

**BYLAW 2021-06  
TOWN OF BLACK DIAMOND**

**A BYLAW TO AUTHORIZE THE REVISION AND CONSOLIDATION OF LAND USE BYLAW 98-14 OF THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

**WHEREAS** Pursuant to the provisions of the Municipal Government Act, Chapter M-26.1, Revised Statutes 2000 (hereinafter called the “Act”), Council of the Town of Black Diamond in the Province of Alberta (hereinafter called the “Council”) has adopted Land Use Bylaw 98-14, which prohibits, regulates and controls the use and development of land and buildings within the Town; and

**WHEREAS** Council has amended Land Use Bylaw 98-14 from time to time; and

**WHEREAS** Council deems it desirable to combine Land Use Bylaw 98-14 with all amending bylaws into a single document under the provisions of Section 63 of the Act; and

**WHEREAS** Council deems it desirable to correct clerical, technical, grammatical, and typographical errors to provide clarity, and to improve expression of Land Use Bylaw 98-14 under the provisions of Section 63 of the Act; and

**WHEREAS** amendments to the Act necessitate revision of the Land Use Bylaw to ensure compliance with the Act; and

**WHEREAS** the Province by Order in Council 015/2020 has approved the annexation of lands from Foothills County into the Town, and pursuant to Section 135(1)(d) of the Act the bylaws of Foothills County that apply specifically to the annexation area continue to apply to the annexed lands; and

**WHEREAS** the Chief Administrative Officer has certified in writing that the revisions were prepared in accordance with the requirements of the Act;

**NOW THEREFORE** the Council enacts as follows:

1. That Land Use Bylaw 98-14 and all amendments thereto as listed in Schedule A be combined into a single Revised Land Use Bylaw.
2. That the numbering format be standardized and cross-references throughout the document be revised accordingly.
3. That typographical errors and omissions be corrected.
4. That references to municipal bylaws and policy, plans, legislation, organizations, entities, legal descriptions and addresses that are all subject to change from time to time be revised to be current as of the date of this bylaw.
5. That timelines and processes for subdivision and development applications and appeals be revised to comply with the Act.
6. That the provisions of Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020, that pertain to the lands annexed into the Town by Order in Council

**BYLAW 2021-06  
TOWN OF BLACK DIAMOND**

015-2020, be referenced in the Revised Land Use Bylaw for the purposes of clarity and convenience.

7. That the Revised Land Use Bylaw text be adopted as shown in Schedule 'B' attached to and forming part of this Bylaw.
8. That the Land Use Map be revised to incorporate the annexation area and be adopted as Schedule 'C' attached to and forming part of this Bylaw
9. That the Flood Risk Mapping approved by Alberta Environment and Parks be referenced as the Flood Risk Map.

This Bylaw will take force and effect upon third and final reading and signing thereof.


**READ A FIRST TIME** this 16<sup>th</sup> day of June A.D. 2021.

**READ A SECOND TIME** this 16<sup>th</sup> day of June A.D. 2021.

**READ A THIRD AND FINAL TIME** this 16<sup>th</sup> day of June A.D. 2021.

  
MAYOR

  
LEGISLATIVE SERVICES MANAGER

  
Date signed

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**WHEREAS** Council deems it desirable to combine Land Use Bylaw 98-14 with all amending bylaws into a single document under the provisions of Section 63 of the Act; and

**WHEREAS** Council deems it desirable to correct clerical, technical, grammatical, and typographical errors to provide clarity, and to improve expression of Land Use Bylaw 98-14 under the provisions of Section 63 of the Act; and

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**WHEREAS** the Chief Administrative Officer has certified in writing that the revisions were prepared in accordance with the requirements of the Act;

**NOW THEREFORE** the Council enacts as follows:

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2. That the numbering format be standardized and cross-references throughout the document be revised accordingly.
3. That typographical errors and omissions be corrected.
4. That references to municipal bylaws and policy, plans, legislation, organizations, entities, legal descriptions and addresses that are all subject to change from time to time be revised to be current as of the date of this bylaw.
5. That timelines and processes for subdivision and development applications and appeals be revised to comply with the Act.
6. That the provisions of Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020, that pertain to the lands annexed into the Town by Order in Council

**BYLAW 2021-06**  
**TOWN OF BLACK DIAMOND**

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This Bylaw will take force and effect upon third and final reading and signing thereof.

**READ A FIRST TIME** this \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_ A.D. 2021.

**READ A SECOND TIME** this \_\_\_\_\_ day of \_\_\_\_\_ May \_\_\_\_\_ A.D. 2021.

**READ A THIRD AND FINAL TIME** this \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_ A.D. 2021.

\_\_\_\_\_  
*Original Signed*  
MAYOR

\_\_\_\_\_  
*Original Signed*  
LEGISLATIVE SERVICES MANAGER

\_\_\_\_\_  
*Month, date, 2020*  
Date signed



**BYLAW 2021-06  
TOWN OF BLACK DIAMOND**

**Schedule A**

| <b>Land Use Map Amendments</b> |                     |  |
|--------------------------------|---------------------|--|
| <b>Bylaw</b>                   | <b>Date Adopted</b> | <b>Description</b>   |
| 98-15                          | August 12, 1998     | Lots 9, 10, & 11, Block 20, Plan 7910374 from R-1 to R-3   |
| 98-16                          | August 12, 1998     | North Portion Lot 25, Block 2, Plan 8010790 from CB-1 to R-1   |
| 98-18                          | August 12, 1998     | SW ¼ 16-20-2-W5 from AG to I   |
| 99-08                          | April 21, 1999      | Ptn. SE 8-20-2-W5 from AG to R-1A, R-3, and CB-2   |
| 00-02                          | February 2, 2000    | Lot 7&8, Block 9, Plan 5533EF from R-1 to R-2  |
| 00-08                          | March 15, 2000      | Lot 25, Block 2, Plan 8010709 from R-1 to R-3  |
| 00-15                          | June 7, 2000        | Ptn. SW 16-20-2-W5 from AG to R-1  |
| 00-16                          | June 7, 2000        | Block B, Plan 2306EB – Site specific amendment allowing a minimum site area of 3,125 ft <sup>2</sup> per semi-detached dwelling. |
| 00-17                          | June 7, 2000        | Block B, Plan 2306EB from CB to R-2  |
| 00-23                          | August 16, 2000     | Ptn. SE 8-20-2-W5 from AG to R-1 and R-2   |
| 01-07                          | March 21, 2001      | Lot 10, Block 10, Plan 4061EC from R-1 to DC-4   |
| 01-26                          | January 16, 2002    | Lot 2, Block 4, Plan 5378ED from R-1 to CB   |
| 02-06                          | May 15, 2002        | Lot 27, Block 4, Plan 5378ED from R-1 to R-2   |
| 02-16                          | December 4, 2002    | Ptn. SE 8-20-2-W5 from R-1 to R-2M   |
| 03-04                          | May 7, 2003         | Lot 5, Block 1, Plan 2298DR from R-1 to R-2  |
| 03-06                          | May 7, 2003         | Ptn SE 8-20-2-W5 from UR to PS (proposed school site)  |
| 04-02                          | March 3, 2004       | Ptn SE 8-20-2-W5 from R-1, R-2, & R-2M to R-1C, UR & PS  |
| 04-14                          | September 1 2004    | Lot 2 & Ptn Lot 1, Block 3, Plan 0011520 from R-3 to R-2X  |
| 04-17                          | January 19, 2005    | Lot 2 & Ptn Lot 1, Block 3, Plan 0011520 from R-2X to R-3  |
| 05-08                          | May 4, 2005         | Plan 041 2341 from R-1 to R-1A   |
| 05-16                          | October 19, 2005    | Lot 2, Block 4, Plan 0513308 from R-2X to R-3  |
| 05-17                          | December 21, 2005   | Plans 0310666, 0512113, 0512374 from I to SC   |
| 05-22                          | February 15, 2006   | Block B, Plan 211LK from CB-1 to R-2   |
| 06-03                          | March 15, 2006      | Ptn. SE 8-20-2-W5 from UR to R-1C and PS   |
| 06-15                          | September 6, 2006   | Block B, Plan 211LK from R-2 to DC-5   |
| 06-19                          | October 18, 2006    | Lots 1-4, Block 5, Plan 2203EH from I to CB  |
| 06-25                          | March 21, 2007      | Lot 2, Block 2, Plan 0011777 from R-3 to DC-6  |
| 06-26                          | January 17, 2007    | Lot 9, Plan 2391EC from R-1 to R-2   |
| 06-27                          | January 17, 2007    | Lot 3, Block 19, Plan 4061EC from R-1 to R-2   |
| 07-03                          | March 21, 2007      | Lots 9-11, Block 20, Plan 7910374 from R-3 to DC-7   |
| 07-11                          | July 18, 2007       | Ptn. Block 8, Plan 2945 HJ from UR to R-4  |

## BYLAW 2021-06 TOWN OF BLACK DIAMOND

|       |                   |  |
|-------|-------------------|--|
| 07-18 | June 21, 2007     | Lots 1&2, Block 3, Plan 0011520 from R-3 to R-2X and R-4   |
| 07-20 | July 18, 2007     | Ptn. SE 8-20-2-W5 from UR to R-1C and PS   |
| 07-23 | July 18, 2007     | Block 10, Plan 0112494 and Lot 21, Block 3 Plan 5378ED from UR and R-1 to R-2X and PS              |
| 07-31 | December 5, 2007  | Block 7, Plan 9812496 from UR to R-2X  |
| 08-02 | February 20, 2008 | Ptn. SE 8-20-2-W5 from PS to R-1C  |
| 08-13 | July 16, 2008     | Lots 9 – 11, Block 20, Plan 7910374 from R-3 to DC-7   |
| 09-01 | April 1, 2009     | Lot 1, Block 4, Plan 5378ED from R-1 to CB   |
| 09-02 | March 4, 2009     | Lot 2 & ½ Lot 3, Block 4, Plan 5503EH from R-1 to R-2  |
| 09-16 | December 16, 2009 | Lots 8 & 9, Block 12, Plan 0910930 from R-1C to PS   |
| 10-09 | September 1, 2010 | Lot 1, Block 3, Plan 5503EH from CB to R-1   |
| 11-08 | July 6, 2011      | Ptn. Lot 1, Block 10, Plan 0811832 and Lots 3, 4 & 20, Block 3, Plan 5387ED from R-2X to Ps and DC |
| 13-08 | September 4, 2013 | Lot 13, Block 4, Plan 5378ED from R-1 to CB  |
| 14-02 | May 7, 2014       | Lots 9 & 10, Block 1, Plan 9210920 from CB to DC-10  |
| 14-08 | July 16, 2014     | Lot R3, Block 7 Plan 6383JK from PS to R1  |
| 14-16 | July 21, 2014     | NW 9-20-2W5M; East of Block 9, Plan 2945HJ; from DC-3 to CB-2.                                     |
| 14-18 | November 5, 2014  | Lot 20, Block 26, Plan 1106EH from R-1 to R-2<br>Add site specific setbacks to section 10.2.3.2    |
| 15-11 | November 18, 2015 | Adjust Land Use Map boundary of Lot R5, Block 7, Plan 6383JK                                       |
| 16-10 | September 7, 2016 | Lot 1, Block B, Plan 081 3182 from DC-5 to R-3   |

### Textual Amendments

| Bylaw | Date Adopted    | Description  |
|-------|-----------------|--|
| 98-17 | August 12, 1998 | Add “automotive and recreational vehicle sales/rental as a discretionary use in the CB District. Add a corresponding definition. |
| 99-07 | May 19, 1999    | Add “Black Diamond Station District CB-2” and corresponding regulations to Part 10.  |
| 00-01 | January 5, 2000 | Amend minimum floor area requirement in the R-1A District  |
| 00-09 | March 15, 2000  | Add temporary signage definition and regulations (section 8.26.7)  |
| 00-28 | October 4, 2000 | Add “Old Town Downtown Design Guidelines set out in schedule A” to Section 10.2.6 (amended by 04-16)                             |
| 01-06 | March 21, 2001  | Add “Small Contractor, Home and Garden Equipment Rental, Repair, Sales, and Service” as a discretionary use in the CB District   |
| 01-07 | March 21, 2001  | Numerous Amendments; creation of DC-4 District   |
| 01-20 | June 20, 2001   | Amend Sec. 8.4.1 setbacks from highway   |
| 01-21 | June 20, 2001   | Amend Sec. 10.2.4 R-3 regulations  |

**BYLAW 2021-06**  
**TOWN OF BLACK DIAMOND**

|       |                    |  |
|-------|--------------------|--|
| 01-23 | September 19, 2001 | Amend definition of “senior’s lodging house”; add senior’s lodging house to R-3 district   |
| 01-24 | November 7, 2001   | Amend Sec. 10.2.7.2 – add Retail Stores as Permitted Use and Outside Storage as Discretionary Use                                |
| 02-04 | June 19, 2002      | General Amendments   |
| 02-14 | September 18, 2002 | General Amendments – Fuel Storage; vehicle weight; grazing lease   |
| 02-15 | September 18, 2002 | Insert diagram in all residential districts  |
| 02-16 | December 4, 2002   | Create R-2M District (section 10.2.4)  |
| 03-14 | June 16, 2003      | Add “small animal veterinary clinic as a discretionary use in the CB District  |
| 04-02 | March 3, 2004      | Creation of R-1C District  |
| 04-14 | September 1, 2004  | Creation of R-2X District  |
| 04-16 | November 3, 2004   | Technical Amendment – section 10.2.6 replace “Old Town Downtown Design Guidelines” with “Historic Downtown Design Standards”     |
| 05-02 | March 16, 2005     | Add “Home Occupation” and “Bed and Breakfast” to UR District.  |
| 05-16 | October 19, 2005   | Site Specific amendment – allow “Art Studio and Gallery” on Lot 12 Block 20 Plan 8010853”; Delete word “use” from section 8.15.1 |
| 05-17 | December 21, 2005  | Add SC District regulations  |
| 05-22 | February 15 2006   | Amend R-2 regulations to allow triplex development on Block B Plan 211 LK  |
| 06-15 | September 6, 2006  | Add Section 10.2.13.5.5 DC-5 regulations   |
| 06-17 | November 15, 2006  | Amend section 8.24 signage regulations to include A-board signs on street rights-of-way  |
| 06-21 | December 6, 2006   | Add “Security Quarters” to the SC District on Lot 8, Block 1, Plan 0610957   |
| 06-25 | March 21, 2007     | Creation of DC-6 District section 10.2.13.5.6  |
| 07-03 | March 21, 2007     | Creation of DC-7 District section 10.2.13.5.7  |
| 07-04 | March 21, 2007     | Creation of R-4 District section 10.2.4A   |
| 07-05 | February 7, 2007   | Technical Amendment: renumbering and renaming Sections 8.3.3 to 8.11.8   |
| 07-13 | April 18, 2007     | Amend section 8.14 parking requirements increasing number of parking stalls for multifamily housing                              |
| 07-14 | April 18, 2007     | Technical amendment - numbering  |
| 07-22 | September 5, 2007  | Site specific amendment to SC District – Allow Security Quarters on Lot 10, Block 3, Plan 0710797                                |
| 07-26 | June 21, 2007      | Amend Section 10.2.3A, R-2X District, to allow apartments on a site-specific basis   |
| 07-27 | December 19, 2007  | Amend Section 4.2.1 Signage regulations  |
| 07-28 | October 3, 2007    | Amend Section 8.4, Special Setbacks for Lots 5-20, Block 5, Plan 5503EH and Lots 1-10, Block 1, Plan 5378ED.                     |

**BYLAW 2021-06**  
**TOWN OF BLACK DIAMOND**

|       |                    |  |
|-------|--------------------|--|
| 07-32 | December 5, 2007   | Amend Section 10.2.4A.4(F)(i) addressing building height and sprinkler systems   |
| 08-13 | July 16, 2008      | Amend DC-7 Section 10.2.13.5.7   |
| 09-13 | June 3, 2009       | Site Specific Amendment – grazing lease as discretionary use on <i>Ptn. W ½ 16-20-2-W5</i>   |
| 11-08 | July 6, 2011       | Creation of DC-9 District Section 10.2.13.5.9  |
| 11-12 | January 12, 2012   | Amending 8.30 ACCESSORY SUITES REGULATIONS and definition of “accessory suite”   |
| 13-07 | September 4, 2013  | Site specific amendment to SC District: add “Religious Assembly” as a permitted use on Lot 11, Block 1, Plan 0715169   |
| 14-01 | February 5, 2014   | To amend Service Commercial District (Section 10.2.8A.3) by adding <i>retail store</i> and <i>personal services</i> as permitted uses.   |
| 14-02 | May 7, 2014        | Create Direct Control District 10 – Site Specific Flood Risk Area Regulations for Lots 9 & 10, Block 1, Plan 9210920   |
| 14-04 | June 4, 2014       | Livestock and grazing lease be added to the definitions and small animal breeding and /or boarding establishments be removed from section 10.2.9.3   |
| 14-22 | December 3, 2014   | Add “Drive-in Food Services” to the list of Discretionary Uses in the SC – Service Commercial District – Section 10.2.8A.4   |
| 15-04 | September 16, 2015 | Add “ <i>Lot 13, Block 1, Plan 1510284</i> ” to the list of parcels that are permitted to be developed with Security Quarters  |
| 18-04 | July 18, 2018      | Added 8.32 Cannabis Related Business to Table of Contents and Part 8, amended definition for “alternative health care service”, “Greenhouses and plant nurseries”, “industrial uses, general”, manufacturing”, “medical treatment services”, “peddler”, “retail store”, “warehouse sales”, and “warehouse store”. Added definitions for “cannabis”, “cannabis accessory”, “cannabis counselling”, “cannabis facility”, “cannabis store”, “provincial health care facility”, “school”, “separation distance”. Part 3, Administration, amended to add 3.7.3 (a) and 3.7.8. Part 6, Conditions and Enforcement was amended to accurately quote Section 542(1) of the MGA and amending 6.3.2. Part 8, General Development Regulations is amended to add Section 8.29.3 and 8.32 Cannabis Related Businesses. Amending Part 9, Special Land Use Rules to replace 9.6.1 (b). Amending Part 10, Districts; adding “Cannabis Store” as new uses for Sections 10.2.6.3 (CB Central Business District), 10.2.7.3 (CB1 General Business District), and 10.2.8.3 (CB2 Black Diamond Station District). Amending Part 10, Districts, adding “Cannabis Store” and “Cannabis Facility” to 10.2.8A.4 (SC Service Commercial District). |
| 18-05 | August 1, 2018     | Section 10.2.8A.3, List of Permitted Uses for a Service Commercial District, is amended to include the following new use: “Security Quarters – Lot 7, Block 1, Plan 061 0957: Living Quarters 111.4m <sup>2</sup> (1,200ft <sup>2</sup> )”.  |

**BYLAW 2021-06  
TOWN OF BLACK DIAMOND**

|       |                   |  |
|-------|-------------------|--|
| 18-09 | December 5, 2018  | Amending 10.2.3A.2, List of Permitted Uses to remove "Apartments – Block 10 Plan 0112494 and Lot 21 Block 3 Plan 5378ED (07-26)" and add "Apartments – Lot 6, Block 10, Plan 121 0014 to a maximum density of 54 units per hectare". Amending Section 10.2.3A.4 (f)(iii), to remove "Notwithstanding (i), for apartments: 9.1m (30 ft) to eaveline (07-26) and replace with "Notwithstanding (i), for apartments on Lot 6, Block 10, Plan 121 0014, maximum building height shall be 6.0 m (19.7 ft) to eaveline and 9.1 m (30 ft) to peak of roof. Amending section 10.2.3A.5 to add (iv) Notwithstanding (ii), parking for Apartments on Lot 6, Block 10, Plan 121 0014 shall be provided at the rate of 2.0 stalls per dwelling unit. |
| 20-17 | December 20, 2020 | Create Direct Control District 11 – Site Specific Development Regulations for Drive-In Food Services on Lots 9-11, Black 20, Plan 7910374  |

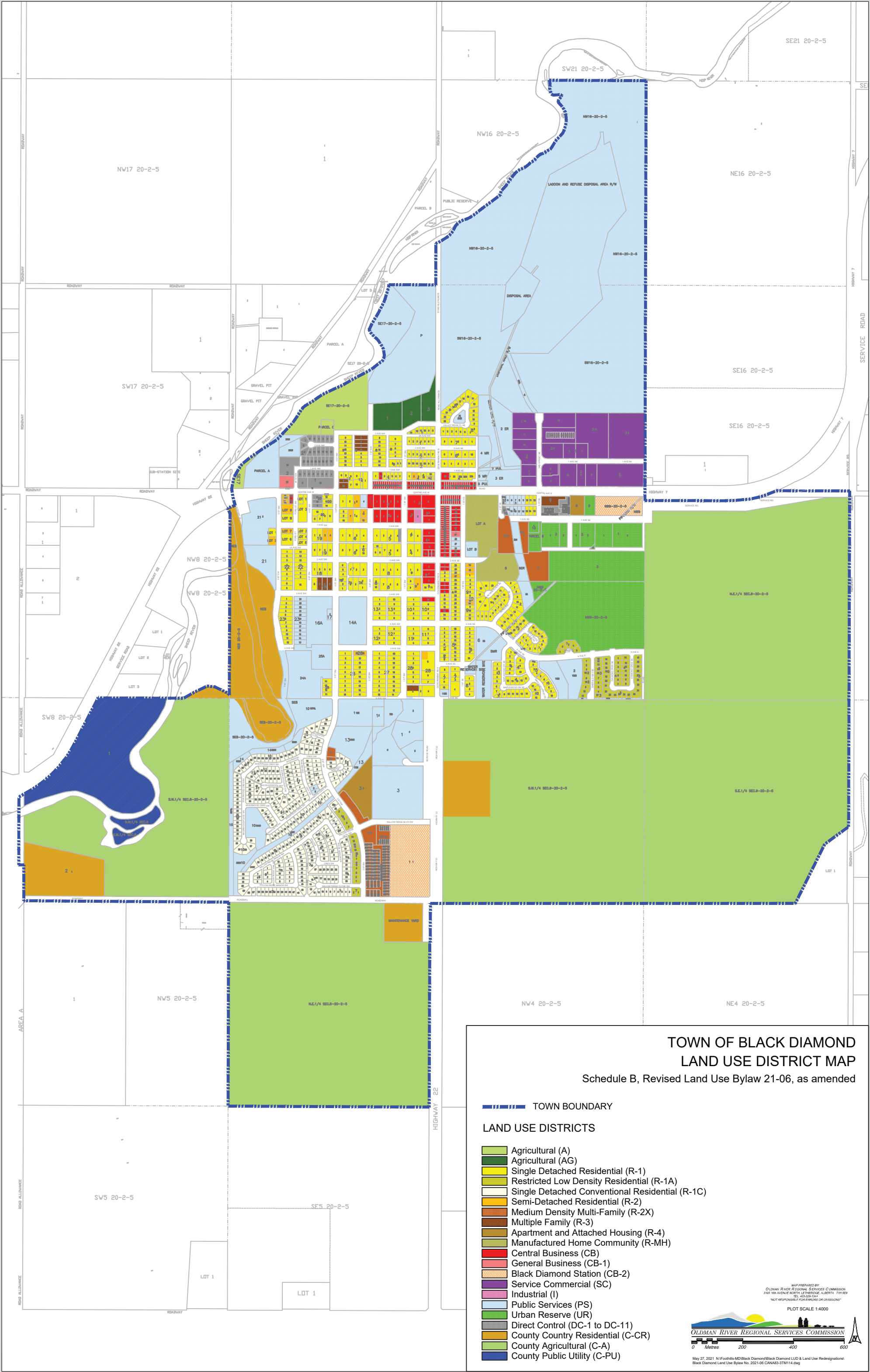
**Statement of Certification**

I hereby certify that the revisions to Land Use Bylaw 98-14 and subsequent amending bylaws herein contained in Revised Land Use Bylaw 21-06 have been prepared in accordance with Section 63 of the Municipal Government Act, RSA 2000 Chapter M-26.

  
Sharlene Brown  
CAO

**BYLAW 2021-06  
TOWN OF BLACK DIAMOND**

**Schedule B  
Revised Land Use Bylaw Map 2021-06**



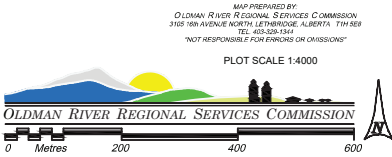
# TOWN OF BLACK DIAMOND LAND USE DISTRICT MAP

Schedule B, Revised Land Use Bylaw 21-06, as amended

----- TOWN BOUNDARY

## LAND USE DISTRICTS

- Agricultural (A)
- Agricultural (AG)
- Single Detached Residential (R-1)
- Restricted Low Density Residential (R-1A)
- Single Detached Conventional Residential (R-1C)
- Semi-Detached Residential (R-2)
- Medium Density Multi-Family (R-2X)
- Multiple Family (R-3)
- Apartment and Attached Housing (R-4)
- Manufactured Home Community (R-MH)
- Central Business (CB)
- General Business (CB-1)
- Black Diamond Station (CB-2)
- Service Commercial (SC)
- Industrial (I)
- Public Services (PS)
- Urban Reserve (UR)
- Direct Control (DC-1 to DC-11)
- County Country Residential (C-CR)
- County Agricultural (C-A)
- County Public Utility (C-PU)



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**BYLAW 2021-06  
TOWN OF BLACK DIAMOND**

**Schedule C  
Revised Land Use Bylaw 2021-06**

Revised Land Use Bylaw follows.



