15.2 DATE OF COMMENCEMENT

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

Read a first time in Council this 21<sup>st</sup> day of August, A.D. 2018,

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a second time in Council this 16<sup>th</sup> day of October, A.D. 2018,

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a third time in Council this 16<sup>th</sup> day of October, A.D. 2018,

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

# APPENDIX A - SUSTAINABLE RESOURCE DEVELOPMENT GUIDELINES

## Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

**Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.**

Water Feature	Minimum ER Width <sup>2</sup>	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland <sup>1</sup>	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River (≥ 15m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream (≤ 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

<sup>1</sup> Sustainable Resource Development views the term “swamp” to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).

<sup>2</sup> In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

**Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.**

Hazardous Lands	ER Modifier	Notes
Floodplain	<ul style="list-style-type: none"> <li>The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less.</li> <li>The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley.</li> </ul>	<ul style="list-style-type: none"> <li>Residential development within a floodplain is discouraged.</li> <li>Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines).</li> <li>The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.</li> </ul>
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes (>15%)	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	