## Table of Contents

|             |   |    |
|-------------|---|----|
| Part 1      | OPERATIVE CLAUSES .....   | 5  |
| Section 1.1 | PURPOSE .....   | 5  |
| Section 1.2 | TITLE AND CONTENTS .....  | 5  |
| Section 1.3 | PREVIOUS LEGISLATION .....  | 6  |
| Section 1.4 | EFFECTIVE DATE .....  | 6  |
| Section 1.5 | TRANSITIONAL PROVISIONS.....  | 6  |
| Section 1.6 | DISTRICT BOUNDARIES.....  | 6  |
| Section 1.7 | APPROVAL REQUIRED FOR DEVELOPMENT .....   | 7  |
| Section 1.8 | COMPLIANCE WITH OTHER LEGISLATION.....  | 7  |
| Section 1.9 | SECTIONS FOUND INVALID .....  | 7  |
| Part 2      | DEFINITIONS.....  | 8  |
| Section 2.1 | INTERPRETATION .....  | 8  |
| Part 3      | ADMINISTRATION .....  | 38 |
| Section 3.1 | DEVELOPMENT OFFICER .....   | 38 |
| Section 3.2 | SUBDIVISION OFFICER.....  | 38 |
| Section 3.3 | MUNICIPAL PLANNING COMMISSION .....   | 38 |
| Section 3.4 | SUBDIVISION AND DEVELOPMENT APPEAL BOARD .....  | 38 |
| Section 3.5 | DEVELOPMENT OFFICER DUTIES, RESPONSIBILITIES AND VARIANCE POWERS .....                        | 38 |
| Section 3.6 | SUBDIVISION OFFICER DUTIES AND RESPONSIBILITY .....   | 42 |
| Section 3.7 | MUNICIPAL PLANNING COMMISSION DUTIES, RESPONSIBILITIES AND VARIANCE<br>POWER                  | 43 |
| Section 3.8 | SUBDIVISION AND DEVELOPMENT APPEAL BOARD DUTIES, RESPONSIBILITIES AND<br>VARIANCE POWER ..... | 44 |
| Section 3.9 | FORMS, NOTICES AND FEES .....   | 45 |
| Part 4      | DEVELOPMENT.....  | 46 |
| Section 4.1 | DEVELOPMENT PERMITS REQUIRED.....   | 46 |
| Section 4.2 | DEVELOPMENT PERMITS NOT REQUIRED.....   | 46 |
| Section 4.3 | APPLICATION REQUIREMENTS.....   | 48 |
| Section 4.4 | ISSUANCE OF PERMITS AND NOTIFICATION .....  | 51 |
| Section 4.5 | VALIDITY OF DEVELOPMENT PERMIT .....  | 52 |
| Section 4.6 | RESUBMISSION INTERVAL.....  | 53 |
| Section 4.7 | EXPIRY OF PERMIT 02-04 .....  | 53 |

|              |   |    |
|--------------|---|----|
| Part 5       | SUBDIVISION .....   | 54 |
| Section 5.1  | APPLICATION REQUIREMENTS.....   | 54 |
| Section 5.2  | ISSUANCE OF DECISION .....  | 55 |
| Part 6       | CONDITIONS AND ENFORCEMENT .....  | 56 |
| Section 6.1  | CONDITIONS OF APPROVAL.....   | 56 |
| Section 6.2  | COMPLIANCE WITH OTHER BYLAWS AND REGULATIONS.....                                 | 57 |
| Section 6.3  | RIGHT OF ENTRY.....   | 57 |
| Section 6.4  | BYLAW CONTRAVENTION .....   | 58 |
| Section 6.5  | OFFENSES AND PENALTIES.....   | 59 |
| Part 7       | AMENDMENTS .....  | 60 |
| Section 7.1  | INITIATION.....   | 60 |
| Section 7.2  | PROCEDURE .....   | 60 |
| Section 7.3  | NOTIFICATION OF AMENDMENTS .....  | 60 |
| Part 8       | GENERAL LAND USE RULES .....  | 61 |
| Section 8.1  | APPLICABILITY .....   | 61 |
| Section 8.2  | MINIMUM SITE AREA EXCEPTIONS.....   | 61 |
| Section 8.3  | SPECIAL SETBACK REGULATIONS .....   | 61 |
| Section 8.4  | HIGHWAY ACCESS AND SETBACK REQUIREMENTS.....                                      | 62 |
| Section 8.5  | PROJECTIONS INTO YARDS.....   | 62 |
| Section 8.6  | HEIGHT OF BUILDING .....  | 64 |
| Section 8.7  | UTILITIES.....  | 64 |
| Section 8.8  | ACCESSORY BUILDINGS.....  | 64 |
| Section 8.9  | MANUFACTURED HOUSING.....   | 65 |
| Section 8.10 | OBJECTS PROHIBITED OR RESTRICTED IN A RESIDENTIAL DISTRICT .....                  | 66 |
| Section 8.11 | FENCING, RETAINING WALLS AND CORNER VISIBILITY TRIANGLE 07-05 .....               | 66 |
| Section 8.12 | SCREENING, OUTSIDE STORAGE AND GARBAGE .....                                      | 66 |
| Section 8.13 | GENERAL SITE LANDSCAPING .....  | 67 |
| Section 8.14 | OFF-STREET PARKING FACILITIES .....   | 68 |
| Section 8.15 | EXISTING INSUFFICIENT PARKING STANDARDS FOR CHANGE OF USE WITHIN THE CB DISTRICTS | 72 |
| Section 8.16 | LOADING AND UNLOADING FACILITIES .....  | 72 |
| Section 8.17 | RELOCATION OF BUILDINGS .....   | 73 |
| Section 8.18 | DEMOLITION OR REMOVAL OF BUILDINGS .....  | 74 |

|              |  |     |
|--------------|--|-----|
| Section 8.19 | NON-CONFORMING BUILDINGS AND NON-CONFORMING USES.....  | 74  |
| Section 8.20 | CONTROLLED APPEARANCE .....  | 75  |
| Section 8.21 | LAND SUBJECT TO FLOODING .....   | 75  |
| Section 8.22 | LANDS ADJACENT TO SLOPES .....   | 77  |
| Section 8.23 | PERFORMANCE SECURITY .....   | 78  |
| Section 8.24 | SIGN REGULATIONS.....  | 78  |
| Section 8.25 | SIGN REGULATIONS - R, DC, A, AG & UR DISTRICTS.....  | 81  |
| Section 8.26 | SIGN REGULATIONS - CB-1, CB-2, SC & I DISTRICTS .....  | 82  |
| Section 8.27 | ADDITIONAL SIGN REGULATIONS - CB DISTRICTS.....  | 83  |
| Section 8.28 | DWELLING UNITS PERMITTED ON A LOT OR SITE.....   | 85  |
| Section 8.29 | MIXED RESIDENTIAL/COMMERCIAL USE <i>02-04</i> .....  | 85  |
| Section 8.30 | ACCESSORY SUITES REGULATIONS <i>11-12</i> .....  | 85  |
| Section 8.31 | SATELLITE DISH ANTENNAS.....   | 86  |
| Section 8.32 | CANNABIS RELATED BUSINESS <i>18-04</i> .....   | 87  |
| Part 9       | SPECIAL LAND USE RULES .....   | 89  |
| Section 9.1  | APPLICABILITY .....  | 89  |
| Section 9.2  | HOME OCCUPATIONS .....   | 89  |
| Section 9.3  | LIMITED GROUP HOMES .....  | 90  |
| Section 9.4  | BED AND BREAKFAST ACCOMMODATION.....   | 90  |
| Section 9.5  | RELIGIOUS ASSEMBLY .....   | 91  |
| Section 9.6  | CHILD CARE SERVICES .....  | 91  |
| Section 9.7  | ESSENTIAL UTILITY SERVICES, MUNICIPAL AND SCHOOL RESERVES, AND<br>ENVIRONMENTAL RESERVES ..... | 92  |
| Section 9.8  | EXCAVATION, STRIPPING, STOCKPILING AND GRADING OF SOIL.....                                    | 92  |
| Part 10      | DISTRICTS .....  | 93  |
| Section 10.1 | LAND USE DISTRICTS .....   | 93  |
| Section 10.2 | DISTRICTS .....  | 93  |
| Section 10.3 | R-1 SINGLE DETACHED RESIDENTIAL .....  | 94  |
| Section 10.4 | R-1A RESTRICTED LOW DENSITY RESIDENTIAL .....  | 100 |
| Section 10.5 | R-1C SINGLE DETACHED CONVENTIONAL RESIDENTIAL DISTRICT.....                                    | 107 |
| Section 10.6 | R-2 SEMI-DETACHED RESIDENTIAL .....  | 112 |
| Section 10.7 | R-2X MEDIUM DENSITY MULTI-FAMILY DISTRICT.....   | 117 |
| Section 10.8 | R-3 MULTI-FAMILY .....   | 121 |

|               |  |     |
|---------------|--|-----|
| Section 10.9  | R-4 APARTMENT AND ATTACHED HOUSING DISTRICT <i>07-04</i> .....     | 126 |
| Section 10.10 | R-MH MANUFACTURED HOME COMMUNITY .....                             | 131 |
| Section 10.11 | CB CENTRAL BUSINESS .....  | 136 |
| Section 10.12 | CB1 GENERAL BUSINESS .....   | 140 |
| Section 10.13 | CB2 BLACK DIAMOND STATION .....                                    | 142 |
| Section 10.14 | SERVICE COMMERCIAL DISTRICT (SC) LAND USE RULES <i>05-17</i> ..... | 145 |
| Section 10.15 | I INDUSTRIAL .....   | 148 |
| Section 10.16 | PS PUBLIC SERVICE .....  | 150 |
| Section 10.17 | AG AGRICULTURAL .....  | 152 |
| Section 10.18 | A AGRICULTURAL <i>02-04</i> .....                                  | 154 |
| Section 10.19 | DC DIRECT CONTROL .....  | 156 |
| Section 10.20 | UR URBAN RESERVE DISTRICT LAND USE RULES <i>02-04</i> .....        | 168 |
| Section 10.21 | County Agricultural .....  | 170 |
| Section 10.22 | County Country Residential .....                                   | 171 |
| Section 10.23 | County Public Utility .....  | 172 |
| Part 11       | LAND USE MAP .....   | 173 |
| Section 11.1  | DISTRICTS .....  | 173 |
| Section 11.2  | LAND USE MAP .....   | 173 |
| Section 11.3  | FLOOD RISK MAP .....   | 173 |

## **Part 1      OPERATIVE CLAUSES**

### **REVISED BYLAW 21-06**

#### **A REVISION OF LAND USE BYLAW 98-14 AND CONSOLIDATION OF AMENDMENTS THERETO**

#### **BEING THE LAND USE BYLAW OF THE TOWN OF BLACK DIAMOND IN THE PROVINCE OF ALBERTA**

**WHEREAS**                    the Municipal Government Act, Revised Statutes of Alberta 2000, M-26, as amended, requires the Council of a municipality to pass a bylaw to prohibit or regulate and control the use and development of land and buildings within its municipal boundaries; and

**NOW THEREFORE**        the Council of the Town of Black Diamond, duly assembled in Council, hereby enacts as follows:

### **Section 1.1    PURPOSE**

- (1) According to the Act, the purpose of a Land Use Bylaw is to prohibit or regulate and control the use and development of land and buildings within the Municipality.

### **Section 1.2    TITLE AND CONTENTS**

- (1) Title  
This Bylaw may be cited as "The Land Use Bylaw".
- (2) Contents of Bylaw  
The contents of this Bylaw shall include:
  - Part 1 to Part 9 inclusive and also all Schedules and Appendices to those Sections;
  - Part 10 District Clauses inclusive and also all Schedules and Appendices to those Sections;
  - and
  - Part 11 comprising the Land Use District Map.
- (3) Headings and Titles  
Headings and titles within this Bylaw shall be deemed to form a part of the text of this Bylaw.
- (4) Interpretation  
Unless otherwise required by the context, words used in the present tense include the future tense; words using the masculine gender include the feminine gender; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The Alberta Interpretation Act shall be used in interpretation. Words have the same meaning whether they are capitalized or not. The written regulations take precedence over any diagrams or explanation notes if there is a perceived conflict. The Land Use District map takes precedence over any diagram in the district regulations if there is an apparent conflict.
- (5) Measurement Standards:  
In this Bylaw appropriate Imperial equivalents are indicated in brackets following the Metric requirements. The Imperial figures are provided for information only and in all cases the Metric figure shall govern.

## **PART 1      OPERATIVE CLAUSES**

### **Section 1.3    PREVIOUS LEGISLATION**

- (1) No provision of any other Bylaw with respect to zoning, development control, and land use classifications shall hereafter apply to any parts of the Town described in this Bylaw, subject to the transitional provisions of this Bylaw.
- (2) The following legislation is hereby repealed:
  - (a) Land Use Bylaw No. 88-11, as amended;
  - (b) Bylaw 95-13;
  - (c) Bylaw 95-14;
  - (d) Bylaw 95-15;
  - (e) Bylaw 95-16.

### **Section 1.4    EFFECTIVE DATE**

- (1) This Bylaw came into force and took effect on August 12, 1998.
- (2) This Bylaw shall apply to the whole of the Town of Black Diamond being all lands contained within its corporate boundaries.

### **Section 1.5    TRANSITIONAL PROVISIONS**

#### **(1)    Development Application in Process**

An application for a development permit which is received in its complete and final form prior to the effective date of this Bylaw shall be processed and any permit issued shall be in accordance with Land Use Bylaw No. 88-11 as amended, and the regulations thereto, as applicable.

### **Section 1.6    DISTRICT BOUNDARIES**

- (1) The Land Use District Map is Part 11 of this Bylaw. It divides the Town of Black Diamond into Districts, and specifies the District provisions applying to particular lands.
- (2) In the event that a dispute should arise over the precise location of a boundary of any District as shown on the Land Use District Map, the Council shall decide thereon.
- (3) The boundaries on the Land Use District Map shall be interpreted as follows:
  - (a) Where a boundary follows a public roadway, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centre line, unless otherwise clearly indicated on the Map;
  - (b) Where a boundary is shown as approximately following the Municipal boundary, it follows the Municipal boundary;
  - (c) Where a boundary is shown as approximately following a property line, it follows the property line;
  - (d) Where a boundary is shown as approximately following a topographic contour line or a top-of-bank line, it follows that line; In the event of change of the topographic line, it shall move with that line;
  - (e) Where a boundary is shown as being parallel to or as an extension of any of the features listed above, it shall be so; and
  - (f) In circumstances not covered above, the boundary shall be determined by resolution of Council.

## **PART 1      OPERATIVE CLAUSES**

- (4) When any public roadway is closed, the roadway lands have the same district as the abutting land. When abutting lands are governed by different districts, the centre of roadway is the district boundary unless the district boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, the parcel's district designation applies to affected portions of the roadway.

### **Section 1.7    APPROVAL REQUIRED FOR DEVELOPMENT**

- (1) Except as provided in Section 4.2 of this Bylaw, no person shall undertake any development unless:
  - (a) a development permit has first been issued pursuant to this Bylaw; and
  - (b) the development proceeds in accordance with the terms and conditions of a development permit issued in respect of the development; and
  - (c) a building permit has been obtained when the Safety Codes Act so requires. **21-06**

### **Section 1.8    COMPLIANCE WITH OTHER LEGISLATION**

- (1) A person applying for, or in possession of a valid development permit, or not requiring a development permit in respect of a development as described in Section 4.2 of this Bylaw is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
  - (a) the requirements of any other appropriate federal, provincial or municipal legislation;
  - (b) the conditions of any Development Permit, caveat, covenant, easement or other instrument affecting a building or land.

### **Section 1.9    SECTIONS FOUND INVALID**

- (1) If one or more provision of this Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

## Part 2      DEFINITIONS

### Section 2.1    INTERPRETATION

- (1) Words and terms used in this Bylaw shall have the same meaning as given to them in the Municipal Government Act.
- (2) When no definition is provided in the Municipal Government Act, the Alberta Interpretation Act or this Bylaw, Webster's New Collegiate Dictionary shall be used.
- (3) Definitions and sections that have been reproduced from the Municipal Government Act, Revised Statutes of Alberta 2000, M-26 have been added for the convenience of the user of the Bylaw.
- (4) 'Illustrations and Explanation Notes' are included for the convenience of the user and the definitions and sections found in this Bylaw shall take precedence over the 'Illustrations and Explanation Notes'.
- (5) A 'Heading' followed by a number in bold and italics print means the entire section was amended by an amending Bylaw.
- (6) A "section" or "clause" followed by a number in bold and italics print means the section or clause was amended by an amending Bylaw.

The following abbreviations have been used in this Bylaw:

|                 |                               |
|-----------------|-------------------------------|
| ac              | acre                          |
| cm              | centimetres                   |
| DO              | Development Officer           |
| ea              | each                          |
| F.A.R.          | Floor Area Ratio              |
| ft              | feet                          |
| ft <sup>2</sup> | square feet                   |
| gpm             | gallons per minute            |
| gal             | gallons (imperial)            |
| l               | liters                        |
| ha              | hectare                       |
| km              | kilometre                     |
| kPa             | kilopascals                   |
| m               | metre                         |
| m <sup>2</sup>  | square metres                 |
| MPC             | Municipal Planning Commission |
| mm              | millimetres                   |
| no.             | number                        |
| %               | percent                       |
| #               | number                        |



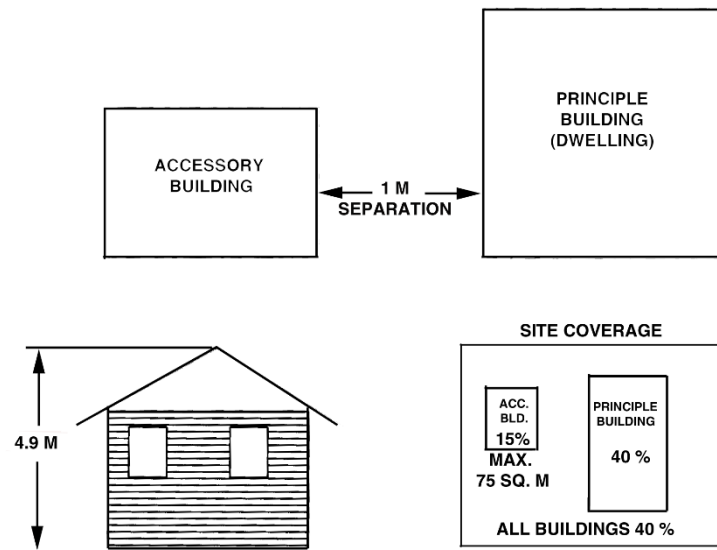
## PART 2 DEFINITIONS

Except on lands shown on the Land Use Map as County Agricultural, or County Country Residential, where the definitions of Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020, the following definitions are used in this Bylaw. **21-06**

**“abut or abutting”** means immediately contiguous to or physically touching and when used with respect to a lot or site means that the lot or site physically touches upon another lot, site or piece of land and shares a property line or boundary line with it.

**“access”** means direct and abutting access to a public roadway or an access easement agreement in a form satisfactory to the Town registered against the lots affected.

**“accessory building or accessory use”** means a use or a building which, in the opinion of the Approving Authority, is naturally or normally incidental or subordinate to the principal use or building located on the same site. *(See Illustration).*



**“accessory suite”** means a self-contained dwelling unit on a site that is ancillary to the primary dwelling unit on a site. **11-12**

**“act”** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

**“adjacent land”** means land that is contiguous to the parcel of land proposed for development, subdivision or re-designation and includes land that would be contiguous if not for a highway, street, road, river, stream, Municipal Reserve or Environmental Reserve.

**“alternative health care service”** means an establishment or facility that is engaged in the furnishing of natural health care services and products which are an alternative and complimentary to health care provided by surgery, hospitalization and drug treatments and are provided on an outpatient basis. Included in this use category, but not limited to are: cannabis counselling, acupuncture, herbalists, homeopathic, exercise, massage, touch and mechanical therapy, counselling and the sale of organic food and herb products. **18-04**

## PART 2      DEFINITIONS

**“amenity area”** means indoor or outdoor space, provided for the active or passive recreation and enjoyment of the occupants of a development, which may be for private or communal use and owned individually or in common.

**“amusement establishment”** means a facility or establishment providing table games or electronic games played by patrons for entertainment for a fee.

**“animal unit”** means the number of animals equivalent to one animal unit.

**“antique instruments of husbandry, restoration”** means the preservation, storage and exhibition of antique instruments of husbandry. Such vehicles or implements shall be owned and operated as part of a cultural exhibit.

**“apartment”** means a building designed with one main water, sewer, electrical, telecommunication service and a common entrance to serve the building and contains three or more dwelling units. **02-04**

**“approving authority”** means the Council of the Town of Black Diamond, Town of Black Diamond Municipal Planning Commission, Town of Black Diamond Subdivision and Development Appeal Board, Development Officer, or Subdivision Officer as the context provides. **02-04**

**“arterial roadway or streets”** means a street intended to carry large volumes of all types of traffic moving at medium to high speeds, to serve the major traffic flows between principal areas of traffic generation and also connect to urban and rural arterials and collectors. Arterial roadways or streets desirably have no direct access to development.

**“attached housing”** means a building designed and built to contain three or more dwelling units separated from each other by a fire rated wall, with each unit having a separate entrance from grade level. This shall include linked, row and townhouse developments.

**“automotive and equipment repair shops”** means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles, and the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, passenger vehicle and light truck tire shops, automotive glass shops, and upholstery shops. This use class does not include body repair and paint shops, minor and major service stations, tractor or large truck repair or service and rapid drive-through vehicle services. **02-04**

**“automotive and recreation vehicle sales/rentals”** means development used for the retail sale or rental of new or used automobiles, motorcycles, all-terrain vehicles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This use class includes automobile dealerships, car rental agencies and motorcycle dealerships.

**“balcony”** means a projecting platform elevated greater than 0.6 metres (2 ft) from grade and usually surrounded by a railing, attached to or extending horizontally from one or more main walls of a building with one side greater than 1 m (3 ft) in width open to the elements. It may be cantilevered from the building or supported from below. **02-04**

## PART 2 DEFINITIONS

**“basement”** means the portion of a building or structure which is wholly or partially below grade and has no more than 1.8 m (6 ft) of its height which lies above grade and below the finished level of the floor directly above. A basement does not constitute a storey for the purpose of this Bylaw.

**“bay”** means a self contained unit or part of a commercial or industrial building which can be sold or leased for individual occupancy.

**“bareland condominium”** means land that is situated within a parcel and is a unit in a bareland condominium plan or a proposed bareland condominium plan. In this Bylaw a bareland condominium unit is considered to be a site.

**“bed and breakfast accommodation”** means a principal dwelling where sleeping accommodation with or without light meals is provided to members of the traveling public for remuneration.

**“breezeway”** means a roofed open passage connecting two or more buildings.

**“building permit”** means a permit or document issued in writing, by a designated Safety Codes Officer, within the building discipline pursuant to the Safety Codes Act authorizing the commencement of a use, occupancy, relocation, renovation, construction, renovation or demolition of any building. **21-06**

**“bulletin board”** means a general advertising sign used to display copy painted on a number of plywood or light steel sections which are locked into a frame to form a single sign face.

**“bus”** means a motor vehicle designed for carrying more than 12 passengers that is used or intended to be used for the transportation of persons and includes any other motor vehicle designated by the Alberta Motor Transport Board as a bus.

**“business”** means: i) a commercial, merchandising or industrial activity or undertaking; ii) a profession, trade, occupation, calling or employment; or iii) an activity providing goods or services.

**“business support services”** means development used to provide support services to businesses which 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; and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing.

**“bylaw”** means the Town of Black Diamond Land Use Bylaw, 98-14.

**“CSA A277-16”** means a Canadian Standards Association procedure for the certification of a factory that builds manufactured homes. This procedure includes certification of both the plant and product built and has requirements for auditing of the plant’s quality control program, along with in-plant inspections. A CSA A277 certification means that the product is deemed to be built to the standards of the Alberta Building Code and meets the National Building Code. Portions of the plumbing, electrical and heating system may or may not be factory installed. This standard does not cover those portions of structures or services that are not factory installed, nor subsequent transport or erection of the product on site. **21-06**

**“CSA Z240.01-16”** means the latest Canadian Standards Association Standard for factory built mobile homes that are complete structurally and have the entire plumbing, electrical and heating system installed. The standard does not cover those portions of structures or services that are not factory installed, nor subsequent transport or erection of the product on site. **21-06**

## PART 2 DEFINITIONS

**“CSA Z240.10.1:19”** means the Canadian Standards Association Standard for site preparation, foundations, anchorage, connection and skirting of manufactured homes designed to be supported on longitudinal floor beams. A manufactured home foundations system designed and constructed in accordance with this standard is considered to be a permanent foundation. This standard is to be used by installers, owners and building inspectors. **21-06**

**“campground”** means a recreational development for the purpose of providing short term or occasional accommodation for recreational vehicles or tents. A campground is not construed to mean a development for the purpose of accommodating long term permanent occupancy. Tourist campsites has a corresponding meaning.

**“cannabis”** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis. **18-04**

**“cannabis accessory”** means cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time. **18-04**

**“cannabis counselling”** means a use; **18-04**

- (a) where counselling on cannabis is provided by persons who are not medical professionals;
- (b) where consumption of cannabis must not occur;
- (c) where the sale of cannabis must not occur; and
- (d) that may include the ancillary retail sale or rental of merchandise;

**“cannabis facility”** means a use where cannabis is grown, processed, packaged, tested, destroyed or stored where a license for all activities associated with cannabis growing, processing, packaging, testing, destruction or storage has been issued by Health Canada. This definition does not apply to a registered person as defined in the Access to Cannabis for Medical Purposes Regulations, as amended from time to time. **18-04**

**“cannabis store”** means a retail store, licensed by the Province of Alberta: **18-04**

- (i) where cannabis is sold for consumption off the premises;
- (ii) where consumption of cannabis must not occur;
- (iii) that may include the ancillary retail sale or rental of merchandise; and
- (iv) where counselling on cannabis may be provided;

**“carport”** means a roofed structure providing space for the parking of vehicles with not more than one enclosed side.

**“certificate of compliance”** means a written statement issued by the Designated Officer, which is based upon a real property report, confirming that the bay, building, or structure, meet the requirements of this Land Use Bylaw in all respects or is treated as a legal non-conforming bay, building, structure or use.

**“child care services”** means the use of a building or a portion thereof licensed by the Province for the provision of care, maintenance and supervision of 7 or more children under the age of 18 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes

## PART 2 DEFINITIONS

all day-care centres, kindergartens, nurseries, and after school or baby-sitting programs which meet this definition. **02-04**

**“child care services – private”** means a facility in the private residence of the person operating the facility at which care is provided for children, some or all of whom are children of persons other than the person operating the facility to a maximum of 6 children under the age of 12, including the operator’s children. **02-04**

**“collector roadway or street”** means a street or roadway that collects and distributes traffic from arterial roads and streets to other collectors and local roads and streets to serve the community. Full access to adjacent properties is generally allowed on collectors.

**“commercial school”** means a place of instruction operated for profit but does not include public, separate, private schools, or charter schools. Typical uses include secretarial, business, computer, hairdressing, beauty, dancing or music schools.

**“communication structures (public or private)”** means structures used for the purpose of transmitting, relaying, or receiving television, radio, microwave, and other similar signals. Included are such items as antennas and satellite dishes.

**“community amenity facility”** means indoor or outdoor space designed for shared or private recreation or enjoyment, within a comprehensively planned residential development such as a manufactured home community. This term refers to uses such as tot lots or child play areas, parks, courtyards, patios, sundecks, balconies, terraces, swimming pools, saunas, exercise rooms, solariums, play fields, craft rooms, play rooms and the like.

**“community recreation services”** means development for recreational, social or multi-purpose use without fixed seats, and an occupancy capacity of less than 500 persons, primarily intended for local community purposes. Typical uses include community halls and community centres operated by a local residents organization.

**“condominium”** means a building in which each individual unit is held in separate private ownership, and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the Alberta condominium Property Act.

**“contractor services, general”** means development used for the provision of building construction, landscaping, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only. This use class does not include professional, financial and office services.

**“contractor services, limited”** means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities.

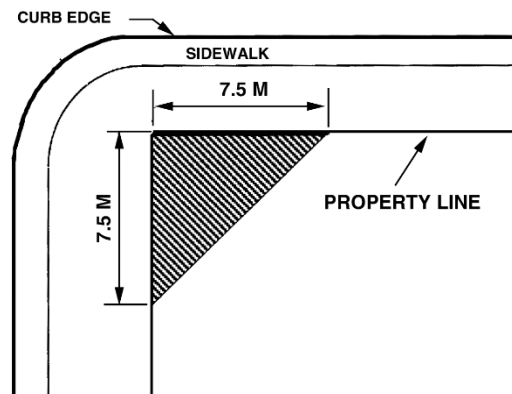
**“copy”** means the letters, graphics or characters which make up the message on sign face.

## PART 2 DEFINITIONS

**“copy area”** means the total area within one or more rectangles which enclose the entire limits of the copy.

**“corner lot”** means a lot or site located at the intersection of two public roadways, other than lanes.

**“corner visibility triangle”** means a triangular area formed on the corner site by the two street property lines and a straight line which intersects them 7.5 m (25 ft) from the corner where they meet. *(See illustration).*



**“Council”** means the Council of the Town of Black Diamond.

**“coverage of site”** means the combined area of all buildings or structures on a site, including accessory buildings or structures, measured at 0.61 m (2 ft) above grade, including open or covered porches or verandahs, covered terraces, and all other spaces within a building, excluding steps, eaves, cornices, and similar projections, and un-enclosed inner and outer courts which are less than 0.61 m (2 ft) above grade. Where any building or structure projects beyond the coverage of the building or structure measured at 0.61 m (2 ft) above grade the coverage shall then include such projection.

**“custom manufacturing establishments”** means development used for small scale on-site production and retail sale of goods by hand manufacturing, primarily involving the use of hand tools, provided such developments have fewer than five production employees. Typical uses include jewelry, toy and musical instrument manufacturing, gunsmiths, pottery and sculpture studios, bakeries and butchers.

**“date of issue”** means the date a development permit, subdivision application or an order is dated and signed by the designated officer in the course of his duties.

**“deck”** means platform which the top surface is less than 0.6 m (2 ft) above grade. It may be attached to or cantilevered from a building or free standing and supported from below. **02-04**

**“density”** means a measure of development intensity expressed as a ratio of either the number of dwelling units to lot area or number of people to lot area. Density may be further defined by:

- (i) "dwelling units per gross hectare (acre)" means the maximum number of dwelling units permitted for each hectare (acre) of land and includes all lands within the site: it does not include environmental reserve lands as defined in the Act;

## PART 2 DEFINITIONS

- (ii) "dwelling units per net hectares (acre)" means the number of dwelling units allowed for each hectares (acre) of land, and it does not include those lands within the site required for public roads, public utility lots, environmental reserve, and municipal and school reserve. **02-04**

**"designated officer(s)"** means those persons designated by bylaw under the Act and for purposes of this Bylaw, are the Development Officer, Subdivision Officer, Chief Administrative Officer and Bylaw Enforcement Officer of the Town of Black Diamond. **02-04**

**"developed site"** means, in the case of:

- (i) residential districts or parcel, the parcel has a habitable dwelling constructed on it;
- (ii) industrial, commercial and recreational districts or parcel, the lot has a principal building constructed on the parcel or the parcel is occupied by its prime use as specified in the development permit issued for the parcel.
- (iii) agricultural parcel, the parcel is used for extensive or intensive agricultural purposes or the parcel is occupied by its prime use as specified in the development permit issued for the parcel.

**"development"** means:

- (i) an excavation or stockpile and the creation of either of them; or
- (ii) a building or an addition to or replacement or repair of a building and the construction or placing in, on, over or under land of any of them; or
- (iii) 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
- (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**"development authority"** means the Council of the Town of Black Diamond, Town of Black Diamond Municipal Planning Commission, Town of Black Diamond Subdivision and Development Appeal Board and Development Officer, as the context provides. **02-04**

**"Development Completion Certificate"** means a certificate issued by the Development Authority to certify that all conditions have been met and the development has been completed as per approved plans and to the satisfaction of the Development Authority. The certificate is a pre-requisite to refunding of a performance deposit, discharge of agreements or letter of credit or bonds. **02-04**

**"development officer"** means:

- (i) the person designated by resolution as a Development Officer pursuant to this Land Use Bylaw; or
- (ii) where a Municipal Planning Commission is authorized to act as Development Officer, the Municipal Planning Commission; or
- (iii) where a Municipal Planning Commission is authorized to act as Development Officer, in addition to a person appointed as a Development Officer, either or both of them. **02-04**

## PART 2 DEFINITIONS

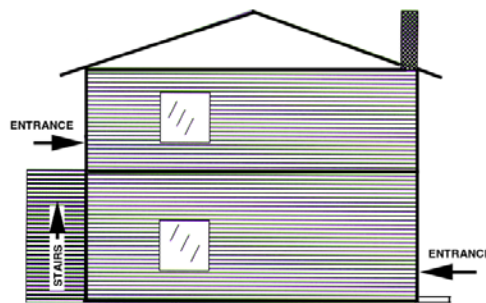
**“development permit”** means a document authorizing a development, issued by a Development Officer pursuant to this Bylaw or any other legislation authorizing development within the Town of Black Diamond and includes the plans and conditions of approval.

**“discretionary use”** means those uses of land, building or structures for which permits may be issued only at the discretion of the Approving Authority.

**“drinking establishment, minor”** means an establishment licensed by the Alberta Liquor Control Board where alcoholic beverages are served for consumption on the site. The seating capacity of the establishment does not exceed 75 persons. This class includes cafes, cafeteria and lunch rooms, delicatessens, neighborhood pubs or sports bars, tea room and refreshment stands.

**“drive-in food services”** means development used for eating and drinking which offers a limited menu for rapid customer service and includes one or more of the following features: car attendant services; drive-through food pick-up services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

**“duplex housing”** means a building divided horizontally into two (2) dwelling units, each of which has an independent entrance, either directly or through a common vestibule. *(See Illustration)*



**“dwelling unit”** means a set or a suite of rooms designed for human habitation and contains kitchen, sleeping and sanitary facilities and having a separate entrance or an entrance controlled by the person occupying the unit.

**“eating and drinking establishments”** means development where food and alcoholic beverages are prepared and offered for sale to the public, for consumption within the premises or off the site. This use class includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands, take-out restaurants, cocktail lounges, cabarets and banquet facilities.

**“education services”** means development which is publicly supported or subsidized involving assembly for educational, training or instruction purposes, and includes the administrative office required for the provision of such services on the same site. This Use Class includes public and private schools, community colleges, and their administrative offices. This Use Class does not include commercial schools or home schools.

**“Environmental Impact Assessment (EIA)”** means a statement prepared in accordance with the Alberta Environmental Protection legislation on the effect of development proposals and other major actions which significantly affect the environment.



## PART 2 DEFINITIONS

**“Environmental Site Assessment”** means a report prepared by qualified professional engineering environmental consultant on the existing conditions of a lot or site with known or suspected site contamination from previous land uses in the vicinity of or on the site. **02-04**

**“equipment rentals”** means development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items. This use class does not include automotive and recreation vehicle sales and rentals and industrial vehicle and equipment sales and rentals.

**“essential utility services”** means structures and appendages which are part of the public utility infrastructure which is necessary for the local distribution of public utility services. This use class includes all private utilities operating within the municipality and under franchise or contract with the municipality to provide services. Also included in this class are fire stations, water wells and reservoirs, storm water management systems, pumping stations and similar uses. **02-04**

**“existing”** means existing as of the date of adoption of this Bylaw.

**“extended medical treatment services”** means development providing room, board and surgical or other medical treatment for the sick, injured or infirm, including out-patient services and accessory staff residences. Typical uses include hospitals, nursing homes, convalescent homes, isolation facilities, auxiliary hospitals and detoxification centres.

**“Farm”**, Farms Non-Commercial and Farm Specialized” deleted. **02-04**

**“fence”** means a vertical physical barrier constructed to provide visual screening or to prevent unauthorized access. This does not include the development of artificial embankments such as retaining walls.

**“fire separation”** means a construction assembly that acts as a barrier against the spread of fire, and may be required to have a fire resistance rating.

**“fire wall”** means a type of fire separation of non-combustible construction which subdivides a building or separates adjoining buildings to resist the spread of fire and which has a fire resistance rating.

**“fleet services”** means development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease. This use class includes ambulance services, taxi services, bus lines, messenger and courier services. This use class does not include industrial vehicle and equipment sales and rentals.

**“flood fringe area”** means one of the two zones of the flood risk area where flood waters are shallower, slower and generally less hazardous. Development in this area must be adequately flood proofed.

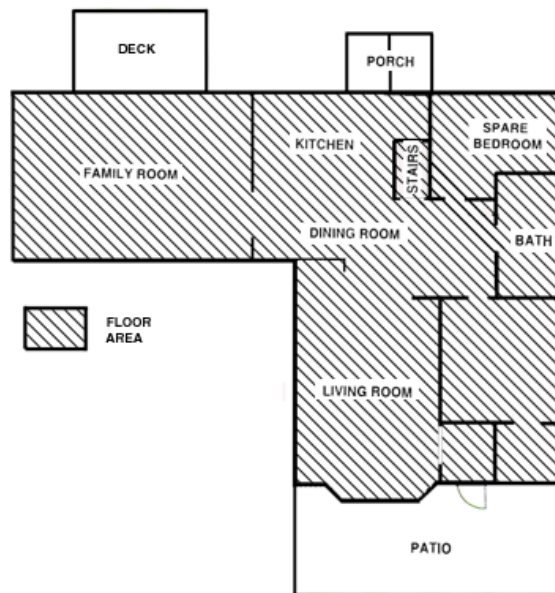
**“flood risk area”** means lands identified through the Canada Alberta Flood Reduction Program, or an hydrological evaluation undertaken by a qualified professional to be inundated by a 1 in 100 year flood event.

**“floodway”** means one of the two zones of the flood risk area where there is the greatest risk of injury or damage. Flood waters in this area are the deepest, fastest and most damaging. Most new development will be discouraged.

## PART 2 DEFINITIONS

**“Floor Area, gross”** means the total of all floors within the outside surface of exterior walls, and:

- (i) within a residential context, the calculation includes all habitable living space, but does not include floor areas of developed basements that do not meet Safety Code Requirements for habitable floor space, attached garages, sheds, open porches or covered breezeways.
- (ii) in the commercial and industrial context does not include mechanical rooms, bathrooms, hallways and stairwells, lunchrooms and personal service storage areas (clothes closets and similar areas). **02-04 (See Illustration)**



**“fourplex”** means a separate building containing only four (4) dwelling units which are divided vertically and horizontally into four parts, with each unit having direct access to the ground floor.

**“freeboard”** means a distance of factor of safety generally above the design flood level (generally the one hundred year flood level) as determined by the regulatory authority.

**“fragmented land”** means an area of land that is severed or separated from the lands held in title by a public roadway, railway, river or other permanent water body shown on a registered plan, township plan or appears as an exception on the Certificate of Title.

**“frontage”** means, where used with reference to residential development, the lineal distance measured along the front lot line; and where used with reference to non-residential development, the length of the property line of any side of a separate business development which is parallel to, and abuts, a public roadway, not including a lane, which is directly accessible from the development.

**“funeral services”** means development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This use class includes funeral homes and undertaking establishments.

**“garage”** means an accessory building, or part of a principal building designed and used primarily for the storage of private motor vehicles. This does not include a carport.

## PART 2 DEFINITIONS

**“gas bars”** means development for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This use class does not include minor and major service stations.

**“government services”** means development providing municipal, provincial or federal government services directly to the public. This use class does not include protective and emergency services, minor or major impact utility services, and education services. Typical uses include courthouses, postal distribution offices, manpower and employment offices, and social service offices.

**“grade”** means the elevation of the natural ground level of the site or the finished level of the ground adjoining a building at all exterior walls or the level of the ground established by an approved grade plan.

**“grade plan”** means a drawing or specification prepared by a professional engineer or a member of a similar professional discipline which specifies elevations for building floors and foundations, streets, lanes, walks and the finished ground level of the site.

**“Grazing Lease”** means land used for the outdoor foraging of livestock on vegetation grown on site, at a density not exceeding 1 animal per 1.6 hectares (4 acres). **14-04**

**“greenhouses and plant nurseries”** means development used primarily for the raising, storage and sale of bedding, household and ornamental plants, but does not include a cannabis facility. **18-04**

**“group homes”** means development consisting of the use of a building as a facility which is authorized, licensed or certified by a public authority to provide room and board for six residents or less, exclusive of staff and family members, for foster children or disabled persons, or for persons with physical, mental, social or behavioral problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common.

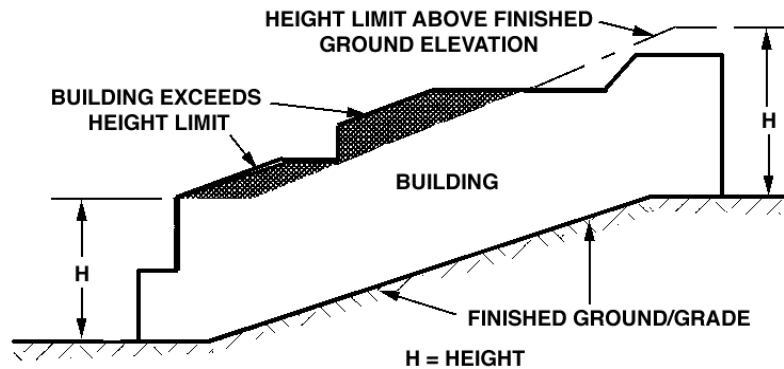
**“habitable floor area”** means any finished floor area intended primarily for human occupancy and meets the Safety Codes Act and the regulations thereunder. **21-06**

**“hazard lands”** means lands which are, or may be, inappropriate for urban development by reason of having inherent or natural environmental hazards such as susceptibility to flood or erosion, poor drainage, organic soils, steep slopes or any physical condition or limitation and which, if developed, may lead to the deterioration or degradation of the environment or cause property damage or loss of life.

**“health services”** means development used for the provision of physical and mental health services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical uses include medical and dental offices, health clinics and counseling services.

**“height”** means, when used with reference to a building or structure, the distance measured perpendicularly to the grade level and the highest point of a building excluding a roof stairway entrance, elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or parapet wall, a flagpole, antenna or similar device not structurally essential to the building. **(See Illustration)**

## PART 2 DEFINITIONS



**“highway/expressway”** means a highway or proposed highway that is designated as a primary highway or a road or street.

**“home occupation, major”** means a home based business which may generate client visits but shall not change the residential character of the dwelling and accessory building. Non – resident employees may be allowed. Typical uses may include, but not be limited to, hobby crafts, hairdressing, consultants, professionals, music instruction, and tutoring. **02-04**

**“home occupation, minor”** means a home based business with no aspects of the business detectable from outside the property. The business shall generate no client contact at the residence and shall employ only individuals who reside within the dwelling. Minor uses typically only involve a “desk and telephone-type” operation and may include contractors, professionals, consultants, and catalogue sales.

**“hotel”** means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities; the building may also contain commercial or other uses and may or may not offer such additional services as party facilities, restaurant or dining room services, or public convention facilities.

**“household”** means an individual, or two or more persons related by blood, marriage or adoption, or a group of not more than four persons who need not be related by blood or marriage, living together within a dwelling unit and using common cooking facilities.

**“household repair services”** means development used for the provision of repair services to goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops. This use class does not include personal services.

**“indoor recreation services”** means development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include: athletic clubs; health and fitness clubs; curling; roller skating and hockey rinks; swimming pools; bowling alleys, racquet clubs and arenas.

**“industrial uses, general”** means development used principally for one or more of the following activities:  
**18-04**

## PART 2 DEFINITIONS

- (i) the processing of raw materials;
- (ii) the manufacturing or assembling of semi-finished or finished goods, products or equipment;
- (iii) 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 goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- (iv) the storage or transshipping of materials, goods and equipment;
- (v) the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to retail stores or other sales use classes defined in this Bylaw for resale to individual customers; or
- (vi) the training of personnel in general industrial operations.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed 33 percent of the total gross floor area of the building(s) devoted to the general industrial use, except that this restriction shall not apply where a significant portion of the industrial activity naturally and normally takes place out of doors. This use class includes vehicle body repair and paint shops. This use class does not include a cannabis facility. **18-04**

**“industrial vehicle and equipment sales/rentals”** means development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations and agricultural production.

**“institution or institutional use”** means development including governmental, religious, charitable, educational, health and welfare activities having a close affinity to public service to the regional area and population intended to be served by the development.

**“landscaped area”** means that portion of a site which is required to be landscaped.

**“landscaping”** means the modification and enhancement of a site through the use of any or all of the following elements:

- (i) soft landscaping, consisting of vegetation such as trees, shrubs, hedges, grass and ground cover; and
- (ii) hard landscaping, consisting of non-vegetative materials such as brick, stone, concrete, tile and wood.

**“lane”** means a public thoroughfare with a right-of-way not exceeding 9.1 m (30 ft) in width and which provides a secondary means of access to a site or sites.

**“libraries and cultural exhibits”** means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

**“Livestock”** means:

- (i) A horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;

## PART 2 DEFINITIONS

- (ii) domestically reared or kept deer, reindeer, moose, elk, or bison;
- (iii) farm bred fur bearing animals, including foxes and minks;
- (iv) animals of the bovine species;
- (v) animals of the avian species including chickens, turkeys, ducks, geese, pigeons or pheasants; and
- (vi) all other animals that are kept for agricultural purposes, but does not include dogs, cats or other domesticated household pets. **14-04**

**“local authority”** means:

- (i) a municipal authority;
- (ii) a district as defined by a Regional Health Authority;
- (iii) a regional services commission; and
- (iv) the board of trustees of a district or division as defined in the School Act.

**“local roadway or street”** means a street or roadway that provides unrestricted direct access to and connects with collectors and other local roadways.

**“logo”** means a readily identifiable symbolic representation used exclusively by an individual company or person to simplify product or business recognition which contains no additional advertising message.

**“lot”** means that area contained within the boundaries of a lot as shown on a Plan of Subdivision or described in a Certificate of Title.

**“lot coverage”** means that portion of the lot covered by the principal building, accessory buildings or other similar covered structures. “Site coverage” has a corresponding meaning.

**“lot frontage”** means the shortest lot line which abuts a street, other than a bridge, land or walkway and in the case of a lot which has two equal lot lines each of which abut a street, other than a bridge, lane or walkway, means the street to which the lot has been municipally addressed.

**“lot line, front”** means the property line separating a lot from an abutting public roadway other than a lane. In the case of a corner site, the front line is the shorter of the property lines abutting a public roadway, other than a lane.

**“lot line, rear”** means either the property line of a lot which is furthest from and opposite the front lot line, or, where there is no such property line, the point of intersection of any property lines other than a front lot line which is furthest from and opposite the front lot line.

**“lot line, side”** means the property line of a lot other than a front lot line or rear lot line.

**“lot width”** means the same as “site width”.

**“manufacturing”** means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article, thing or service. This use does not include a cannabis facility. **18-04**

## PART 2 DEFINITIONS

**“manufactured home”** means a single family detached dwelling constructed from a number of pre-assembled units that are intended for delivery to, and assembly at, a residential site. Manufactured homes must be built to CSA A277 standards and installed to CSA Z240.10.1-16 standards. “Modular home” has a corresponding meaning. **21-06**

**“manufactured home community”** means a development specifically designated for manufactured homes under this Bylaw which contains sites designated for leasehold tenure, rental or for purchase either freehold or under a bareland condominium plan. Lease Land Manufactured Home Communities were previously known as “mobile home parks”.

**“manufactured home sales and service establishment”** means a development used for the sale, rental or storage of new or used manufactured homes, and includes supplementary maintenance services and sale of parts and accessories.

**“medical treatment services”** means a building or structure where one or more members of the medical profession, dentists, chiropractors, osteopaths, alternative medicine practitioners, physicians or therapists provide diagnosis and treatment to the general public without overnight accommodation, and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary, but does not include a cannabis store or a cannabis counselling centre. **18-04**

**“mini-storage warehouse”** means a development that provides walk-in size cubicles for public rent for the storage of goods.

**“mixed use building”** means a building used partly for residential and partly for non-residential uses.

**“mixed use development”** has a similar meaning. **02-04**

**“mobile home”** means a dwelling unit which is constructed in conformance to the Alberta Building Code. It is designed to be towed or carried from place to place and is intended to be used as a residence. The home is installed to CSA Z240.10.1-16 standards. **21-06**

**“motel”** means a building or group of buildings on a site providing separate sleeping units or suites with small kitchen facilities and complete with washing and sanitary facilities and with adjoining or conveniently located parking space designed or operated for the purpose of providing temporary accommodation for transient motorists. This use class may include amenity space for guests (swimming, hot tub, saunas and exercise rooms), eating and drinking establishments and meeting rooms. **02-04**

**“Municipal Environmental Impact Statement”** means a report prepared by a qualified professional with expertise in environmental conditions on how a development proposal and other major actions would significantly affect the environment or Sheep River and its water shed. The report is to include remedial or mitigating measures required to safeguard the environment and the development. **02-04**

**“Municipal Government Act”** means the Statutes of Alberta 2000, Chapter M-26 and relevant amendments may also be referred to as “the Act”.

**“municipality”** means:

- (i) the Municipal Corporation of the Town of Black Diamond and

## PART 2 DEFINITIONS

- (ii) where the context requires, means the area of land contained within the boundaries of the Municipality's corporate limits at the time of adoption of this Bylaw, or as included by any subsequent annexations.

**"Municipal Planning Commission"** or **"M.P.C."** means the Town of Black Diamond Municipal Planning Commission.

**"municipal reserve parcel"** means the land designated to be municipal reserve by a condition of subdivision approval granted pursuant to Division 8 of the Municipal Government Act, or land designated and registered in Land Titles as "Municipal Reserve", "Reserve", "Park:" or "Community Reserve" under former legislation.

**"net floor area"** means the gross floor area defined by the outside dimensions for each floor minus the horizontal floor area on each floor used for corridors, elevators, stairways, mechanical rooms and workrooms.

**"non-conforming building"** means a building:

- (i) that is lawfully constructed or lawfully under construction at the date this land use bylaw affecting the building or the land on which the building is situated becomes effective; and
- (ii) that on the date this land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.

**"non-conforming use"** means a lawful specific use:

- (i) 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
- (ii) 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 this land use bylaw.

**"nuisance"** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**"occupancy"** means the utilization of a building or land for the use for which it was approved.

**"occupancy permit"** means a permit issued under the Alberta Safety Codes Act for the right to occupy or use the bay, building or structure for the use intended.

**"offices (administration, business, professional)"** means a facility for the provision of professional, management, administrative, consulting and financial services, such as offices for clerical, secretarial, employment, telephone answering and similar office support services, office support services, offices of lawyers or accountants, banks or other financial institutional, and offices for real estate and insurance firms. Medical clinics are not included in this category.

**"off-site levy"** means a fee or levy to be used only to pay for all or part of the capital cost of any or all of the following:

- (i) new or expanded facilities for the storage, transmission, treatment or supplying of water;
- (ii) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
- (iii) new or expanded storm sewer drainage facilities;



## PART 2 DEFINITIONS

- (iv) land required for or in connection with any facility described in clauses a) to c), and may be collected once only in respect of land that is the subject of a development or a subdivision.

**“open porch”** means a roofed, open gallery or portico attached to the exterior of a building.

**“outdoor recreation services”** means development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. This use class does not include community recreation services. Typical uses include golf courses, driving ranges, miniature golf courses, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, go-cart tracks, amusement parks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, and fitness trails.

**“outdoor storage”** means development used exclusively for the outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include pipe yards, or vehicle or heavy equipment storage compounds.

**“parapet”** means a low wall or railing to protect the edge of a roof.

**“parking, non-accessory”** means development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures.

**“patio”** means an uncovered open platform or surfaced area, without foundation, and constructed at or not more than 150 mm (6 inches) in height from finished grade used as an extension to the interior of the building for outdoor leisure activities. **02-04**

**“peddler”** has the same meaning as street vendor. **18-04**

**“permitted”** means, in the context of this Bylaw, the approving authority must issue a permit, order, or notice.

**“permitted use”** means the use of land or of a building which is listed in the section captioned “Permitted and Discretionary Uses” within the applicable land use district for which a development permit shall be issued by the approving authority upon the development meeting all other requirements of this Bylaw. The approving authority may impose such conditions necessary to ensure compliance with the requirements of this Bylaw.

**“personal services”** means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This use class includes barber shops, hairdressers, therapeutic massage, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This use class does not include health services.

**“plan of subdivision”** means a plan of survey prepared in accordance with the Land Titles Act for the purpose of effecting a subdivision.

**“principal building”** means a building, which in the opinion of the Development Officer or the Municipal Planning Commission:

- (i) occupies the major or the central portion of a site, or

## PART 2 DEFINITIONS

- (ii) is the chief or the main one among the buildings on the site, or
- (iii) constitutes by reason of its use the primary purpose for which the site is used.

**“principal use”** means the use of a site or of a building which in the opinion of the Development Officer or the Municipal Planning Commission constitutes the primary purpose for which the site is used.

**“private club”** means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private clubs may include rooms for eating, drinking and assembly.

**“private park”** means an open space or recreational area, other than a public park, operated on a commercial and/or private member basis, which include one or more of the following facilities or activities:

- (i) areas for walking, riding and cross-country skiing but does not include the racing of animals, motor vehicles, motorcycles or snowmobiles;
- (ii) recreational or playground areas such as picnic areas, tennis courts, outdoor skating rinks, athletic fields;
- (iii) buildings and structures accessory to the foregoing such as a refreshment booth and administrative offices;
- (iv) parking lots accessory to the foregoing.

**“private recreational facilities and events”** means any development providing amusement, active or passive recreation and enjoyment for the residents, guests or customers of the site on which the development is situated. Typical developments could include, but would not be limited to, athletic facilities, such as swimming pools, squash, tennis and racquetball courts, golf courses, concerts, orientation programs (scouts, cubs) and similar recreational activities. Not included are table or electronic games, or bowling alleys.

**“private school”** means a school, other than a school operated by a School Board under the School Act, that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Minister of Education.

**“professional, financial and office support services”** means development primarily used for the provision of professional, management, administrative, consulting, financial services and health services. Typical uses include: the offices of lawyers, accountants, engineers, chiropractors, optometrists and architects; offices for real estate, newspapers, travel agencies and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks credit unions, loan offices and similar financial uses. Retail and food and beverage services may also be appropriate.

**“projection”** means any structural or architectural element, building feature or other object that juts out, overhangs or protrudes into the prescribed yard setback of a district.

**“protective and emergency services”** means development which is required for the public protection of persons and property from injury, harm or damage, together with the incidental storage of emergency equipment and vehicles. Typical uses include police stations and fire stations.

**“provincial health care facility”** means an approved hospital as defined in the Hospitals Act; **18-04**

## PART 2 DEFINITIONS

**“public parks”** means development of public land specifically designed or reserved for the general public for active or passive recreational use, and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features.

**“public recreational facilities and events”** means any development providing amusement, active or passive recreation and enjoyment to the citizens of a municipality and any such facility is owned and operated by the Municipal, Provincial, or Federal Government. Not included are table or electronic games or bowling alleys.

**“public roadway”** means any street, avenue, service roadway, arterial, or collector roadway, local roadway shown as a road allowance on a township survey or registered in land titles, or secondary road as defined in the Public Highway Development Act but does not include a land or controlled highway or expressway.

**“public utility”** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) water or stream;
- (b) sewage disposal
- (c) public transportation operated by or on behalf of the municipality;
- (d) irrigation;
- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) waste management;

and includes the thing that is provided for public consumption, benefit, convenience or use.

**“public utility building”** means the building in which the proprietor of a public utility:

- (a) maintains its office or offices, or
- (b) maintains or houses any equipment used in connection with the public utility.

**“quonset/butler building”** means a prefabricated, self supporting shelter on an arch rib frame or straight vertical wall structure with end walls usually serving as barracks, accessory building or storage shed.

**“rapid drive-through vehicle services”** means development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically waits on the premises. Typical uses include automatic or coin operated car washes or rapid lubrication shops.

**“real property report”** means a legal document that clearly illustrates the location of all visible public and private improvements relative to property boundaries and includes a written report providing the surveyor’s opinion of improvements, locations, encroachments and outlines the limitations of the real property report.

## PART 2 DEFINITIONS

**“recreational vehicle”** means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes, but is not limited to, such vehicles as a motor home, car camper, a holiday (travel) trailer and a tent trailer, but does not include a mobile home. “Holiday trailer” or “travel trailer” has a corresponding meaning.

**“recycling depots”** means development used for the temporary storage of bottles, cans, newspapers and similar household goods for re-use where all storage is contained within an enclosed building.

**“religious assembly”** means a development owned by a religious organization, used for worship and related religious, philanthropic or social activities, including accessory rectories, manses, classrooms and auditoriums. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This does not include public or private schools.

**“relocated building”** means development consisting of an existing structure which is moved by transport and relocated to a site in Black Diamond where it is placed on a permanent foundation, as defined in the Alberta Building Code.

**“repair and service shops (small appliances and equipment)”** means a building used or development used for the assembly, fabrication, or repair of goods or products normally used in a residential, home occupation or light service industry. This use category includes, but not limited to, computer, television, radio, furniture refinishing and upholstery, household appliances, landscaping tools, small engine and electric motor repair, saw sharpening and small construction tool repair and similar uses. **02-04**

**“retail store”** means a building or part thereof in which foods, wares, and general merchandise are offered or stored for sale directly to the public at retail, but does not include cannabis store, peddler or street vendor. **18-04**

**“retaining wall”** means a wall erected for holding in place a mass of earth or the like as at the edge of a terrace or excavation.

**“rodeo grounds”** means land intended for professional and nonprofessional competition involving a series of sporting events that include, but are not limited to, bull riding, calf roping, barrel racing and bronc riding. This definition also includes activities ancillary to the rodeo sporting competition such as licensed beer gardens, arts, crafts and food sales.

**“row housing”** means development consisting of a building containing a row of three or more dwellings joined in whole or in part at the side only, with no dwelling being placed over another in whole or in part. Each dwelling shall be separated from the one adjoining, where they are adjoining, by a vertical party wall which is insulated against sound transmission. Each dwelling shall have separate, individual, and direct access to grade. Also defined as “attached housing”.

**“running lights”** means a row of lights electronically controlled to create the appearance of motion or chasing action which is designed to accentuate the sign copy.

**“satellite dish antenna”** means an antenna and attendant processing equipment for reception of electronic signals from satellites.

## PART 2 DEFINITIONS

**“scintillating lights”** means a group of lights electronically controlled to blink on and off at random so as to give the effect of twinkling lights.

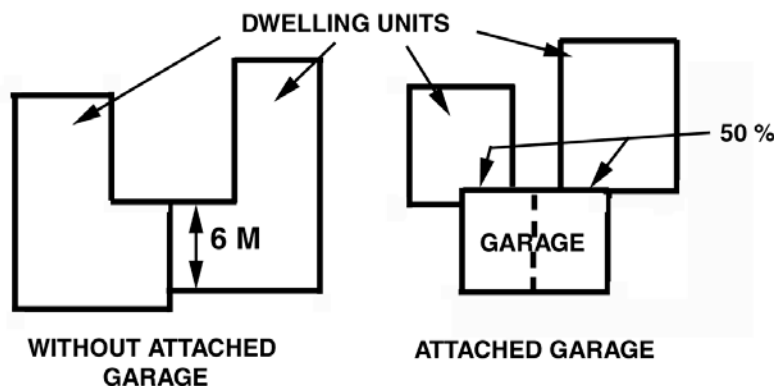
**“school”** means a structured learning environment through which an education program is offered to a student by **18-04**

- (i) A board;
- (ii) An operator of a private school
- (iii) An early childhood services program private operator,
- (iv) Or the Minister of Alberta Education

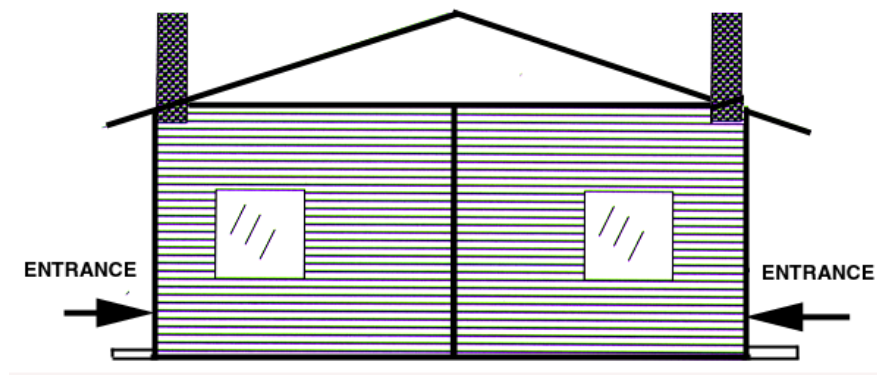
**“screening”** means a fence, earth berm or hedge used to visually separate areas or functions, which, in the opinion of the Approving Authority, negatively impact neighbouring land uses or the streetscape.

**“security quarters”** means an area within an industrial or service commercial building or site designed and utilized as living accommodation for a custodian or a security person to oversee the operation or security of the building and outside storage area. The quarters shall be part of the principle building when a principle building occupies the site and shall be no larger than 46.5 m<sup>2</sup> (500 ft<sup>2</sup>) in living space and in the case of site used primarily for open storage or an unenclosed manufacturing operation, a recreation trailer having an area of no greater than 32.5 m<sup>2</sup> (350 ft<sup>2</sup>) may be used. **06-21**

**“semi detached dwelling”** means a building designed and built to contain two side by side dwelling units, of which the common wall is separated by a fire rated party wall extending from the foundation to the roof and a length of not less than 6 m (20 ft). With attached garages, the common wall between the living space and the individual unit’s garage space must be no less than 50 % of the common wall. **02-04 (See Illustration)**



## PART 2 DEFINITIONS



**“senior citizen”** means a person who is eligible to obtain senior citizen benefits, allowances and pensions, as defined by Federal and Provincial legislation and policy. The age criteria is normally a person who is 65 years of age or older.

**“senior citizen accommodation”** means a dwelling unit or accommodation sponsored and administered by any public agency or any non-profit organization, either of which obtains its financial assistance from Federal, Provincial or Municipal Governments or agencies or public subscriptions or donation, or any combinations thereof. Senior citizen accommodation may include lounge, dining, health care and recreation facilities. Senior citizen homes, extended health care facilities for seniors, senior health care facilities have corresponding meanings.

**“seniors lodging house”** means a development consisting of a building containing sleeping units, where lodging or sleeping accommodation with or without meals is provided for remuneration. Typical uses include housing and lodges for senior citizens. The lodging house may include lounge, dining, health care and recreation facilities and accommodation for caregivers. Senior citizen homes, extended health care facilities for seniors, senior health care facilities have corresponding meanings.

**“separation distance”** is the distance measured from the closest exterior wall of one use to the closest property line of the other use. **18-04**

**“separation space”** means the horizontal open space provided around a building to ensure no conflict of visibility from the building, and adequate light, air and privacy for activities undertaken within the building are provided. Unless otherwise specified in this bylaw, a separation space may be partially or entirely outside the lot or site boundaries of a building.

**“service stations, major”** means development used for the servicing, washing, and repairing of vehicles within a building containing more than three service bays, and for the sale of gasoline, other petroleum products, and a range of vehicle parts and accessories. Major service stations may include eating and drinking establishments. Typical uses include truck stops and highway and service stations.

**“service stations, minor”** means development used for the routine washing, servicing and repair of vehicles within a building containing not more than three service bays; and for the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.

**“setbacks, front, rear, side yard”** means the horizontal distance measured at right angles to the boundary of the parcel, lot or block of land, between the main wall of the building and the main boundary.

## PART 2 DEFINITIONS

**“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 public roadway.

**“sign, “A” or sandwich board”** means an A-shaped sign which is set upon the ground and has no external supporting structure. **02-04**

**“sign, abandoned”** means any sign which no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign which is not in a readable state.

**“sign, advertising”** means a sign other than an identification or directional sign that directs attention to a commodity, product, merchandise produced, service or entertainment to a premise on which the sign is placed or a location other than on which the sign is placed. For purposes of this definition, but not limited to, “A” or sandwich board, banner, balloon, pennant or poster signs, billboards and portable reader board signs are deemed to be “signs - advertising” **02-04**

**“sign, alteration”** means any modification of a sign or supporting structure, excluding the routine maintenance or repainting of a sign or changing the copy on signs specifically designed for this purpose, such as bulletin boards, poster panels and changeable copy signs.

**“sign area”** means the entire area of the sign on which copy is intended to be placed. In the case of double-faced or multi-faced signs, only half of the area of each face of the sign used to display advertising copy shall be used in calculating the total sign area.

**“sign, awning”** means a non-illuminated sign painted or stenciled on the fabric surface of a temporary shelter supported entirely from the exterior wall of a building and designed to be collapsible, retractable or capable of being folded against the wall of the supporting building.

**“sign, balloon, banner, pennant, or poster”** means a sign constructed of cloth, canvas, bristol board, metal or plastic or similar material and depends upon existing structural elements for their support or anchorage. Dirigibles and hot air balloons are included in this class. **02-04**

**“sign, billboard”** means a sign supported by a structure or supports displaying advertising copy larger than 3 m<sup>2</sup> (32 ft<sup>2</sup>). A fence containing advertising information is included in this category. **02-04**

**“sign, business identification”** means a sign identifying the name, dealer, franchise association, primary function, product or service of the commercial activity conducted on the premises, and may include local advertising and changeable copy.

**“sign, canopy”** means a sign attached to, or forming part of, a permanent building projecting or fixed structural framework which extends outward from the exterior wall of a building, and which may be roofed over or covered to provide protection over the entrance to a building. Canopy signs include marquees.

**“sign, changeable copy”** means a permanent on-premise sign or portion of such a sign on which copy can be readily changed manually through the utilization of attachable characters, or automatically through

## PART 2 DEFINITIONS

the electronic switching of lamp banks or illuminated tubes. Changeable copy signs include mechanically controlled time and temperature displays.

**“sign, directional”** means an on-premise sign providing direction to pedestrian or vehicular traffic without advertising copy, except a business logogram. Directional signs include such signs as exit and parking signs.

**“sign, fascia”** means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building or bay to which it is attached and includes a façade sign, and changeable copy sign bands. **02-04**

**“sign, flashing”** means any sign or portion of a sign which contains, or is externally illuminated by, an intermittent or flashing light source such that when the sign is lit more than one-third of the light source producing the flashing or intermittent illumination is turned on at any one time.

**“sign, free standing”** means any sign supported independently of a building and permanently fixed to the ground.

**“sign, general advertising”** means a sign which directs attention to a business, activity, product, service or entertainment which cannot be considered as the principal products sold, nor a principal business, activity, entertainment or service provided on the premises where the sign is displayed, and general advertising has a similar meaning. Typical general advertising signs include bulletin boards, poster panels, back-lite panels, junior panels and mall poster signs.

**“sign, height”** means the vertical distance measured from the finished ground surface directly under the sign to the highest point of the sign.

**“sign, identification”** means a sign which contains only the name and address of a building, institution or person and the activity carried on in the building or institution, but does not include any other advertising copy.

**“sign, illuminated”** means any sign having only steady illumination of the same intensity by artificial means, either from lighting directed on the sign face, or from a light source located within the sign which is transmitted through a transparent or translucent sign face.

**“sign, local advertising”** means a sign or portion of a sign on which the copy refers only to products or merchandise produced, offered for sale or obtainable at the premises on which the sign is displayed, and which are related to the principal function of such premises, and local advertising has a similar meaning.

**“sign, official”** means a sign required by, or erected pursuant to, the provisions of federal, provincial or municipal legislation.

**“sign, on-premise”** means a sign identifying or advertising a business, activity, service or product located on the premises where the sign is erected. On-premise signs include signs erected on a site to provide warning or direction to persons entering upon the site.

**“signs portable reader board”** means a freestanding sign mounted on a trailer, stand, or similar support structure which is not permanently or structurally affixed to the ground, and is designed to be carried or transported from one site to another. “A” or sandwich board, balloon, banner, pennant and poster signs are not included in this category. **02-04**



## PART 2 DEFINITIONS

**“sign, projecting”** means a sign, except an awning or canopy sign, which is fastened by brackets or wires to an exterior building wall, and projects more than 300 mm (12 inches) outward and the copy area is at right angles from the building wall. **02-04**

**“sign, real estate”** means a temporary sign identifying real estate that is “for sale”, “for lease”, “for rent”, or “sold”. **02-04**

**“sign, roof”** means any sign erected upon, against, or above a roof, or on top of or above, the parapet of a building.

**“sign, rotating”** means a sign or part of a sign which moves in a revolving manner.

**“sign, temporary”** means a sign which is in place no longer than 21 consecutive days and no longer than 42 days in a year, unless a shorter period is specified in the Development Permit or within the sign rules of this Bylaw. **02-04**

**“sign, structure”** means any structure which supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.

**“sign, under-canopy”** means a double-faced sign suspended below the ceiling or roof of a canopy.

**“sign wall”** means any sign attached to a wall of a building in such a manner that its leading edge is 0.2 m. (7 in) or less from the supporting wall or painted on to the face of wall. This shall include menu display boxes or changeable copy area sign bands. **02-04**

**“sign, warning”** means an on-premise sign providing a warning to the public, including such signs as “no trespassing” or “private driveway” signs.

**“sign window”** means a non-illuminated sign painted, on, or etched, or applied with a film to the glass portion of the window frame. **02-04**

**“similar use”** means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the development authority has determined to be similar in character to a use listed as a Permitted or Discretionary Use and the purpose and intent statement in the district in which such use is proposed. **02-04**

**“single detached housing”** means development consisting of a building containing only one dwelling unit, which is separate from any other dwelling or building. This use class does not include manufactured homes. Relocated single family dwellings are not included in this use class definition unless otherwise allowed in a district.

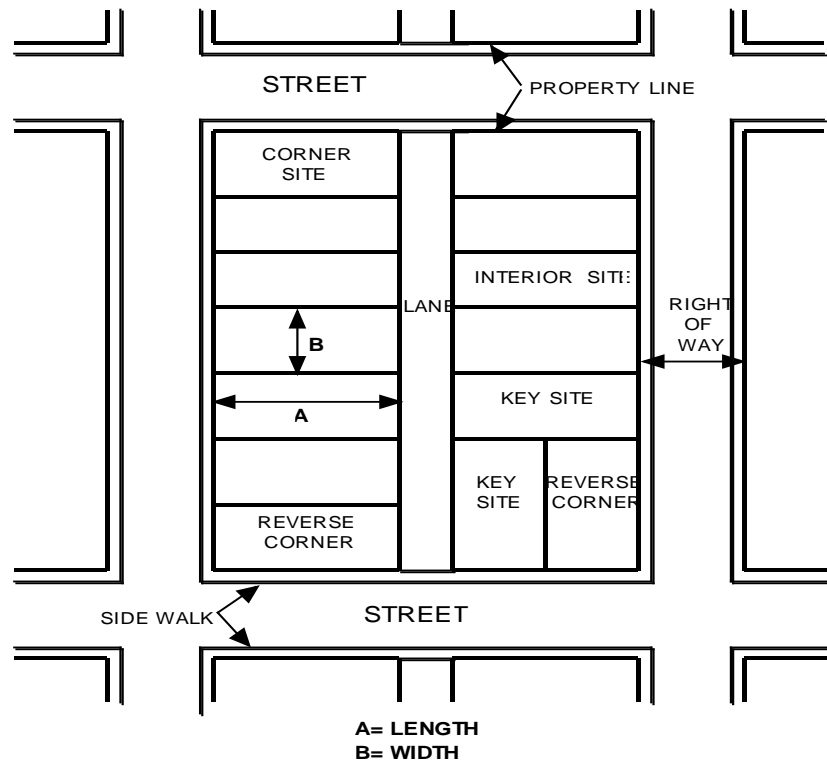
**“single detached housing, moved on”** means development consisting of a building containing only one dwelling unit, which is separate from any other dwelling or building and is relocated from an off-site location in accordance with this bylaw.

**“site”** means a readily identifiable part of a parcel which is established or defined for the purpose of, among other things, appropriate building placement, private amenity spaces and landscaping in a manufactured housing community, multi-unit residential development, and the like. A site must be defined by a plan prepared by a qualified surveyor, but may not necessarily be registered at a Land Titles Office. Each site should be established by corner markers, fencing, landscaping or other suitable means.

## PART 2 DEFINITIONS

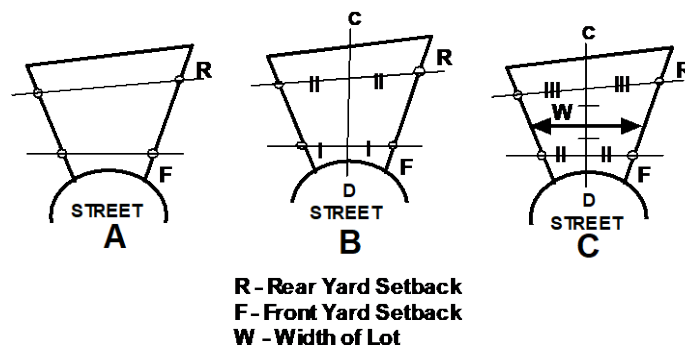
**“site coverage”** means the combined area of all buildings or structures on a site, including accessory buildings or structures, measured at a point at grade directly below the outside surface of the exterior walls of the structure at the first story floor level, including projections less than 2.5 m (8 ft) above finished grade which includes and is not limited to supported balconies, open or closed in and covered porches and veranda, covered terraces and all other spaces within a building, excluding steps, eaves, cornices, and similar projections, and un-enclosed inner and outer courts and decks and patios which are less than 0.6 m (2 ft) above grade. **02-04**

**“sites illustrated” 02-15** (see illustration)



**“site width”** means the width of a lot, including pie shaped lots, measured by the horizontal distance between the side property boundaries midway and parallel to the front setback and rear setback lines.

(See Illustration)



## PART 2      DEFINITIONS

**“sleeping unit”** means a room, or a group of two or more rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.

**“slope”** means the degree of deviation of a surface from the horizontal expressed in a percentage or degrees. A slope of 15 percent means that for every 100 feet of horizontal distance the surface rises 15 ft, or a ratio of 6.7 to 1, or 8.53 degrees. **21-06**

**“small animal breeding and boarding establishments”** means development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

**“Small Animal Veterinarian Clinic”** means a building or structure where one or more licensed veterinarians and associated staff provides consultation, diagnostic, medical, surgical, and treatment to small animals normally considered as household pets and includes the short term boarding of small animals during treatment or surgery recovery. **03-14**

**“sound shadow”** means the area behind a berm, or similar noise attenuation device, so formed by a line originating at the noise source to the height of the attenuating device. **02-04**

**“storey”** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building that is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 m (6 ft) above grade, such basement shall be considered a storey for the purpose of this Bylaw.

**“street vendor”** means a person or organization who sells wares, prepared or raw food products, or similar merchandise from a cart, tent or other means which must be removed every night. Sales are conducted in the CB District with the land owner’s permission and appropriate licenses obtained from the Town of Black Diamond and the Province. Peddler and sidewalk vendor have corresponding meanings.

**“structure”** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. **02-04**

**“subdivision”** means the division of a parcel by an instrument and the word "subdivide" has corresponding meaning. **02-04**

**“temporary development”** means a use and/or building maintained or operated for a time period specified by a temporary development permit, or for a limited time period where exempted by this bylaw from requiring development approval.

**“tourist campsites”** means development of land which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as year round storage, or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds.

**“townhouse”** means an building comprised of three or more dwelling units separated from each other by walls extending from foundation to roof, with each dwelling unit having a separate, direct, at grade entrance. Row, linked, patio, garden court or other housing which meet this criteria are included in this category. **02-04**

## PART 2 DEFINITIONS

**“triplex”** means a separate building containing only three (3) dwelling units, each of which has direct access to the ground floor.

**“use”** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

**“use, change of”** means the conversion of land or building, or portion thereof from one land use activity to another in accordance with the permitted or discretionary uses as listed in each Land Use District.

**“use, intensity of”** means the degree or scale of operation of use or activity in relation to the amount of land and buildings associated with the use, vehicular traffic generation resulting thereof, or amount of parking facilities required for the particular land use activity.

**“utility services, major impact”** means development for public utility infrastructural purposes which is likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions or effects, or their appearance. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, incinerators and waste recycling plants.

**“utility services, minor impact”** means development for public utility infrastructural purposes which is likely to have minor impacts on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses in this class include vehicle, equipment and material storage yards for utilities and services, storm water, lakes, water storage tanks and water treatment plants.

**“warehouse sales”** means development used for the wholesale or retail sale of a limited range of bulk goods 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. Limited outside storage may be allowed on site. This use class includes developments where principal goods being sold are such items as furniture, carpet, major appliances and building materials. This use class does not include retail store, cannabis facility or cannabis store. **18-04**

**“warehouse store”** means the use of a building for the interior storage and retailing of limited range of bulky items of materials, products, goods or merchandise which typically require a large floor area for display to the purchaser, and may include, but are not limited to, carpets, furniture, paints and wall. This use class does not include retail store, a cannabis facility or a cannabis store. **18-04**

**“works”** means any fence, landscaping, landscape vegetation, sidewalks, pathways, roads or other public or private utilities associated with and required for a development.

**“yard”** means any open space on site and generally is the distance between the property or lot boundary to:

- (a) the foundation of the principal structure; or
- (b) exterior finishing materials of accessory building; or
- (c) the prescribed land use district yard setback distance.

## **PART 2      DEFINITIONS**

**“yard, front”** means the portion of a site abutting the front lot line extending across the full width of the site, situated between the front lot line and a line of the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.

**“yard, rear”** means the portion of a site abutting the rear lot line extending across the full width of the site, situated between the rear lot line and a line on the site parallel to it, at a specified distance from it, measured at a right angle to it along its full length.

**“yard, side”** means that portion of a site abutting a side lot line extending from the front yard to the rear yard. The side yard shall be situated between the side lot line and a line on the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.

## **Part 3      ADMINISTRATION**

### **Section 3.1    DEVELOPMENT OFFICER**

- (1) Council hereby establishes the Office of the Development Officer, which is authorized to act on behalf of Council on those matters delegated to it by this Bylaw.

### **Section 3.2    SUBDIVISION OFFICER**

- (1) Council hereby establishes the Office of the Subdivision Officer, which is authorized to act on behalf of Council on those matters delegated to it by this Bylaw.

### **Section 3.3    MUNICIPAL PLANNING COMMISSION**

- (1) Council hereby establishes the Office of the Municipal Planning Commission which is authorized to act on behalf of Council as the development and subdivision Approval Authority in those matters delegated to it by this bylaw.

### **Section 3.4    SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- (1) The Council hereby establishes the Office of the Subdivision and Development Appeal Board which is authorized to perform such duties as specified in the Act and the Subdivision and Development Appeal Board Bylaw.

### **Section 3.5    DEVELOPMENT OFFICER DUTIES, RESPONSIBILITIES AND VARIANCE POWERS**

- (1) The position of the Town of Black Diamond Development Officer is hereby established, and shall perform the following powers and duties:
  - (a) receive all applications for Development Permits;
  - (b) keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at reasonable charge;
  - (c) keep a register of all applications for development, including the decisions therein and the reasons therefore, and all orders, for a minimum period of seven (7) years;
  - (d) process and circulate development applications to authorities in accordance with the Act, Subdivision and Development Regulations, and this Bylaw;
  - (e) consider and decide on applications for a Development Permit, and be governed in his consideration and decision on the application by this Bylaw and amendments thereto;
  - (f) receive, consider and decide on applications for a Development Permit for:
    - i) permitted uses and discretionary uses; **02-04**
    - ii) deleted; **02-04**
    - iii) deleted; **02-04**
    - iv) demolition or removal of buildings;
    - v) temporary development
  - (g) receive, consider and decide on requests for time extensions for Development Permits which the Development Officer has issued;

## PART 3 ADMINISTRATION

- (h) receive and refer with a report to the Municipal Planning Commission for its consideration and decision:
    - i) applications referred to in (e) above or requests for time extensions, referred to in (f) which the Development Officer considers may significantly affect the statutory plans and bylaws which are being prepared or adopted, or Council's policies;
    - ii) all other applications
  - (i) shall refer for comment applications for Development Permits to those authorities and agencies prescribed within the Subdivision and Development Regulations and this Bylaw
  - (j) advise the applicant of an application for a use which is not listed as a "Permitted" or "Discretionary Use" in the district in which the building or land is situated, or the option of applying to Council for an amendment to this Bylaw;
  - (k) sign and issue all Development Permits;
  - (l) in conjunction with the development approval process, and if required, may prepare the necessary land use bylaw redesignations or other statutory plan amending bylaws;
  - (m) shall appear before, and represent the Municipal Planning Commission at appeal hearings of the Subdivision and Development Appeal Board on decisions on applications for development that have been appealed.
- (2) Unless extended by an agreement in writing between the Applicant and the Development Officer, the Development Officer shall within 20 days after receipt of an application for a development permit:
- (a) Issue a written acknowledgement to the applicant advising that the application is complete; or
  - (b) Issue a notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required and setting a date by which the required documentation and information must be submitted; **21-06**
- (3) If the applicant fails to submit any requested outstanding documents or information by the date set out, the application shall be deemed refused and the Development Officer shall inform the applicant in writing that the application has been refused and the reason for refusal. **21-06**
- (4) Upon receipt of the required documentation and information listed in the notice issued pursuant to Section 3.5.2(b), the Development Officer shall issue written acknowledgment to the applicant advising that the application is complete. **21-06**
- (5) Development Officer may deal with a development permit application after the referral date for receipt of comments from agencies or authorities has expired or all comments have been received. **02-04**
- (6) In making a decision on an application for a "Permitted Use", that otherwise conforms to the Land Use Bylaw, the Development Officer:
- (a) must issue a Development Permit with or without conditions and restrictions considered appropriate or necessary.
- (7) The Development Officer shall not allow the use of land or a building not listed as a "Permitted Use" or "Discretionary Use in the district in which the building or land is situated.

## PART 3 ADMINISTRATION

- (8) The Development Officer shall not approve an application for a Development Permit that is not in conformity with the Municipality's Statutory Land Use Plans and this Land Use Bylaw.
- (9) Notwithstanding Section 3.5.8, the Development Officer may allow a minor variance for a total of 25% of any or all of the following requirements, where in his/her discretion, the development would not unduly interfere with the amenities of the neighborhood, or materially interfere with or affect the use, enjoyment or value of the neighboring parcels of land:
  - (a) front and rear yard dimensions;
  - (b) one side yard to a maximum of 305 mm;
  - (c) height of buildings.
- (10) The Development Officer shall not issue a permit for a development which is to be serviced by private sewer and water systems until the systems have been approved by the appropriate Municipal and Provincial departments.
- (11) Pursuant to the Act, where a Development Officer finds that a development or use of land or buildings is not in accordance with:
  - (a) Act or the regulations thereunder; or
  - (b) a Development Permit or subdivision approval; or
  - (c) this Bylaw;the Development Officer shall issue an order in writing to the registered owner, the person in possession of the land or buildings or the person responsible for the contravention of all or any of them to:
  - (d) stop the development or use of the land or building in whole or part as directed by the notice;
  - (e) demolish, remove or replace the development; or
  - (f) take such other measures as are specified in the notice so that the development or use of the land or building is in accordance with the Act, and the regulations thereunder, a Development Permit, subdivision approval or this bylaw, as the case may be;within the time specified by the order.
- (12) The Development Officer shall consider and decide on applications for Development Permits within forty (40) days of the receipt of the application in its complete and final form in accordance with Section 3.5.2, or within such time as agreed to in writing by the applicant and the Development Officer. **21-06**
- (13) If the Development Authority does not make a decision on an application for a Development Permit within 40 days or within such time as agreed in writing by the applicant and the Development Officer, the application is, at the option of the applicant, deemed to be refused.
- (14) . The Development Officer shall refer, for consideration to the Foothills County, all development applications when the site is within 60 meters of the municipal boundaries.
- (15) Deleted **02-04**



## PART 3 ADMINISTRATION

### EXPLANATION NOTE

#### Appealing the Development Officer's Decision

- There are some things you can do if your development application is refused or if you disagree with a condition of approval. You can reapply and change your proposal to meet the requirements of the municipality or you can appeal to the **Subdivision and Development Appeal Board (SDAB)**. The SDAB is set up under the Municipal Government Act to deal with appeals on decisions by the Development Officer and the Municipal Planning Commission. You may also appeal the SDAB if the Development Officer has not decided **within 40 days**, or if you are not satisfied with the attached conditions.
- If you are affected by a proposed development, you may also launch an appeal to the SDAB if you disagree with the Development Officer's decision or attached conditions. An appeal must be submitted to the SDAB in writing either **within 21 days of the notice of decision, or after the 40 day period** if no decision has been given. **02-04**
- The SDAB must hold a hearing within 30 days of receiving your written appeal. In addition, the SDAB must give at least **5 days notice** of the hearing date to you (as the appellant), the Development Officer, Municipal Planning Commission and anyone else affected by the case. During this time all documents related to the hearing are available for public inspection.
- At the hearing all those who have given notice are heard, and evidence is recorded in writing. Usually the hearing is informal and you will be given the opportunity to speak and explain your position. While you can have a lawyer if you like, most people make their own presentations.
- Within 15 days of the end of the hearing the SDAB must make a decision in writing, together with reasons for the decision. The SDAB looks only at the planning facts presented during the hearing, and ensures that the requirements of all existing planning documents are satisfied.
- The SDAB may agree with or reverse the Development Officer's or the Municipal Planning Commission's decision. It may also add, remove or change development conditions.

## PART 3 ADMINISTRATION

### Section 3.6 SUBDIVISION OFFICER DUTIES AND RESPONSIBILITY

- (1) The position of the Town of Black Diamond Subdivision Officer is hereby established, and shall perform the following duties and powers:
  - (a) and maintain for the inspection of the public during office hours, copies of all decisions and ensure that copies of same are available to the public at reasonable charge;
  - (b) keep a register of all applications for subdivision, including the decisions therein and the reasons therefore;
  - (c) refer for comment applications for subdivision to those authorities and agencies prescribed within the Subdivision and Development Regulations and this Bylaw;
  - (d) shall solicit comments from adjacent property owners on applications for subdivision;
  - (e) refer for comment an application for subdivision to an adjacent municipality when the site is within 60 meters of the Municipal boundaries;
  - (f) shall review instruments for Land Titles registration for conformity with the Subdivision Officer or Municipal Planning Commission's decision; **02-04**
  - (g) may endorse Land Titles instruments in order to effect the registration of the subdivision of land at the Land Titles office.
- (2) Unless extended by an agreement in writing between the Applicant and the Subdivision Officer, the Subdivision Officer shall within 20 days after receipt of an application for a subdivision:
  - (a) Issue a written acknowledgement to the applicant advising that the application is complete; or
  - (b) Issue a notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required and setting a date by which the required documentation and information must be submitted; **21-06**
- (3) If the applicant fails to submit fails to submit any requested outstanding documents or information by the date set out, the application shall be deemed refused and the Subdivision Officer shall inform the applicant in writing that the application has been refused and the reason for refusal. **21-06**
- (4) Upon receipt of the required documentation and information listed in the notice issued pursuant to Section 3.5.2(b), the Subdivision Officer shall issue written acknowledgment to the applicant advising that the application is complete. **21-06**
- (5) The Subdivision officer shall forward the application for subdivision together with a report and recommendation to the Municipal Planning Commission for decision.
- (6) The Subdivision Officer may deal with a subdivision application after the referral date for receipt of comments from agencies or authorities has expired or all comments have been received. **02-04**
- (7) In preparation of the report and recommendation, the Subdivision Officer shall give due consideration to the comments received from any authority or agency.
- (8) Shall prepare and transmit notices of decision, and shall place formal notices in the newspaper.
- (9) The Subdivision Officer shall advise the applicant of an application for subdivision for a use which is not listed as a "Permitted Use" or "Discretionary Use" or the site does not meet the

## PART 3 ADMINISTRATION

requirements of the district in which the land is situated, of his option of applying to Council for an amendment to this Bylaw.

- (10) In conjunction with the subdivision approval process, and if required, may prepare the necessary land use bylaw redesignation, or other statutory plan amending bylaws on behalf of the municipality.
- (11) The Subdivision officer shall advise the Council, Municipal Planning Commission and Subdivision and Development Appeal Board on matters relating to the subdivision of land.
- (12) The Subdivision officer shall appear before and represent the Municipal Planning Commission at appeal hearings of the Intermunicipal Subdivision and Development Appeal Board and Municipal Government Board on decisions on applications for subdivision.

### Section 3.7 MUNICIPAL PLANNING COMMISSION DUTIES, RESPONSIBILITIES AND VARIANCE POWER

- (1) The Municipal Planning Commission shall consider and decide on all applications for a development permit which have been referred to it by the Development Officer. **02-04**
- (2) The Municipal Planning Commission shall receive, consider and decide on applications for subdivision approval.
- (3) The Municipal Planning Commission may vary the Land Use Rules for the district in which the development is proposed where, in their opinion, the development would not unduly interfere with the amenities of the neighborhood, or materially interfere with or effect the use, enjoyment or value of the neighboring parcels of land.
  - (a) The development authority may not vary the requirements for distances required in accordance with Section 8.32.2 (g) and 8.32.3.(f) **18-04**
- (4) The Municipal Planning Commission shall consider and decide on:
  - (a) requests for time extensions to Development Permits which have been referred by the Development Officer.
- (5) The Municipal Planning Commission shall decide upon applications for Development Permits, even though the proposed development is a non-conforming building, if, in the opinion of the Municipal Planning Commission, the proposed physical change is minor, and
  - (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 the land use bylaw.
- (6) May require that the applicant enter into an agreement with Council, in accordance with Sections 650, 651 or 655 of the Act.
- (7) May impose such conditions of approval as may be necessary to ensure compliance with the Act, the Subdivision and Development Regulation, Municipal Development Plan, any Area Structure Plans that have been adopted and this Land Use Bylaw or any other applicable Municipal, Provincial or Federal legislation. **18-04**

## **PART 3      ADMINISTRATION**

- (8) Is authorized, on applications for subdivision, to decide on land to be provided for roads, public utilities, and environmental reserves in accordance with the Act.
- (9) Must determine on applications for subdivision the location and allocation of municipal and school reserves in accordance with the Act.
- (10) May request the applicable Government department to grant a waiver of any Subdivision and Development Regulation prior to making a decision on a proposed subdivision or development.
- (11) May advise and assist Council with regard to the planning of the orderly and economical development within the Municipality.
- (12) May recommend to Council on all amendments to the statutory plans.

### **Section 3.8      SUBDIVISION AND DEVELOPMENT APPEAL BOARD DUTIES, RESPONSIBILITIES AND VARIANCE POWER**

- (1) Where the Development Officer, Subdivision Officer or Municipal Planning Commission:
  - (a) refuses an application for a Development Permit, or a subdivision;
  - (b) fails to issue or render a decision on an application for a Development Permit or subdivision; or
  - (c) approves an application for a Development Permit or subdivision, with or without conditions; or
  - (d) issues an order under Section 6.3 of this bylaw;the following persons may appeal to the Subdivision and Development Appeal Board:
  - (e) the applicant for development or subdivision approval;
  - (f) any person affected by an order, or decision on a Development Permit;
  - (g) an adjacent landowner that was given notice pursuant to Section 4.4.2(b) on a decision to issue a Development Permit;
  - (h) a school authority with respect to the allocation of municipal of school reserve on a decision to approve an application for subdivision;
  - (i) those authorities and agencies to which the application for Development Permit or subdivision was referred and are entitled to appeal, under the provisions of the Act.
- (2) Notwithstanding Section 3.8.1, no appeal lies to the Subdivision and Development Appeal Board in respect to:
  - (a) the decision to issue a Development Permit for a use that is listed as a “Permitted Use” within the district in which the development is to occur unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8); ; **21-06**
  - (b) the decision by Council with respect to a Development Permit application on lands designated as a Direct Control district; **21-06**
  - (c) the decision or deemed refusal on an application for subdivision if the land is located within a distance, as set out in the Subdivision and Development Regulations, of a highway, body of water, sewage treatment or waste water management facility in which cases an appeal must be filed with the Municipal Government Board;

## PART 3 ADMINISTRATION

- (d) appeals initiated by adjacent land owners in regards to subdivision approvals.
- (3) The appeal of a decision by a Development Authority to with respect to a Development Permit application in respect of a Direct Control district is limited to whether the development authority followed the directions of Council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.**21-06**
- (4) An appeal must be filed with the Subdivision and Development Appeal Board within 21 days of the date the decision, notice or order was transmitted, advertised or issued. **21-06**
- (5) The appeal hearing must be held within thirty (30) days of receipt of an appeal.
- (6) All relevant documents and materials respecting the appeal including the application for the subdivision or Development Permit, the Subdivision Officer's decision, the letter of appeal, or the order of the Development Officer, shall be made available for public inspection.
- (7) The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (8) In determining an appeal, the subdivision and development appeal board:
- (a) must comply with the land use policies and statutory plans, and, subject to clause (d), the land use bylaw in effect;
  - (b) must have regard to, but is not bound by, the subdivision and development regulations;
  - (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) may make an order or decision or issue or confirm the issue of a Development Permit, even though the proposed development does not comply with the land use bylaw, and the proposed physical change is minor, if, in its opinion:
    - i) the proposed development would not:
      - unduly interfere with the amenities of the neighbourhood, or
      - materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;and
    - ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

### Section 3.9 FORMS, NOTICES AND FEES

- (1) For the purposes of administering the provisions of this Bylaw, Council, by Resolution, may authorize the preparation and the use of such forms, notices and fee schedules as in its discretion it may deem necessary. Any such forms, notices or fees are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized, and issued.
- (2) The forms, notices and fee schedules authorized by Council pursuant to this bylaw may be posted, issued, mailed, served or delivered in the course of the Development Officer's or Subdivision Officer's duties.

## Part 4 DEVELOPMENT

### Section 4.1 DEVELOPMENT PERMITS REQUIRED

- (1) Except as provided in Section 4.2 of this Bylaw, no person shall undertake any development unless:
- (a) a Development Permit has first been issued pursuant to this Bylaw; and
  - (b) the development is proceeded with in accordance with the terms and conditions of the Development Permit issued in respect of the development; or
  - (c) a Building Permit has been obtained when the Safety Codes Act requires. **21-06**

### Section 4.2 DEVELOPMENT PERMITS NOT REQUIRED

- (1) A Development Permit is not required in respect of the following developments, but such developments shall comply with the provisions of this Bylaw and all applicable regulations: **21-06**
- (a) works of maintenance, repair or alteration, on a structure, both internal and external, if in the opinion of the Development Officer such work:
    - i) does not affect the applicable land use rules of this Bylaw;
    - ii) does not change the use or intensity of the use of the structure; and
    - iii) is performed in accordance with obligatory legislation or other government regulations;
  - (b) the completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
    - i) the building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
    - ii) the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date this Bylaw comes into full force and effect;
  - (c) the use of any building referred to in Section 4.2.1(b) for the purpose for which construction was commenced;
  - (d) the erection, construction or maintenance of gates, fences or walls less than 1.8 m (6 ft) in height provided that the erection does not contravene any other provisions of this Bylaw;
  - (e) Deck Reference Deleted **02-04**
  - (f) additions to single family dwellings listed as a “permitted use” in the applicable land use district, and which conform to all requirements of the Land Use Bylaw, and do not exceed 5 m<sup>2</sup> (54 ft<sup>2</sup>) and provided the addition does not result in an additional suite or dwelling unit. **02-04**
  - (g) Garage Reference Deleted **02-04**
  - (h) accessory buildings under 13.5 m<sup>2</sup> (144 ft<sup>2</sup>);
  - (i) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of the construction;

## PART 4 DEVELOPMENT

- (j) the construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement;
- (k) the use by the Municipality of land which the Municipality is the legal or equitable owner for purpose approved by a simple majority vote of Council in connection with any public utility, public works or emergency services or any building for such purposes; **02-04**
- (l) the use of a building or part thereof as a temporary polling station or campaign offices for a Federal, Provincial or Municipal election or referendum or plebiscite; **02-04**
- (m) one temporary, on-site freestanding or fascia sign which does not exceed 1 m<sup>2</sup> (10 ft<sup>2</sup>) in area and is intended for: **07-27**
  - i) advertising the sale or lease of a dwelling unit, or property for which a Development Permit has been issued for the development on the said property; or
  - ii) identifying a construction or demolition project for which a Development Permit has been issued for such a project; or
  - iii) identifying a political campaign: such a sign may be displayed for thirty (30) days prior to an election or referendum and must be removed within seven (7) days following the election, referendum or plebiscite; or
  - iv) advertising a campaign or drive which has been approved by Council: such a sign may be posted for a maximum period of fourteen (14) days;
- (n) municipal signs used to indicate street names and traffic control, logo and identification signs erected on municipally owned structures; **02-04**
- (o) Signage for the following purposes: **07-27**
  - i) "A" or sandwich board advertising or providing direction for community event (religious, charities, non-profit societies, educational institutions);
  - ii) "A" or sandwich board for real estate directional signage for show homes and open houses;
  - iii) real estate logo directional signs with less than 0.18 m<sup>2</sup> (2 ft<sup>2</sup>) in copy area and less than 1 m (3 ft) in height,
  - iv) "A" or sandwich board signs providing location or directions to:
    - a private function,
    - art or similar show,
    - educational demonstration, one time sale event or display of a product of a home occupation,
    - sporting or cultural events,
    - garage sales, and
    - similar events as determined by the development authority.
  - v) Directional, informational and advertising signage for the one day Black Diamond parade, this includes business and sale promotions.
- (p) the construction, maintenance and repair of private walkways, private pathways, private driveways, decks and patios, landscaping features and details that do not involve retaining walls greater than 0.6 m (2 ft) in height and similar works; **02-04**

## PART 4 DEVELOPMENT

- (q) the construction or installation of public roadways, walkways, utilities or grading of the site or removal or stockpiling of soil when a development agreement has been signed as a condition of subdivision approval, or the undertaking of any or all of the aforementioned works that have been authorized by Council;
- (r) satellite dishes and other forms of communication structures for private use;
- (s) one on-site fascia sign which does not exceed 0.185 m<sup>2</sup> in area for any of the following buildings: single family dwelling, semi-detached or duplex, row house or townhouse and states nor more than:
  - i) the name and address of the building; or,
  - ii) the name of the person(s) or home occupation occupying the building.
- (t) the placement of a mobile home and any additions or accessory structures in a mobile home park, where they comply with the provisions of this Bylaw;
- (u) street vendor operators when they have been issued a Town of Black Diamond street vendor business license;
- (v) a change of use in a District which is from one "Permitted Use" to another "Permitted Use", and where, in the opinion of the Development Officer, the intensity of the use of the structure is not changed, and such work does not include any structural alteration. Plans and relevant information of the proposed change of use shall be submitted to the Development Officer to ensure conformity with this Bylaw.

### Section 4.3 APPLICATION REQUIREMENTS

#### (1) General Conditions

- (a) An application for a Development Permit shall not be considered to have been received until the applicant has submitted all information required pursuant to the following sections of this Bylaw, and any information specifically required pursuant to the regulations of the applicable land use district, or any other section of this bylaw, and until the applicant has paid the appropriate fee specified by resolution of Council.
- (b) The Development Officer shall provide written notice to the Applicant within 20 days of receiving the application advising whether the application is deemed to be complete, in accordance with Section 683.1(1) of the Act. **21-06**
- (c) If the Development Officer does not provide written notice to the Applicant advising whether the application is complete within 20 days of receiving the application, then the application is deemed to be complete **21-06**
- (d) Notwithstanding clause (a) above, the Development Officer may consider an application complete, and provide written notice to applicant, in accordance with Section 683.1(1) of the Act, if, in his opinion, the development is of such a nature as to enable a decision to be made on the application without all of the information required in this section. **21-06**
- (e) The Development Officer may require an applicant to submit such additional information as he considers necessary to verify the compliance of the proposed use or development with the regulations of this Bylaw.



## PART 4 DEVELOPMENT

- (f) Where an application for a Development Permit is determined to contain incorrect information, no Development Permit shall be issued until such information is corrected by the applicant.
  - (g) The approval of any application, drawing or the issuing of a Development Permit shall not prevent the Development Officer from requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this bylaw.
  - (h) Deleted **02-04**
- (2) Development Applications for a Change of Use in Existing Buildings
- (a) The appropriate application form shall be fully and accurately completed in accordance with the following requirements:
    - i) the municipal address of land and buildings presently occupying the site, if any;
    - ii) a legal description of the land on which the proposed development is to occur, by lot, block, registered plan numbers, or section, township and range where applicable;
    - iii) the applicant's name, address, telephone number and interest in the land;
    - iv) if the applicant is not the legal owner of the land and buildings, then the application form must be signed by the legal owner, or contain a letter of consent signed by the legal owner;
    - v) floor plans at minimum scale of 1:100 (metric) (1/8" = 1 foot) indicating all uses or occupancies, storage and garbage holding areas;
    - vi) number of parking and loading spaces required and provided;
    - vii) description of proposed development or building operations;
    - viii) the estimated commencement and completion dates.
- (3) An application for a Development Permit for a Minor Home Occupation shall be made to the Development Officer using the prescribed form. Further information may be requested at the discretion of the Development Officer.
- (4) An application for a Development Permit for a Major Home Occupation or Bed and Breakfast Operation shall be made to the Development Officer using the prescribed form, signed by the owner or agent, and accompanied by:
- (a) a site plan, with a north arrow showing location of required on-site parking and location of any accessory buildings used for the proposed development.
  - (b) Any further information may be requested at the discretion of the Development Officer.
- (5) An application for a health or alternative health care services and facilities shall be required to provide a statement or report on the methodology to be used in the disposal of bio-medical waste products, instruments and containers used within the facility for treatment or analysis.
- (6) An application for a Development Permit for new construction shall be made to the Development Officer using the prescribed form, signed by the owner or his agent and accompanied by:
- (a) two (2) copies of the application form and site plan, drawn to scale or dimensioned, which show the following: **02-04**
    - i) legal description of the site;

## PART 4 DEVELOPMENT

- ii) area and dimensions of the land to be developed including the front, rear and side yards if any, and north arrow;
  - iii) floor plans, elevation and exterior finishing materials;
  - iv) locations and distances of on-site existing or proposed water and sewer connections, septic tanks, disposal fields, water wells, culverts and crossings;
  - v) site drainage, finished lot grades, the grades of the roads, streets and sewers servicing the property;
  - vi) the height, dimensions and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping and other physical features;
  - vii) information on the method to be used for the supply of potable water and disposal of wastes along with supporting documentation;
  - viii) existing and proposed access and egress to and from the site; and
  - ix) provision of required on-site parking stalls.
- (b) where applicable, the cutting down or removal of trees;
  - (c) **Deleted 02-04**
  - (d) the estimated commencement and completion dates;
  - (e) a Copy of a Certificate of Title. **02-04**
  - (f) the Development Application fee as prescribed by Council
- (7) In addition to the information required under Section 4.3.6, the following information shall be required on applications for recreational uses and golf courses; **02-04**
- (a) number of units, or persons proposed;
  - (b) duration and time periods for the operation of the facility or event;
  - (c) methods to control traffic, dust and noise;
  - (d) parking provisions;
  - (e) method(s) for providing on-site security;
  - (f) list and location of all on-site services and activities being proposed;
  - (g) hydrological study detailing water sources for domestic consumption and irrigation purposes, method(s) for managing on and off-site drainage and irrigation systems and the effects the drainage and irrigation systems will have on the site, adjacent lands and water courses;
  - (h) a Municipal Environmental Impact Statement on the effects the development would have on the existing vegetation, water courses, wildlife habitats, migration patterns, and scenic features of the landscape as well as documentation on proposed methods of maintaining landscaped areas or golf course development, including the use of herbicides, pesticides, fungicides and other chemicals, their impacts on the environment, and mitigating measures that will be employed to minimize any adverse effects. **02-04**
- (8) Development Applications for Signs
- (a) The appropriate application form and accompanied with a working drawing showing the following requirements: **02-04**

## PART 4 DEVELOPMENT

- i) the overall dimensions of the sign;
  - ii) the method of illumination, if any;
  - iii) the materials from which the sign is to be constructed;
  - iv) method used to support the sign, including type of wall construction if the sign is anchored to a building or the size and depth of all concrete footings for freestanding signs;
  - v) where applicable, the location of the sign on the building;
  - vi) any sidewalks or pedestrian passageways that the proposed sign will extend over;
  - vii) the total height of the sign above grade;
  - viii) the clearance from grade of the lowest portion of the sign;
    - a) the maximum extension of the sign above the building roof or parapet wall;
  - ix) for canopy, awning, projecting and freestanding signs, a site plan showing:
    - a) a north arrow;
    - b) the curb line, property line and location of any existing or proposed buildings on which signs are to be displayed;
    - c) location of any existing freestanding, projecting or awning or canopy signs on the building or site.
- (9) On lands within the flood risk area as established in accordance with the Alberta Flood Hazard Identification Program, a Municipal Environmental Impact Statement detailing flood remediation efforts to protect the proposed development. **02-04**
- (10) In addition to Section 4.3.9, applications for development on any lands adjacent to a water course or escarpment must be accompanied by a Municipal Environmental Impact Statement **02-04**
- (11) On applications for development for a site that is known or suspected of site contamination must be accompanied by a Environmental Site Assessment. **02-04**
- (12) The Development Officer may require additional information or additional copies of the plan and specifications as is deemed necessary.
- (13) The application shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer.

### Section 4.4 ISSUANCE OF PERMITS AND NOTIFICATION

- (1) A Development Permit issued pursuant to this Bylaw is not a Building Permit and, notwithstanding that plans and specifications for buildings may have been submitted as part of an application for a Development Permit, work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to applicable bylaws and regulations.
- (2) When an application for a Development Permit is approved for:
  - (a) a permitted use that complies in all respects to the provisions of the Land Use Bylaw and with standard conditions the Notice of Decision shall be sent by ordinary mail to the applicant; or
  - (b) a permitted use that requires a variance of a Land Use Bylaw requirement, or has been approved with special conditions or the approval is for a discretionary use, the Notice of Decision shall be sent by ordinary mail to the applicant and

## PART 4 DEVELOPMENT

- i) a Notice Posted on the site, or
  - ii) mailed to adjacent property owners, or
  - iii) a Notice published in a local newspaper circulating in the Town, stating the legal description of the site of the development and identifying the use which has been approved for the site.
- (3) In addition to Section 4.4.2 and at the discretion of the Development Officer, a Notice of Decision may be sent by ordinary mail to all adjacent landowners.
- (4) When an application for a Development Permit is refused, the Notice of Decision shall be sent by ordinary mail to the applicant.
- (5) For purposes of this bylaw, Notice of Decision of the Development Officer or Municipal Planning Commission on an application for a Development Permit is deemed to have been given and to have been received:
  - (a) in the case of a decision of approval or refusal on a permitted use application for a Development Permit, five (5) days from the date that Notice of Decision is sent by ordinary mail to the applicant;
  - (b) in the case of an approval of a discretionary use or a permitted use requiring a variance, five (5) days from the date that Notice of Decision is sent by ordinary mail to the applicant; when Notice of Decision is advertised in the local newspaper; or when a Notice of Decision is posted on the site of the development. **21-06**
- (6) A Development Permit for all approved uses with or without conditions shall not come into effect until twenty one (21) days after the Notice of Decision has been deemed to have been given, according to Section 4.4.5. **21-06**
- (7) When an appeal is made pursuant to the Act, a Development Permit which has been approved shall not be issued unless and until the decision of the Development Officer or Municipal Planning Commission has been upheld by the Subdivision and Development Appeal Board.
- (8) An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when a decision therein is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer. The applicant may appeal in writing as provided in the Act as though he had received a decision of refusal.
- (9) Notwithstanding Section 4.4.8, the applicant may extend the time period for making a decision on a Development Permit application.

### Section 4.5 VALIDITY OF DEVELOPMENT PERMIT

- (1) When an application for a Development Permit has been approved by the Approving Authority, the Development Permit shall not be valid unless and until:
  - (a) any 'prior to issuance' conditions of approval have been fulfilled; and **21-06**
  - (b) no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in the Act.
- (2) When an application for a Development Permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until any conditions of approval, save those of a continuing nature, have been fulfilled.

## **PART 4      DEVELOPMENT**

- (3) If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision under the Act, such notice shall operate to suspend the Development Permit.
- (4) The final determination of a Subdivision and Development Permit appeal shall operate to validate, amend or revoke, as the case may be, a Development Permit suspended under Section 4.5.3 above.

### **Section 4.6    RESUBMISSION INTERVAL**

- (1) When an application for a Development Permit has been refused, pursuant to this Bylaw or ultimately after appeal pursuant to the Act, the submission of another application for Development Permit on the same parcel of land for the same or for a similar use of the land by the same or any other applicant may be accepted at the discretion of the Development Officer at any time after the date of refusal.

### **Section 4.7    EXPIRY OF PERMIT 02-04**

- (1) If the approved development permit has not been issued or a development permit has been issued and implementation of the development permit through occupancy or construction or acquisition of a required business license has not taken place, commenced or been acquired within twelve (12) months from the date of approval or issuance, the permit is deemed to be cancelled, unless an extension to the approval or expiry of the development permit date has been granted by the development authority that made the decision.
- (2) All authorized development that has commenced construction must be completed within twenty four (24) months from the date of commencement determined from the date the development, or a building, or a foundation permit was issued, whichever is applicable and is the latter.
- (3) If a permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
- (4) When a Development Permit is issued for a site where any other valid Development Permit has been issued, it shall invalidate any previous permit if:
  - (a) the physical aspects of the developments conflict;
  - (b) both developments could not occur simultaneously upon the site in conformity to this Bylaw.

## Part 5 SUBDIVISION

### Section 5.1 APPLICATION REQUIREMENTS

- (1) An application for subdivision approval shall be made to the Subdivision Officer using the prescribed form, signed by the owner or his agent and accompanied by:
  - (a) two (2) copies bearing an original signature and fifteen (15) photocopies of the application form and twenty (20) copies of either a sketch or plan drawn to scale showing the following:
    - i) the location, dimensions and boundaries of the parcel to be subdivided;
    - ii) the proposed lot(s) to be registered in a Land Titles Office;
    - iii) the location, dimensions and boundaries of each new lot to be created, and any reserve land;
    - iv) existing rights-of-way of each public utility, or other rights-of-way;
    - v) The location, use and dimensions of buildings on the parcel that is the subject of the application and specifying those buildings that are proposed to be demolished or moved;
    - vi) the location and boundaries of the bed and shore of any river, stream, watercourse, lake or other body of water that is contained within or bounds the proposed parcel of land;
    - vii) the location of the flood risk area, including delineation of floodway and flood fringe areas contained within the proposed parcel of land;
    - viii) the location of any existing or proposed wells, any private sewage disposal systems and the distance from these to existing or proposed buildings and existing or proposed lot lines; and
    - ix) existing and proposed access and egress to the proposed lot(s) and the remainder of the parcel.
  - (b) current title searches (not less than 30 days old) or copies of the existing registered titles in the Land Titles Office, showing all ownership interests and easements within the parcel to be subdivided; **21-06**
  - (c) a Real Property Report if the parcel contains existing buildings that will remain.
- (2) In addition to the information required under Section 5.1.1, the following information for multi-lot residential, commercial, highway commercial and industrial land uses shall be provided:
  - (a) ground water information and information regarding the supply of potable water if the intended uses are not served by a piped municipal system;
  - (b) a geo-technical assessment, prepared by a qualified professional, on the subsurface characteristics of the site's suitability to:
    - i) sustain sewage disposal systems if the intended use is not to be served by a piped municipal wastewater system;
    - ii) support building foundations and withstand slumping or subsidence on lands suspected of having foundation problems.

## PART 5 SUBDIVISION

- (c) statistics in tabular form showing calculations of the gross area of the land in the plan area and the allocation of that land to streets, lanes, lots, Municipal Reserve, Municipal and School Reserve, School Reserve and Environmental Reserve.
  - (d) where a lot is proposed to be subdivided from a larger parcel, the whole of which may eventually be subdivided, and no outline plan has been provided, the general design of the larger parcel shall be shown;
  - (e) a plan showing resources such as trees, ravines, views and other similar natural features which are influential to the subdivision of the area.
- (3) An appraisal of the market value of the land when money in place of land dedication for municipal reserve is proposed. The appraisal must be prepared in accordance with the Act and must be submitted with the application.
  - (4) An Historical Resources Impact Assessment on lands that have been identified or suspected as containing a Registered Historical Resource.
  - (5) A Municipal Environmental Impact Statement on lands within the Sheep River flood risk area or contain escarpments or intermittent water courses. **02-04**
  - (6) A storm water management analysis of the lands and the impact on adjacent lands and the municipal storm water system. **02-04**
  - (7) An Environmental Site Assessment on the subject lands known or suspected to be contaminated. **02-04**

### Section 5.2 ISSUANCE OF DECISION

- (1) A decision on an application for subdivision approval is not an approval to develop, construct or build on the land. Site grading, earthwork, or any other construction shall not commence nor proceed until a development agreement has been signed or a development permit has been applied for and issued.
- (2) When an application for a subdivision is approved, with or without conditions, or refused, the Notice of Decision shall be sent in accordance with the Act to the applicant and those persons and authorities that are required to be given a copy of the application under the Subdivision and Development Regulations. **21-06**
- (3) For purposes of this Bylaw, the date of Notice of Decision of the Subdivision Officer or Municipal Planning Commission on an application for subdivision is the date the decision was transmitted to the applicant and those persons required to be notified in Section 5.2.2.
- (4) The applicant or those Government agencies to which the application for subdivision was referred may appeal the decision in accordance with the Act. **21-06**
- (5) An application for a subdivision approval shall, at the option of the applicant, be deemed to be refused when a decision therein is not made within twenty-one (21) days for an application described in Section 652(4) of the Act, and sixty (60) days in all other cases after the receipts of the application in its complete and final form by the Subdivision Officer. The applicant may appeal in writing as provided in the Act as though the applicant had received a decision of refusal.
- (6) Notwithstanding Section 5.2.5, the applicant may extend the time period for making a decision on an application for subdivision.

## Part 6      **CONDITIONS AND ENFORCEMENT**

### **Section 6.1    CONDITIONS OF APPROVAL**

- (1) In their decision to approve an application for subdivision or development, the Development Authority and Subdivision Authority may apply any or all of the following conditions to ensure the application conforms to this Bylaw, Act or other legislation: **21-06**
  - (a) conditions to ensure compliance with the Act, any applicable statutory plan and this bylaw;
  - (b) conditions requiring the applicant to enter into a servicing agreement or make satisfactory arrangements for the supply of gas, water, electric power, telephone, sewer service, vehicular and pedestrian access any other utility, service, or facility, including payment of installation or construction costs by the applicant; **02-04**
  - (c) a condition that the applicant enter into an agreement with the Municipality for any of the following:
    - i) to construct or pay for the construction or improvement of a public roadway required to give access to the development or subdivision;
    - ii) to construct or pay for the construction of a pedestrian walkway system to serve the development; or a pedestrian walkway that will connect the pedestrian walkway system serving the development or subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent system that serves or is proposed to serve an adjacent development or subdivision, or both;
    - iii) to specify the location, standard, and number of vehicular and pedestrian access locations to a site from public roadways;
    - iv) to install or pay for the installation of utilities to municipal standards necessary to serve the development or subdivision;
    - v) to construct or pay for utilities, roadways, and improvements with an excess capacity;
    - vi) to construct or pay for the construction of off-street or other parking facilities, and garbage, recycling, loading and unloading facilities; and
    - vii) to pay an off-site levy or re-development levy, or both, imposed by a bylaw adopted pursuant to the Act.
  - (d) a condition requiring the applicant to repair or reinstate, or to pay for the repair or reinstatement, to original condition any roads, municipal signage, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged, destroyed, or otherwise harmed during construction of the development or subdivision.
  - (e) a condition requiring a refundable security in the form of a letter of credit, performance bond, or cash deposit to carry out the terms of an agreement or any works associated with the installation and construction of streets, utilities and landscaping or the replacement of adjacent public roadways. The amount of 125% of the value of the work, which is based upon an independent quotation of the value of the work covered by the agreement, or such other amount as the Development Officer, the Municipal Planning Commission or Council may determine. The security is to be paid to the Municipality for



## PART 6 CONDITIONS AND ENFORCEMENT

its use in completing the terms of the agreement or works in the event of default by the applicant;

- (f) as a condition of approval of a development permit for the relocation of a building either on the same site or from another site, the applicant may be required to provide a refundable Letter of Credit in the amount of 125% of the estimated dollar amount required to complete any renovations;
- (g) conditions respecting the time within which a development or subdivision or any part of it is to be completed;
- (h) conditions limiting the length of time that a development permit may continue in effect;
- (i) the phasing of development or subdivision;
- (j) the maximum density of dwelling units, persons or animals that may be allowed to occupy the site;
- (k) the placement of objects, buildings or structures, material or any other chattel, mechanism or device used in, for or the operation of the development.
- (l) conditions requiring payment of a performance security deposit for the completion of the structure, landscaping, parking or installation of services required to serve the development or subdivision. **02-04**
- (m) The Municipality may register a caveat in respect of a development agreement under Section 6.1.1.b and 6.1.1.c against the parcel that is subject of the development permit or subdivision application. The caveat may be discharged when the agreement has been complied with.

### Section 6.2 COMPLIANCE WITH OTHER BYLAWS AND REGULATIONS

- (1) Compliance with the requirements of this Bylaw, or the issuance of a Development Permit, or an approval of a subdivision pursuant to this Bylaw does not afford relief from compliance with the Act or other Federal or Provincial Government legislation or other bylaws and regulations affecting the development or subdivision in question. It is the applicant's responsibility to ensure that all required permits, licenses and authorizations from affected authorities are in place prior to the commencement of the development.

### Section 6.3 RIGHT OF ENTRY

- (1) Right of Entry procedures are governed by the Act and must be consulted for full details. The following extract of Section 542 is provided for information purposes only:

*"542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of the land or the structure to be entered to carry out the inspection, remedy, enforcement or action,*

- (a) Enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,*
- (b) Request anything to be produced to assist in the inspection, remedy, enforcement or action, and*

## PART 6 CONDITIONS AND ENFORCEMENT

- (c) *Make copies of anything related to the inspection, remedy, enforcement or action.* **18-04**
  - (d) *The designated officer must display or produce on request identification showing that the person is authorized to make the entry.*
  - (e) *In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour, and may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant."*
- (2) The Development Officer, Subdivision Officer, Safety Codes Officer, or such other designated person, is the "designated person" for the purpose of Section 6.3.1. **18-04**

### Section 6.4 BYLAW CONTRAVENTION

- (1) Orders and municipal actions to remedy contraventions are governed by the Act and the Act must be consulted for full details. The following extract of Section 645 and 646 of the Act are provided for information and continuity purposes:

*"645(1) Despite Section 545, if a development authority finds that a development, land use or use of a building is not in accordance with:*

- a) this Part or a land use bylaw or regulations under this Part, or*
- b) a development permit or subdivision approval,"*

*the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to*

- a) stop the development or use of the land or building in whole or part, as directed by the notice;*
- b) demolish, remove or replace the development, or*
- c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.*

*(2) A person who receives a notice referred to in subsection (1) may appeal to the subdivision and development appeal board in accordance with Section 685."*

- (2) Section 646(1) If a person fails or refuses to comply with an order directed under Section 645 or an order of a subdivision and development appeal board under Section 687, the municipality may, in accordance with Section 542, enter on the land or building and take any action necessary to carry out the order. **21-06**
- (3) A municipality may register a caveat under the Land Titles Act in respect of an order referred to in Section (1) against the certificate of title for the land that is the subject of the order.
- (4) If a municipality registers a caveat under subsection (2), the municipality must discharge the caveat when the order has been complied with.
- (5) Whenever it appears to the Development Officer that a Development Permit has been obtained by fraud or misrepresentation, or has been issued in error, the Development Officer may suspend or cancel the Development Permit.

## **PART 6        CONDITIONS AND ENFORCEMENT**

### **Section 6.5    OFFENSES AND PENALTIES**

- (1) Part 13, Division 5 of the Act governs offenses and penalties. Section 557 of the Act is provided for information purposes only:

“557    A person who contravenes or does not comply with

- a)        a provision of this Division,
- a.1)     a provision of Part 17 or the regulations under Part 17,
- a.2)     a land use bylaw as defined in Part 17,
- a.3)     an order under section 645,
- a.4)     a development permit or subdivision approval or a condition of a permit or approval under Part 17,
- a.5)     a decision of a subdivision and development appeal board or the Municipal Government Board under Part 17,
- a.6)     section 436.24
- b)        a direction or order of the Minister, or
- c)        an order under section 545, 546, 551 or 567
- d)        section 436.05

or who obstructs or hinders any person in the exercise or performance of his powers under Part 17 or the regulations under Part 17 is guilty of an offence.”

## **Part 7      AMENDMENTS**

### **Section 7.1    INITIATION**

- (1) The Council may initiate amendments to this Bylaw.
- (2) A person may request an amendment to this Bylaw by applying in writing, furnishing reasons in support of the application, and paying the fee in accordance with a fee as set by a resolution of Council.

### **Section 7.2    PROCEDURE**

- (1) All applications for amendment to the Land Use Bylaw shall be made to Council through the Development Officer, and shall be accompanied by the following:
  - (a) an application fee for each application;
  - (b) a current Certificate of Title for the land affected, or other documents satisfactory to the Development Officer, including evidence of the applicant's interest in the said land;
  - (c) any drawing(s) required to be submitted shall be drawn to scale and accurately dimensioned to the satisfaction of the Development Officer;
  - (d) a statement of the purpose and reasons for the proposed amendments; and
  - (e) authorization for right of entry onto the land by designated officers.
- (2) In addition to the information provided in Section 7.2.1, the Development Officer may request the applicant to provide a development impact assessment.
- (3) Prior to giving a proposed bylaw to amend or repeal this Bylaw second reading, the Council shall hold a public hearing in accordance with the Act.
- (4) Council shall refer significant Land Use Bylaw amendments to adjacent municipal authorities when the subject land is within 60 m (200 ft) of their boundary.
- (5) Council may refer the application to any municipal, federal, provincial authority, or to any other agency or body it deems appropriate.
- (6) Where an amendment proposes to change the land use designation of a parcel of land, Council shall, in accordance with Section 692 (4) of the Act, provide written notice of the proposed changes to the owner of the affected land and to each owner of adjacent land as defined by the Act, or any other land owner that Council deems affected.
- (7) Where an application for an amendment to this Bylaw has been refused by Council, another application for the same or substantially the same amendment may not be submitted within six (6) months of the date of the refusal, unless Council otherwise directs.

### **Section 7.3    NOTIFICATION OF AMENDMENTS**

- (1) Prior to holding a Public Hearing by Council for an amendment to this Bylaw, the Development Officer shall give such notice as required in the Act.
- (2) Deleted **21-06** The Development Officer shall notify the Foothills County of any significant amendment to this Bylaw which may affect lands near the boundaries of the Town and the Foothills County.

## Part 8 GENERAL LAND USE RULES

### Section 8.1 APPLICABILITY

- (1) The General Development Regulations apply to any development on any site, irrespective of the District in which it is located except in the case that a District may, in its regulations, specifically exclude or modify these provisions with respect to any use.
- (2) Notwithstanding 8.1.1, Part 4 of Foothills County Land Use Bylaw 60/2014 'Rules Governing all Districts', in effect as of January 1, 2020, shall apply to all lands assigned to the 'County Agricultural', 'County Country Residential', or 'County Public Utility' Districts. **21-06**

### Section 8.2 MINIMUM SITE AREA EXCEPTIONS

- (1) The Approving Authority shall not refuse an application for a development permit for any development on a site only for the reason that the site does not meet the minimum site area and site width requirements set out in this Bylaw if the site in question is a lot of separate record in the Land Titles Office created prior to the effective date of this Bylaw and all other requirements of this Bylaw and amendments hereto are observed.

### Section 8.3 SPECIAL SETBACK REGULATIONS

- (1) Sites which have frontages on two parallel streets are recognized as having two front yards and the development shall comply with the front yard setbacks for the respective district.
- (2) The minimum distances required for yards do not apply to construction wholly beneath the surface of the ground.
- (3) Deleted and relocated to Section 8.11 **07-05**
- (4) Notwithstanding any other setback provision in this Bylaw, buildings or structures adjacent to:
  - (a) the Sheep River shall be sited outside the 1:100 year flood delineation as established by Alberta Environment and Parks, and as specified in Section 8.21. **21-06**
  - (b) Refer to Section 8.22 for setbacks on lands and buildings adjacent to slopes.
- (5) Hydrocarbon and High Pressure Vapor Pipeline Setbacks:
  - (a) any high vapor pressure (HVP) pipeline or any hydrocarbon pipeline equal to or greater than 323.9 mm OD (12 in) and 500 psi (3447 kPa), shall be set back a minimum 5 m (16.4 ft) from the centreline of the pipeline or the edge of the pipeline right-of-way, whichever is the greater. For public institutions where people are dependent upon others for evacuation (hospitals, schools, senior citizens homes, mental institutions, etc.) the minimum setback shall be 200 m (656 ft) from the centreline of the above noted pipelines. Setbacks are measured from the closest point of any part of a building structure or installation, regardless of whether such part is above or below ground level.
  - (b) Fuel storage facilities shall be setback in accordance with the Building and Fire Safety Code. **04-14**
  - (c) Deleted **02-14**

## PART 8 GENERAL LAND USE RULES

### Section 8.4 HIGHWAY ACCESS AND SETBACK REQUIREMENTS

- (1) Notwithstanding any other setback provision in this bylaw, buildings or structures adjacent to Highways No. 22 and No. 7 shall comply with the following setback and access controls:

| Highway | From                      | To                                | Setback  | Access Control   |
|---------|---------------------------|-----------------------------------|--|--|
| 22      | Sheep River               | 5 Street SW                       | 40 metres  | No direct access permitted   |
| 22      | 5 Street SW               | East Boundary Block A Plan 7588JK | As per Land Use District   | As approved by Alberta Transportation                              |
| 7       | Block "A" Plan 7588JK     | East Town Boundary                | 40m without an internal road system; as per Land Use District with an internal road system | No direct access permitted   |
| 7       | Lot 5 Block 5 Plan 5503EH | Lot 20, Block 5, Plan 5503EH      | 1.55 m (5.08 ft)   | Building Setback<br><b>07-28</b>                                   |
| 7       | Lot 1 Block 1 Plan 5378ED | Lot 10, Block 1 Plan 5378ED       | 1.50 m (5 ft)  | Building Setback<br><b>07-28</b>                                   |
| 22      | Center Avenue             | 6th Ave South                     | As per Land Use District   | Direct access restricted. Alberta Transportation approval required |
| 22      | 6 Avenue S                | South boundary                    | 40 m   | No direct access permitted   |

### Section 8.5 PROJECTIONS INTO YARDS

- (1) **02-04**

| Feature   | Yard Affected   | Projection Permitted |
|---|-----------------|----------------------|
| Sills, cornices, eaves, gutters, chimneys, or pilasters | All             | 0.6 m (2 ft)         |
| Steps, Staircases (greater than 0.3 m (1 ft) in height) | Front and Rear; | 1.5 m (5 ft)         |
|   | One Side Yard   | 1.2 m (4 ft)         |
| Landings less than 0.3 m (1 ft) in height               | All             | 1.5 m (5 ft)         |

## PART 8 GENERAL LAND USE RULES

|   |                |  |
|---|----------------|--|
| Bay and Similar Windows   | Front and Rear | 1 m (3 ft)                               |
|   | One Side Yard  | 0.6 m (2 ft)                             |
| Balconies   | Rear           | 3 m (10 ft)                              |
|   | Front          | 2.5 m (8 ft)                             |
| Decks and Patios  | Front          | 2.5 m (8 ft)                             |
|   | Rear and Side  | To within 0.3 m (1 ft) of property line) |
| Driveways, sidewalks, and similar features less than 0.3 m (1 ft) above grade, fences, landscaping elements, and retaining walls which are less than 0.6 m (2 ft) in height | All            | No Limits                                |

- (2) In addition to those features listed in Section 8.5.1, a projection into any designated yard may be allowed for a building feature such as cantilevered bays and sun windows, dining room alcoves and similar elements provided the feature does not encroach more than 0.6 m (2 ft) into any yard and the projecting facade does not exceed:
  - (a) 30% to a maximum of 3.66 m (12 ft) in width, whichever is greater, of the exterior surface wall area exposed to the yard in which the feature is located for internal sites.
  - (b) 40% to a maximum of 4.87 m (16 ft) in width, whichever is greater, of the exterior surface wall area exposed to the yard facing a street and in which the feature is located.
  - (c) and such encroachment complies with the Alberta Building Code Regulations.
- (3) Swimming pools shall not be constructed within any required Front Yard.
- (4) Any loading space required under the provisions of this Bylaw, provided it shall not be in a required Front Yard.
- (5) No side yard setback or one less than the minimum requirement for an Accessory Building in a Residential District is required provided that:
  - (a) the wall of the structure nearest the property line is a fire resistant wall; and
    - i) the exterior finish of the wall does not require maintenance; and
    - ii) there will not be any eave overhang and footing or foundation encroachment into adjoining property; and
    - iii) a maintenance and access agreement is signed by the adjacent land owner; and
    - iv) Deleted **02-04**
  - (b) all roof drainage is directed by means of eavestroughs, drain-spouts, or such other suitable means, on the property where the accessory building is located.
- (6) The minimum distances required for yards do not apply to:
  - (a) exterior finishing materials applied to principal buildings provided the material does not encroach more than 10 cm (4 in) into any yard;

## **PART 8        GENERAL LAND USE RULES**

- (b) construction wholly beneath the surface of the ground.

### **Section 8.6    HEIGHT OF BUILDING**

- (1) The height of a building shall be as specified in the applicable Land Use District rules and will be determined in accordance with the definition set out in Part 2 of this Bylaw.

### **Section 8.7    UTILITIES**

- (1) Except for Accessory Buildings, all residential, commercial, industrial, institutional and recreational buildings shall be serviced by the municipality's sanitary and storm sewers and metered water supply when services are available.
- (2) Each unit of a Semi-Detached Dwelling shall be serviced individually and directly connected to the municipality's sewer and metered water lines.
- (3) Notwithstanding the provisions of Sections 8.7.1 and 8.7.2 above, alternate arrangements for private utility services may be considered at Council's discretion, and Council, in considering this matter may receive the advice of any Federal or Provincial agency, any private consulting or testing firm, or the Town Engineer.
- (4) The Development Officer shall not issue a development permit for a development that is to be serviced by private sewer or water systems until the systems have been approved by Council and the appropriate Provincial agencies.
- (5) In any District of this Bylaw, where an applicant proposes to carry out activities, which in the opinion of the Public Works Supervisor, Development Officer, or the Municipal Planning Commission, as considered detrimental to the municipality's utility service lines, the applicant shall be required to install a grease trap in the applicant's plumbing system or other remedies as approved by the Approving Authority.
- (6) Any development that proposes to use any process that may result in any form of hazardous waste shall provide information on the manner in which such wastes are to be disposed. The municipality will require comments of and/or approvals from Alberta Environment, Alberta Health Services and Westend Regional Services Commission.

### **Section 8.8    ACCESSORY BUILDINGS**

- (1) All Accessory Buildings shall be located at least 1 m (3.3 ft) from any Principal Buildings.
- (2) Notwithstanding Section 8.8.1 above, when a building used or proposed to be used as an Accessory Building is located or proposed to be located closer to a Principal Building than 1 m (3.3 ft) it shall be connected to that Principal Building by a structural element including for purposes of example, but not limited to: common foundation, common roof, common wall.
- (3) For the purpose of calculating yard setbacks and site coverage requirements as provided in this bylaw, when an Accessory Building is to be attached to the Principal Building, it shall be deemed to be part of the Principal Building.
- (4) An accessory building erected or to be erected in any District shall not be used as a Dwelling.
- (5) The Approving Authority shall require an Accessory Building or structure on a double fronting site to provide a front yard on each public roadway, other than a lane, in accordance with the Front Yard requirements of the District in which the site is located.



## PART 8 GENERAL LAND USE RULES

- (6) Development permits for an Accessory Building or structure shall not be issued until such time as the Principal Building is under construction.
- (7) Accessory Buildings shall be constructed with exterior building materials compatible with those of the Principal Building.
- (8) Accessory buildings in residential districts shall not be a quonset as defined in Part 2 of this bylaw.

### Section 8.9 MANUFACTURED HOUSING

- (1) Single family manufactured homes placed in any residential district shall:
  - (a) have a minimum roof pitch of 4 in 12, with variation in roof line; flat roofs will be prohibited;
  - (b) meet the floor area requirement as defined in the applicable Land Use District; **02-04**
  - (c) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles or hand split shakes;
  - (d) have a minimum roof overhang or eaves of 30.5 cm (1 ft) from the primary surface of each façade;
  - (e) have a minimum home width of 8.2 m (25 ft);
  - (f) be placed on a foundation in accordance with CSA Z240.10.1:19 standards. **21-06**
- (2) All accessory structures, such as patios, porches, additions and skirting, shall be:
  - (a) factory prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes; and
  - (b) considered as part of the main building.
- (3) Deleted **02-04**
- (4) The design, character and appearance of the home must:
  - (a) be of high quality design and relate to its surroundings;
  - (b) be compatible with any other building existing in the vicinity, unless the building is setting a new standard of design, character and appearance for the land use district, or a particular locality of it;
  - (c) be consistent with the purpose of the land use district in which the building is located;
  - (d) comply with any provisions of a statutory plan applicable to the design, character and appearance of the building;
  - (e) be compatible with adjacent development in terms of massing, building envelope, proportion, height and scale.
  - (f) shall be compatible with and sensitive to the surrounding streetscape.
  - (g) utilize window forms, sizes and styles which compliment those found on adjacent development.
  - (h) the main entrance shall be located on the front elevation/façade, and shall be visibly dominant. Emphasis of the main entrance shall be achieved through elements such as covered porches, double doors, side lights, side windows, or to the satisfaction of the Development Officer.

## **PART 8        GENERAL LAND USE RULES**

### **Section 8.10 OBJECTS PROHIBITED OR RESTRICTED IN A RESIDENTIAL DISTRICT**

- (1) No person shall keep in or on any part of a site or street in any Residential District:
  - (a) any commercial or public service vehicle, loaded or unloaded, with a licensed gross vehicle weight (GVW) rating in excess of 4 tonnes (8,960 lbs), except for public transit vehicles that do not exceed a 12 seat capacity, for a period of time longer than is reasonably necessary to load or unload the vehicle;
  - (b) any industrial or construction vehicle except when such a vehicle is required pursuant to a development or building permit for that site;
  - (c) outside storage of an unlicensed, dismantled or wrecked vehicle, or portions of a motor vehicle, for more than seven (7) consecutive days or it shall be screened to the discretion of the Bylaw Enforcement Officer;
  - (d) any object or chattel which, in the opinion of the Bylaw Enforcement Officer, is unsafe, unsightly or tends to adversely affect the amenities of the area.

### **Section 8.11 FENCING, RETAINING WALLS AND CORNER VISIBILITY TRIANGLE 07-05**

- (1) Except as hereinafter provided, a person shall not construct a fence in any District which is higher than:
  - (a) 1.2 m (4 ft) in the Front Yard; or
  - (b) 1.8 m (6 ft) in the Side or Rear Yard.
- (2) Notwithstanding Clause (1) above, the height of a fence in a Commercial, Industrial, Public Service and Agriculture District shall be determined by the Approving Authority.
- (3) No barbed wire or electric fences shall be used in a Residential District.
- (4) No fence constructed in any District shall be of barbed wire construction below a height of 1.8 m (6 ft).
- (5) Electric fences in the Agricultural District may be permitted at the discretion of the Approving Authority.
- (6) In the case of double fronting sites, fences shall be of a height which is satisfactory to the Development Officer having regard to the location of fences in the surrounding area and the requirement for screening.
- (7) Retaining walls 0.6 m (2 ft) in height or greater or proposed to be on a property line must be designed by a certified engineer and be satisfactory to the Approving Authority as to height, design and drainage.
- (8)** Notwithstanding any other provision in this Bylaw, within an Agriculture, Industrial or Residential District, no person shall place or maintain any object, sign, structure, fence, hedge, shrub or tree above a height of 0.9 m (3 ft) from the finished elevation of an adjacent roadway in or on that part of a site containing a Corner Visibility Triangle. **07-05**

### **Section 8.12 SCREENING, OUTSIDE STORAGE AND GARBAGE**

- (1) Garbage shall be stored in weatherproof and animal proof containers, and screened from adjacent sites and public thoroughfares and be in a location and on private property easily accessible for pickup.

## PART 8 GENERAL LAND USE RULES

- (2) In laneless subdivisions, garbage shall not be stored within the front yard setback, even if enclosed within a garbage container for a period longer than is necessary for it to be collected by the collection agency.
- (3) Outside storage areas shall be screened from adjacent sites and thoroughfares.
- (4) All mechanical equipment or apparatus on the roof of any office, apartment, commercial, industrial, or public service building shall be screened to the satisfaction of the Approving Authority.
- (5) All exterior work areas, storage areas and waste handling areas shall be screened and/or enclosed from view of adjacent sites, roadways, walkways, park areas and municipal or environmental reserve parcels in a manner compatible with the design and external materials of the Principal Building on the site and to the satisfaction of the Approving Authority.
- (6) Where wrecked or damaged vehicles are approved to be stored on a commercial or industrial site, they shall be screened or enclosed to the satisfaction of the Approving Authority.
- (7) All construction sites shall be kept in a clean and tidy manner and containers for the disposal of construction waste shall be provided on site in accordance with the requirements of the Approving Authority.
- (8) The Approving Authority may require that a construction site in any District be hoarded.

### Section 8.13 GENERAL SITE LANDSCAPING

- (1) Where a landscaped area is required, it shall be provided in accordance with a landscape plan, and said plan shall show all existing trees and shrubs, and shall be in conformity with the following requirements and standards:
  - (a) All portions of a site not covered by structures, parking or vehicular circulation areas shall be landscaped.
  - (b) Existing vegetation retained on a site may be considered in fulfillment of the total landscaping requirements.
  - (c) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development. Any trees or shrubs which die must be replaced during the next planting season on a continuing basis by the landowner. Adequate means of irrigation and maintaining the landscaping shall be provided.
  - (d) Except for boulevards, trees shall be planted in the overall minimum ratio of one tree per 140 m<sup>2</sup> (1,500 ft<sup>2</sup>) of landscaped area provided. **02-04**
  - (e) Any area requiring landscaping or topographic reconstruction shall be landscaped and/or reconstructed so that the finished surface contours do not cause direct surface drainage onto an adjoining site.
  - (f) Soft landscaping shall be provided as follows:
    - i) All plant materials shall be of a species capable of healthy growth in Black Diamond.
    - ii) Shrubs shall be a minimum height or spread of 61 cm (24 in) at the time of planting.
    - iii) The minimum size for coniferous trees shall be a height of 1.2 m (4.0 ft). **02-04**

## PART 8 GENERAL LAND USE RULES

- iv) The minimum size for deciduous trees shall be 5 cm (2 in) caliper.
- (2) Where a development permit is to be granted and landscaping is part of the development, the Approving Authority shall require the applicant to provide a letter of credit or post a bond of such amount to ensure completion of any landscaping.

### Section 8.14 OFF-STREET PARKING FACILITIES

- (1) In any District, when any new development is proposed, including a change of use of existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking in accordance with the regulations and standards contained in this Section.
- (2) Number of Spaces
  - (a) Parking spaces shall be provided on-site in accordance with Section 8.14.3 below.
  - (b) The Parking Schedule shall be used to calculate the number of off-street parking spaces required for all uses. Where a proposed use is not listed in Section 8.14.3, the off-street parking requirement shall be determined by the Approving Authority, who may either determine that the proposed use is similar to one which is listed, or, if that is not the case, they shall make their own determination as to the requirement.
  - (c) Where the total number of parking spaces is determined by reference to a unit such as the number of seats or floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
  - (d) Where the terms “patrons” or “seats” are used, the calculation of parking spaces shall be based upon approved fire occupancy ratings.
  - (e) The calculation of the number of parking stalls required shall be based upon 85% of the gross floor area of all floors. **02-04**
- (3) Parking Requirements

| USE OF BUILDING OF SITE  | MINIMUM NUMBER OF PARKING SPACES REQUIRED  |
|--|--|
| (a) Residential and Residential Related:   |  |
| i) Single detached, Semi-detached, Duplex Housing, Manufactured and Mobile Homes | 2 parking spaces per Dwelling  |
| ii) Apartment Housing/Multi-Family Housing                                       | 2 parking spaces per unit plus 1 space per 4 units for visitor parking. <b>02-04 &amp; 07-13</b> |
| iii) Bed and Breakfast Accommodation   | 1 parking space per Sleeping Unit, plus the number of parking spaces required for the dwelling   |

## PART 8 GENERAL LAND USE RULES

|   |  |
|---|--|
| iv) Group Homes   | 1 parking space per employee not residing in the Dwelling, plus the number of parking spaces required for the Dwelling           |
| v) Senior Citizens Housing<br><b>02-04</b>  |  |
| a) Assisted Living  | 2 space for every two accommodation units plus 1 space per staff member <b>07-13</b>   |
| b) Independent Living   | 2 space for each dwelling unit <b>07-13</b>  |
| c) Visitors   | 1 space per 4 units (Assisted and Independent)   |
| vi) Home Occupation (Major)   | 1 per employee and for each vehicle used by the occupation, plus those required for the dwelling                                 |
| vii) Accessory Suites   | 1 parking stall per suite that shall be located in the rear yard of the subject lot.   |
| (b) Commercial:   |  |
| i) Offices: Professional, Financial, Administrative, Business, Clinics and related services | 1 per 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of gross floor area in the building   |
| ii) Eating and Drinking Establishments  | 1 per four seats   |
| iii) Hotels, Motels   | 1 per guest room or Sleeping Unit plus 1 parking space per employee  |
| iv) Drive-in Businesses   | 3 vehicle stack-up spaces per drive-up window, plus an additional 3 parking spaces per drive-up window                           |
| v) Theatres   | 1 per five seats   |
| vi) Mixed use residential/commercial  | 1 parking space per dwelling 1 parking space per 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of commercial floor area. <b>02-04</b> |
| vii) Any development in a commercial class not listed separately in this table.             | 1 per 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of gross floor area in building   |
| (c) Industrial:   |  |
| i) Any development within the Industrial Use Classes  | 1 per 56 m <sup>2</sup> (600 ft <sup>2</sup> ) of gross floor area in building   |

## PART 8 GENERAL LAND USE RULES

|                                       |  |  |
|---------------------------------------|--|--|
| (d) Public Assembly:                  |  |  |
| i)                                    | Private Clubs, Lodges and Fraternal Orders, Public Libraries, Bowling Alleys | 1 per 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of gross floor area in building   |
| ii)                                   | Churches   | 1 per four seats of public seating provided  |
| iii)                                  | Funeral Services   | 1 per three seats of public seating provided   |
| iv)                                   | Community Recreation Services, Community buildings                           | 1 per 9 m <sup>2</sup> (100 ft <sup>2</sup> ) of gross floor area in building or 1 per ten patrons, whichever is greater   |
| v)                                    | Curling Rinks  | 8 per sheet of ice   |
| (e) Educational and Medical Services: |  |  |
| i)                                    | Child Care Services  | 1 per staff member   |
| ii)                                   | Elementary Schools   | 1 parking space for each classroom, plus 1 parking space per employee  |
| iii)                                  | Junior/Senior High Schools   | 4 parking spaces for each classroom, plus 1 parking space per employee   |
| iv)                                   | Hospitals  | 1 parking space per bed plus 1 parking space per person employed at the venue including EMS or dispatch staff and doctors. |

(4) Size of Spaces and Aisles shall be designed and provided in accordance with the following table: **02-04**

| WIDTH OF STALL |       | ANGLE OF PARKING | WIDTH OF AISLE |        | DEPTH OF STALL PERPENDICULAR TO AISLE |      |
|----------------|-------|------------------|----------------|--------|---------------------------------------|------|
| m              | ft    |                  | m              | ft     | m                                     | ft   |
| 2.5            | (8.0) | 30°              | 3.5            | (11.5) | 5.2                                   | (17) |
| 2.5            | (8.0) | 45°              | 3.5            | (11.5) | 6.1                                   | (20) |
| 2.5            | (8.0) | 60°              | 5.5            | (18)   | 6.4                                   | (21) |
| 2.5            | (8.0) | 90°              | 7.0            | (23)   | 6.1                                   | (20) |

## PART 8 GENERAL LAND USE RULES

- (5) General Requirements for Parking Space
- (a) When a building is enlarged, or altered in such a manner as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculation shall be based on the number of additional parking spaces required as a result of the enlargement, alteration, or change in the use of the building. **02-04**
  - (b) All parking space provided shall be hard surfaced, except for residential, commercial or industrial development requiring four (4) or less stalls. **02-04**
  - (c) Adequate curbs or concrete bumpers and screening shall be provided to the satisfaction of the Approving Authority. **02-04**
  - (d) The on-site parking shall be provided in the manner shown on the approved site plan with the entire area to be graded and surfaced so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Approving Authority.
  - (e) A parking space shall be located on the same site as the building or the use for which it is required and shall be designed, located, and constructed to the Municipality's standards so that:
    - i) it is easily accessible to the vehicle intended to be accommodated there;
    - ii) it can be properly maintained;
    - iii) it is in conformity with the requirements as outlined in Section 8.14.1 of this Bylaw, and the stall width, angle, and depth, along with the aisle width, are indicated on the site plan; and
    - iv) it is satisfactory to the Approving Authority in size, shape, location, grading, construction and identification.
- (6) Notwithstanding Section 8.14.1 of this bylaw, should the Municipal Planning commission deem it advisable, it may, in an Industrial or Commercial District, require the developer to provide the required off-street parking on land other than that to be developed provided that:
- (a) the alternate parking site is within 122 m (400 ft) of the site where the principal building is located or where the approved use is carried on and within the same district;
  - (b) the alternate parking site is under the absolute control of the developer or his successor to the principal development for a term of years equal to the life of the approved principal development and that the said alternate parking site will be maintained and made available at all times in a like manner to an on-site parking space;
  - (c) the absolute control is established to the satisfaction of the Council;
  - (d) should the developer or his successor to the principal development seek the consent of the municipality to discontinue the use of an approved alternate parking site, he shall provide a substitute parking site that conforms to the criteria required for an on-site parking space;
  - (e) when the developer or his successor is authorized by the Municipality to provide one or more alternative parking sites, he shall enter into an agreement under seal with the Municipality deposing as to these and such other relevant things as the Municipality may require and the said agreement shall be in such form as may be registered and maintained on the title or titles to such lands in the Land Titles Office.

## PART 8 GENERAL LAND USE RULES

- (7) Parking spaces for multi-family developments shall not be located in the front yard of a site.
- (8) A minimum of one (1) space for handicapped persons shall be provided on site and any development that requires more than 10 parking stalls, a minimum of one stall per 10 stalls shall be allocated to the handicapped. Such handicapped parking spaces shall be considered as part of, and not in addition to, the total required parking as outlined in Schedule 8.14.2. Stalls provided for the handicapped shall be designed and located in accordance with the Safety Codes Act **02-04; 21-06**
- (9) Deleted **02-04**
- (10) Where hard surfacing is provided or required, such shall mean the provision of a durable, dust-free, hard surface, constructed of concrete, asphalt or similar pavement and the same shall be drained with a sufficient number of catch basins, all developed and maintained to the satisfaction of the Development Officer.

### Section 8.15 EXISTING INSUFFICIENT PARKING STANDARDS FOR CHANGE OF USE WITHIN THE CB DISTRICTS

- (1) None of the off-street parking facilities as required in this bylaw shall be required for any existing building in the Central Business District which are now not conforming to these parking requirements unless such building shall be expanded, in which case the provisions of this bylaw shall apply only to that portion of the building so expanded. **05-16**

### Section 8.16 LOADING AND UNLOADING FACILITIES

- (1) When any new development is proposed, including a change of use of existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with Schedule 8.16.2 below. The calculation shall be based on the number of additional spaces required as a result of the enlargement, increase or change in the use of the building.
- (2) Schedule for Loading and Unloading Spaces **02-04**

| LOADING AND UNLOADING SPACES<br>USE OF BUILDING OR SITE   | TOTAL GROSS FLOOR AREA OF<br>BUILDING                       | SPACES REQUIRED   |
|---|---|---|
| Any development within the<br>Commercial or Industrial Use Classes<br>excluding Offices:        | Less than 929 m <sup>2</sup> (10,000 ft <sup>2</sup> )      | 1 space   |
|   | Greater than 929 m <sup>2</sup> (10,000 ft <sup>2</sup> )   | 1 per 1,858 m <sup>2</sup><br>(20,000 ft <sup>2</sup> ) |
| Professional, Financial, Offices,<br>Administrative, Business, Clinics and<br>related services. | Less than 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> )    | 1 space   |
|   | Greater than 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> ) | 1 per 2,300 m <sup>2</sup><br>(25,000 ft <sup>2</sup> ) |
| Apartments  | NA  | 1 space   |
| Hospital  | NA  | 2 spaces  |



## PART 8 GENERAL LAND USE RULES

|   |    |         |
|---|----|---------|
| Arena                                       | NA | 1 space |
| Community Buildings and Recreation Services | NA | 1 space |
| Shopping Malls/Centres                      | NA | 1 space |
| Funeral Homes                               | NA | 1 space |

- (3) All loading and unloading spaces shall be located on the site and access so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks or boulevards.
- (4) A loading space shall have an area of not less than 28 m<sup>2</sup> (300 ft<sup>2</sup>) or be less than 3.5 m (11.5 ft) in width, or have less than 3.5 m (11.5 ft) over head clearance.
- (5) Deleted **02-04**

### Section 8.17 RELOCATION OF BUILDINGS

- (1) The applicant shall be required to submit photographs to the Approving Authority at the time of application for a permit showing front, rear and all side elevations of the proposed relocated building.
- (2) The Development Authority may require a Safety Codes Officer's inspection and report on the structural soundness and integrity of the building to be submitted prior to considering the application. **02-04**
- (3) Where a development permit has been granted for the relocation of a building either on the same site or from another site, the approving authority shall require the applicant to provide a letter of credit of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
- (4) The applicant shall be required to indemnify the municipality against any damages that may occur to any public utilities as a result of the relocation. A performance bond, or deposit of cash or letter of credit and proof of the moving companies liability insurance will be required prior to the structure entering the Town limits. **02-04**
- (5) Whenever relocation is carried out, the person causing the same to be made shall, at his own expense, protect from displacement any wall, sidewalk or roadway liable to be affected by such relocation, and shall sustain, protect and underpin the same so that they will remain in the same condition as before the relocation was commenced.
- (6) The applicant shall notify the Town of Black Diamond in writing of the route and times for moving the building at least 24 hours prior to commencing to move the building into the Town of Black Diamond.
- (7) The approved relocated building shall not be moved into the Town of Black Diamond until such time as the new foundation has been inspected and approved by the Building Inspector.
- (8) The design, character and appearance of the relocated building proposed to be located in a District must be acceptable to the Approving authority in that it shall complement and conform to the character, design, and appearance of existing adjacent development, the existing streetscape and the district as a whole.

## **PART 8        GENERAL LAND USE RULES**

### **Section 8.18 DEMOLITION OR REMOVAL OF BUILDINGS**

- (1) The applicant shall be required to indemnify the municipality against any damages that may occur to any public utilities as a result of the removal or demolition. A performance bond, or deposit of cash or letter of credit and proof of the moving companies liability insurance will be required prior to the structure being transported on Town streets. **02-04**
- (2) Whenever a demolition or removal of a building is carried out, the person causing the same to be made shall, at his own expense, protect from displacement any wall, sidewalk or roadway or other utility liable to be affected by such demolition and shall sustain, protect and underpin the same so that they will remain in the same condition as before the demolition or removal was commenced and that adequate measures shall be taken by way of fencing and screening to ensure the general public safety.
- (3) Whenever a development permit is issued for the demolition or removal of a building, it shall be a condition of the permit that the site shall be properly cleaned, with all debris removed, and left in a graded and reclaimed condition satisfactory to the Approving Authority.

### **Section 8.19 NON-CONFORMING BUILDINGS AND NON-CONFORMING USES**

- (1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.
- (2) In accordance with Section 643 of the Act, a non-conforming use of land or a building may be continued, but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.
- (3) A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot, and no additional buildings may be constructed on the lot while the non-conforming use continues.
- (5) Except for Section 8.19.8, a non-conforming building may continue to be used, but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building; or
  - (b) for routine maintenance of the building, if the approving authority considers it necessary.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.
- (7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.
- (8) When a building is a non-conforming building solely by reason of its encroachment into a required front, side, or rear yard, or inadequate parking, the Development Authority, at their

## PART 8 GENERAL LAND USE RULES

discretion, may allow an extension of, or an addition to, the building, if such extension or such addition will not in itself constitute an encroachment into any required yard, and if such extension or addition complies with the provisions of this By-law.

- (9) A building that encroaches into a required front, side or rear yard by reason of conversion from imperial unit of measurement, as contained within Bylaw 88-11 to metric units, as contained within this By-law, the building is considered to be a conforming building.

### Section 8.20 CONTROLLED APPEARANCE

- (1) The design, character and appearance of any building, or series of buildings, structures or signs proposed to be erected or located in any district must be acceptable to the approving authority having due regard to the amenities and the character of existing development in the district, as well as to its effect on adjacent districts.
- (2) Deleted **02-04**

### Section 8.21 LAND SUBJECT TO FLOODING

- (1) The purpose and intent of this section is to discourage new development on flood prone lands, and achieve the long-term goal of maintaining and possibly decreasing the overall density of development on lands within the flood plain. A distinction is made between the floodway where waters are deep, fast moving and more destructive, and the flood fringe where water is shallow and moves slowly. The intent is to be more restrictive for development in the floodway portion of the flood plain.
- (2) For sites located within the floodway or flood fringe, the provisions of both this Section and those of the land use district for which the site is designated shall apply. The provisions of this Section shall take precedence and be applied in addition to the regulations of the District and other Sections of this Bylaw.
- (3) General Regulations Within the Flood Risk Area:
  - (a) All buildings shall be set back a minimum of 30 m (98.4 ft) from the high water mark of the Sheep River.
  - (b) No grading, placing or removal of fill of any kind, whether originating on the site or elsewhere, unless a development permit is approved by the Municipality based on advice from Alberta Environment and Sustainable Resource Development.
  - (c) Fencing or other similar structures and hedging and other similar landscape elements shall not be permitted in the floodway unless they are constructed parallel to the water flow, and the Municipality in consultation with Alberta Environment and Sustainable Resource Development. is satisfied such developments will not adversely affect the hydraulic efficiency or capacity of the floodway, or adversely affect the existing drainage course.
  - (d) No inside or outside storage of hazardous materials such as chemicals, explosives, flammable liquids, toxic or waste material is permitted.
  - (e) No outside storage is permitted.
- (4) Floodway Regulations:
  - (a) Restrictions on Uses;

## PART 8 GENERAL LAND USE RULES

- i) In a floodway, only those permitted and discretionary uses which are listed below, and which are listed in the land use district for which the site is designated, shall apply:
  - existing uses;
  - extensive agriculture,
  - public parks;
  - playgrounds;
  - natural areas;
  - parking areas (limited to surface parking associated with parks or playgrounds);
  - recreation facilities (outdoor).
- (b) New Buildings and Alterations:
  - i) No new buildings or other structures shall be allowed except for replacement of existing buildings on the same locations provided that the flood hazard can be overcome by mitigative measures acceptable to the Municipality and Alberta Environment and Sustainable Resource Development. Buildings or structures intended for flood or erosion control may be permitted.
- (c) Existing Buildings
  - i) No external alterations or additions to existing buildings or structures that might increase the obstruction to flood waters on that site, or have a detrimental effect on the hydrological system or water quality, shall be allowed.
- (d) Deleted **02-04**
- (5) Flood Fringe Regulations:
  - (a) Restrictions on Uses:
    - i) In the flood fringe, the uses listed in the land use district for which the site is designated shall continue to apply.
  - (b) Restrictions on Storage:
    - i) No inside or outside storage of hazardous materials such as chemicals, explosives, flammable liquids, toxic or waste materials that cannot readily be removed in the event of a flood shall be allowed.
  - (c) Access Roads:
    - i) On-site access roads shall be constructed at or above the Design Flood Level. Roads shall not increase the obstruction to flood waters or have a detrimental effect on the hydrological systems.
  - (d) Undeveloped or Developing Flood Fringe Sites;
    - i) All development, redevelopment and major alterations and additions shall be adequately floodproofed to the design flood level plus half a metre (1.69 ft) freeboard.
    - ii) The bottom of the joists of the first floor or the bottom surface of the slab on-grade of the building or structure shall be above the design flood level plus half a metre (1.69 ft) freeboard. **02-04**

## PART 8 GENERAL LAND USE RULES

- iii) All electrical and mechanical equipment within a building shall be located at or above the designated flood level.
  - iv) Buildings shall be designed so as to prevent structural damage by floodwaters.
  - v) All development, redevelopment and major alterations and additions behind an approved floodproofing dyke system are encouraged to be adequately floodproofed to the design flood level plus half a metre (1.69 ft) freeboard.
  - vi) All heating plants, air conditioning, and plumbing outlets or electrical service are encouraged to be located above the design flood level plus freeboard.
  - vii) Basements are discouraged in new buildings unless they are floodproofed designed and certified by a Professional Engineer or Architect. **02-04**
- (6) Information required to determine feasibility of development in the flood risk area:
- (a) The Development Officer or Municipal Planning Commission shall refer to Alberta Environment and Parks for comment any development permit application for development within the flood risk area. **21-06**
  - (b) The feasibility of permitting development, and thereby removing any land from the flood risk area, shall be determined through a comprehensive planning study and a geotechnical study prepared by a professional consultant(s) at the cost of the developer, which will:
    - i) depict the location of all proposed permanent structures on the site, and the proximity of these structures to the floodway and flood fringe areas;
    - ii) describe site alterations necessary to elevate all permanent buildings from the flood risk area;
    - iii) identify acceptable types of fill material which can be used to elevate permanent buildings from the flood risk area;
    - iv) describe the type(s) of foundations, weeping tile and drainage which are required for permanent buildings;
    - v) identify any erosion protection that will be required to protect the site;
    - vi) indicate the impact that proposed site alterations will have on the flood risk area and overall river regime;
    - vii) demonstrate that the proposed development will enhance the amenities of the river and its shoreline, and how it will occur;
    - viii) outline any other matters which should be addressed to ensure the stability of the proposed development relative to the flood risk area.

### Section 8.22 LANDS ADJACENT TO SLOPES

- (1) All buildings or structures shall be sited at least 30 m (98.42 ft) from the top or toe of an escarpment having a slope of 15% or greater.
- (2) Property boundaries shall be setback at least 15 m (49.2 ft) from the top or toe of an escarpment having a slope of 15% or greater.

## PART 8 GENERAL LAND USE RULES

- (3) Notwithstanding Sections 8.22.1 and 8.22.2, the setback provisions may be varied provided that an engineer's report outlining slope stability is acceptable to the Council.
- (4) Notwithstanding Sections 8.22.1 and 8.22.2, Council may allow development on greater slopes provided it can be demonstrated that the proposed development is of a design, type and appearance, and so located with respect to the defined escarpment, that the visual aspects and soil stability are not impaired.

### Section 8.23 PERFORMANCE SECURITY

- (1) The Approving Authority may require the filing of a performance security with the town to ensure the completion of a development in accordance with an approved development permit.
- (2) Deleted **02-04**

### Section 8.24 SIGN REGULATIONS

- (1) Prohibited Signs
  - (a) No sign shall be erected, operated, used or maintained which:
    - i) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, as determined by the Development Officer in consultation with Alberta Transportation; **02-04**
    - ii) have light displays resembling the flashing lights usually associated with danger or those used by police, fire, ambulance and other emergency vehicles.
- (2) Abandoned and Unlawful Signs
  - (a) Where the Development Officer or Bylaw Enforcement Officer finds a sign to be abandoned, he may, by notice in writing or by registered mail, order the registered owner, the person in possession of the land or building or the person responsible for the abandoned sign to: **02-04**
    - i) remove the sign within ten days after receipt of the notice;
    - ii) take such measures as are specified in the notice to alter the sign so that it correctly identifies the business, or the products services offered on the site where the sign is displayed; or
    - iii) where the Development Officer finds that a sign contravenes the provisions of this Bylaw, he may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravening sign to:
      - a) take such measures as are specified in the notice to alter the sign so that it complies with the provisions of this Bylaw; or
      - b) remove the sign.
- (3) Signs Located Along Highways
  - (a) Where a sign is to be located on a site along a designated provincial highway, approval in writing from Alberta Transportation is required should any portion of the sign be within the road right-of-way.
- (4) General Regulations for On-Premise Signs

## PART 8 GENERAL LAND USE RULES

- (a) The following general regulations apply to permanent on-premise identification and business identification signs, subject to any exceptions or additional requirements specified in the land use classes or districts. **02-04**
- i) Signs shall not project over any abutting public roadway or Municipality owned property or easement, unless the Council grants such encroachment and the applicant or owner enters into an encroachment and save-harmless agreement with the Municipality. **02-04**
  - ii) All Roof, Canopy and Projecting Signs shall be erected in such manner that the structural support elements are designed or concealed such that no angle iron bracing, guide wires or similar support elements are visible from a public roadway.
  - iii) Lighting:
    - a) No flashing, scintillating or running lights shall be used on a sign unless specifically allowed by a Sign Schedule.
  - iv) Changeable Copy:
    - a) One Changeable Copy Area visible from the same traffic direction shall be allowed for each business premise, and the scale and placement of changeable copy shall not appear to visually dominate the business identification signage.
  - v) Awning Sign and Canopy Signs **02-04**
    - a) On a one-storey building, the top of a sign shall not extend more than 30 cm (12 in) above the building roof. On a building of two or more storeys, the top of a canopy sign shall not extend more than 75 cm (2.5 ft) above the floor of the second storey nor higher than the window sill level of the second storey.
    - b) The bottom of a sign shall be not less than 2.4 m (8 ft) above grade.
    - c) The vertical dimension of a sign shall not exceed 1.5 m (5 ft)
    - d) The copy area of the sign shall not exceed 50% of the exposed edge or face of the canopy, awning or marquee.
  - vi) Fascia signs: **02-04**
    - a) A Fascia Sign shall not extend more than 30 cm (12 in) out from the face of a building wall, and shall not extend beyond the building wall.
    - b) Should not be located within 0.5 m (1.6 ft) of the top of a parapet or roof line.
    - c) Should be of a size consistent with fascia signs and located on the same level as other similar signs located on the same premises and adjacent buildings.
  - vii) Freestanding Signs:
    - a) All portions of the sign shall be set back 0.6 m (2 ft) from property line. **02-04**
    - b) Where two or more Freestanding Signs are located on the same site, or along the same frontage, a minimum horizontal separation distance of 30 m (100 ft) shall be provided between signs.
  - viii) Projecting Signs:

## PART 8 GENERAL LAND USE RULES

- a) The horizontal separation distance between a Projecting Sign and the property line shall be not less than 0.6 m (2 ft).
  - b) A Projecting sign shall have a vertical clearance of at least 3 m (10 ft).
  - c) The maximum projection from the building face shall not exceed 2.5 m (8.2 ft).
  - d) No Projecting Sign shall be located closer than 1.5 m (5 ft) to the horizontal limits of the frontage of an adjacent business.
  - e) Except in the case of corner signs, a Projecting sign shall be placed at right angles to the building face to which it is attached.
  - f) The top part of a Projecting sign on a one-storey building shall not extend more than 30 cm (12 in) above the building roof or parapet wall. On a building two storeys or higher, it shall not extend more than 75 cm (2.5 ft) above the floor of the second storey, nor higher than the window sill level of the second floor.
  - ix) Roof Signs:
    - a) The maximum vertical dimension of a Roof Sign, including the support structure, shall not exceed one-fifth of the height of the building.
    - b) No portion of the Roof Sign shall overhang the roof on which it is located.
- (5) General Regulations for Temporary and Portable Signs
- (a) The following general regulations apply to temporary and portable signs, subject to any exceptions or additional regulations specified in the land use class or district. **02-04**
    - i) Temporary or Portable Sign applications may be approved by, and at the discretion of the development officer.
    - ii) A Portable Sign is allowed by permit on a non-permanent basis only, for a maximum time period of six (6) months.
    - iii) A Temporary Sign may be allowed by permit on a temporary basis only, for a maximum period of three (3) years. The permit may be renewed at no charge.
    - iv) Not more than one Portable or Temporary Sign at a time may be placed on a site, unless otherwise authorized by the development officer.
    - v) Temporary and Portable Signs shall not be located in such a manner so as to restrict the view of a traveler on any street from obtaining a clear view of approaching vehicles for a distance of 75 metres along a street.
    - vi) With the exception of “A” or sandwich board advertising signs, and community event (religious, charities, non-profit societies, educational institutions) and real estate directional signage, directional signage for private functions, cultural shows, art or similar shows or product demonstration, one time sale event or display for a product of a home occupation, sporting or cultural event, garage sales and similar events (**07-27**), and all parts of Temporary and Portable Signs including electrical cords are prohibited: **06-17**
      - a) on a Town right-of-way;
      - b) on a Town boulevard;
      - c) on a Town sidewalk.



## PART 8 GENERAL LAND USE RULES

- vii) Community event (religious, charities, non-profit societies, educational institutions) and real estate directional signage is permitted for day use only and must be removed at the end of each day or event. **06-17**
  - viii) All Temporary and Portable Signs shall be setback from the property line a distance of 0.6 m (2 ft). **02-04**
  - ix) Temporary and Portable Signs may contain continuously illuminated lighting but shall not employ:
    - a) any flashing or intermittent lights; or
    - b) means or devices to intensify their illumination or create the impression of flashing lighting.
- (6) Special Purpose Signage in all Land Use Districts **07-27**
- (a) "A" board or sandwich board signs used for providing direction to demonstrations, events, functions and cultural or home showings shall not exceed 0.6 m (2 ft) in width or 1.0 m (3.3 ft) in height.
  - (b) "A" board or sandwich board signs used for providing direction to demonstrations, events, functions and cultural or home showings shall be removed at the end of the event and in no case shall be erected longer than 72 hrs. unless prior approval has been obtained from the Development Officer.
  - (c) Freestanding directional or logo signage shall not exceed 0.18 m<sup>2</sup> (2 ft<sup>2</sup>) in copy area or 1 m (3 ft) in height.
  - (d) Shall not interfere with passage on private internal or public walkways, sidewalks and parking areas, and at a minimum should be set back 0.6 m (2 ft) from a walkway or sidewalk.
  - (e) Shall not be illuminated.

### Section 8.25 SIGN REGULATIONS - R, DC, A, AG & UR DISTRICTS

- (1) Within a Residential, Direct Control, Agricultural and Urban Reserve Districts, identification or directional signs may be allowed per site as follows: **02-04**
- (a) A Fascia Sign which does not exceed 1,000 cm<sup>2</sup> (155 in<sup>2</sup>) in area to identify a major or minor home occupation or the residents name.
  - (b) A Fascia Sign to identify the name of an apartment building, religious assembly, child care services facility or community building and which does not:
    - i) exceed 1.5 m<sup>2</sup> (16 ft<sup>2</sup>) in copy area; or
    - ii) exceed 3.5 m (11.5 ft) in height.
  - (c) A free standing or fascia sign attached to the principal building to identify the name of the bed and breakfast occupying the residence or site and which:
    - i) does not exceed 0.8 m<sup>2</sup> (8.6 ft<sup>2</sup>) or
    - ii) is non-illuminated from within; or
    - iii) if freestanding, does not exceed 1.5 m (5 ft) in height.
  - (d) One permanent Freestanding Identification Sign may be placed at each entrance to a subdivision, neighbourhood or manufactured home community. The copy on such signs shall be restricted to the name and logo of the subdivision, neighbourhood or

## PART 8 GENERAL LAND USE RULES

manufactured home community and shall be located entirely upon private property within the area to which they refer. The sign shall be landscaped in a manner consistent with the character and appearance of adjacent development.

- i) exceed 1.5 m<sup>2</sup> (16 ft<sup>2</sup>) in copy area; or
  - ii) exceed 3.5 m (11.5 ft) in height.
- (e) One temporary freestanding sign may be allowed for each frontage of the development for the purpose of providing sales information and identifying the home building, contractor or real estate company associated with the development. The maximum area of this sign shall not exceed 3 m<sup>2</sup> (32 ft<sup>2</sup>) and the maximum height when free standing shall not exceed 3 m (9.8 ft).
- (f) Banners and pennants identifying the building, contractor or real estate company associated with the show home or Residential Sales Centre may be allowed on site. The maximum area for any such single sign shall not exceed 1.8 m<sup>2</sup> (20 ft<sup>2</sup>) and where such sign is affixed to a building, the top of the sign shall not be located higher than the second storey.
- (g) One balloon sign per site may be allowed at the discretion of the Development Officer.

### Section 8.26 SIGN REGULATIONS - CB-1, CB-2, SC & I DISTRICTS

- (1) Within a General Business CB-1, Black Diamond Station CB-2, Service Commercial (SC) and Industrial Districts, directional and local advertising signs may be allowed per site as follows:

#### **02-04; 06-17**

- (a) Freestanding Signs provided that:
- i) the maximum height shall not exceed 7.5 m (25 ft); and
  - ii) the total sign area for each face shall not exceed 7 m<sup>2</sup> (75 ft<sup>2</sup>)
- (b) Fascia Signs provided that the total copy area of a sign or signs shall not exceed 20% of the face of the building or bay to which the sign is attached to a maximum area of 4.5 m<sup>2</sup> (50 ft<sup>2</sup>);
- (c) Projecting Signs provided that the maximum sign area of the face shall not exceed 1.5 m<sup>2</sup> (16 ft<sup>2</sup>);
- (d) Roof Signs provided that the maximum area of the sign shall not exceed 9 m<sup>2</sup> (97 ft<sup>2</sup>);
- (e) Portable Reader Board Signs:
- i) will be restricted to one sign per business;
  - ii) shall not exceed 4.5 m<sup>2</sup> (48.4 ft<sup>2</sup>) in area or 2 m (6.5 ft) in height;
  - iii) shall be non-illuminated;
  - iv) shall not be placed on private internal walkways, sidewalks and parking areas;
  - v) shall not be located closer than 1.6 m (5 ft) from a public rights-of-way or 0.6 m (2 ft) from a public sidewalk;
  - vi) may be located on sites other than the site upon which the business, event or promotion occurs to advertise an event or promotion for periods not to exceed 30 days.
- (f) Awning, Canopy, Changeable Copy Signs as per 8.26.e;
- (g) Local Advertising Signs which may include the following:

## PART 8 GENERAL LAND USE RULES

- i) “A” or Sandwich Board Signs which:
  - shall not exceed 0.6 m (2 ft) in width and 1 m (3.3 ft) feet in height; and
  - shall not impede the safe movement of pedestrian traffic or block a fire exit or doorway; and
  - shall be removed at the end of the business day; and
  - shall be restricted to one sign per business and shall be located within a 3m (10 ft) of the business entrance; and **21-06**
  - shall not be illuminated.
- ii) Window signs:
  - must, where materials permit, be placed on the inside of the window and may be painted, attached or free standing;
  - may be illuminated but shall not exceed 0.4 m<sup>2</sup> (4.3 ft<sup>2</sup>) in area and shall not be flashing, intermittent or animated when visible from a public roadway.
- iii) Banners or Pennant:
  - identifying the building, contractor or real estate company associated with the sale of a building or bay may be allowed on site. The maximum area for any such single sign shall not exceed 1.8 m<sup>2</sup> (20 ft<sup>2</sup>) and where such sign is affixed to building, the top of the sign shall not be located higher than the second storey.
  - in all other cases, shall not exceed 5 m<sup>2</sup> (53.8 ft<sup>2</sup>) in area; and
  - shall be secured or anchored to a support structure other than public property.
- iv) Balloons and Dirigibles:
  - will be of a size at the discretion of the Development Officer; and
  - shall be secured or anchored to a support structure other than public property.
- v) Free Standing Signs:
  - will be one (1) sign per business on a multiple use site or three (3) signs per single use site;
  - shall not exceed 1.5 m<sup>2</sup> (16 ft<sup>2</sup>) in area for each sign or 2 m (6.5 ft) in height;
  - shall not be placed on private internal walkways, sidewalks and parking areas; and
  - shall not be located closer than 1.6 m (5 ft) from a public rights of way or 0.6 m (2 ft) from a public sidewalk;

### Section 8.27 ADDITIONAL SIGN REGULATIONS - CB DISTRICTS

- (1) Within a Central Business CB Districts identification, directional and local advertising signs may be allowed per site as follows: **02-04**
  - (a) Freestanding Signs provided that:
    - i) the maximum height shall not exceed 6 m (20 ft); and
    - ii) the total sign area for each face shall not exceed 7 m<sup>2</sup> (75 ft<sup>2</sup>).

## PART 8 GENERAL LAND USE RULES

- (b) Fascia Signs provided that the total copy area of a sign or signs shall not exceed 20% of the face of the building or bay to which the sign is attached to a maximum area of 3 m<sup>2</sup> (32 ft<sup>2</sup>)
- (c) Window signs provided that:
  - i) the copy area does not exceed 30% of the glassed area, excluding mullions;
  - ii) Lettering and style are in accordance with the Historic Downtown Design Standards; **21-06**
  - iii) must be placed on the inside of the window and may be painted on the glassing, or attached to, or hung in the window frame.
  - iv) Logos and graphics are exempt from the copy area calculations.
- (d) Wall signs and Murals provided that:
  - i) the maximum copy area does not exceed 10% of the visible wall area to which the lettering is painted.
  - ii) Lettering and style are in accordance with the Historic Downtown Design Standards; **21-06**
- (e) Projecting Signs provided that the maximum sign area of the face shall not exceed 1.5 m<sup>2</sup> (16 ft<sup>2</sup>);
- (f) Portable Reader Board Signs:
  - i) will be restricted to one sign per business;
  - ii) shall not exceed 4.5 m<sup>2</sup> (48.4 ft<sup>2</sup>) in area or 2 m (6.5 ft) in height;
  - iii) shall be non-illuminated;
  - iv) shall not be placed on private internal walkways, sidewalks and parking areas;
  - v) shall not be located closer than 1.6 m (5 ft) from a public rights-of-way or 0.6 m (2 ft) from a public sidewalk;
  - vi) may be located on sites other than the site upon which the business, event or promotion occurs to advertise an event or promotion for periods not to exceed 30 days
- (g) Local Advertising Signs which may include the following:
  - i) "A" or Sandwich Board Signs:
    - shall not exceed 0.6 m (2 ft) in width and 1 m (3.3 ft) feet in height; and
    - shall not impede the safe movement of pedestrian traffic or block a fire exit or doorway; and
    - shall be removed at the end of the business day; and
    - shall be restricted to one sign per business and shall be located within a distance of not greater than 3 m (10 ft) from the business entrance; and **06-17**
    - shall not be illuminated.
  - ii) Window signs
    - must, where materials permit, be placed on the inside of the window and may be painted, attached, or free standing;
    - may be illuminated but shall not exceed 0.4 m<sup>2</sup> (4.3 ft<sup>2</sup>) in area and shall not be flashing, intermittent or animated when visible from a public roadway.

## PART 8 GENERAL LAND USE RULES

### iii) Banners or Pennant:

- Identifying the building, contractor or real estate company associated with the sale of a building or bay may be allowed on site. The maximum area for any such single sign shall not exceed 1.8 m<sup>2</sup> (20 ft<sup>2</sup>) and where such sign is affixed to building, the top of the sign shall not be located higher than the second storey.
- in all other cases, shall not exceed 5 m<sup>2</sup> (53.8 ft<sup>2</sup>) in area; and
- shall be secured or anchored to a support structure other than public property;

### iv) Free Standing Signs:

- will be one (1) sign per business on a multiple use site or three (3) signs per single use site;
- shall not exceed 1.5 m<sup>2</sup> (16 ft<sup>2</sup>) in area for each sign or 2 m (6.5 ft) in height;
- shall not be placed on private internal walkways, sidewalks and parking areas; and
- shall not be located closer than 1.6 m (5 ft) from a public rights of way or 0.6 m (2 ft) from a public sidewalk.

## Section 8.28 DWELLING UNITS PERMITTED ON A LOT OR SITE

- (1) Where permitted in this bylaw, the Approving Authority may issue a development permit to a person that would permit the construction or location of more than one dwelling unit on a parcel, lot or site if the second or additional dwelling unit:
  - (a) is contained in a building that is designed for, or divided into, 2 or more dwelling units;
  - (b) is a building, as defined by the Condominium Property Act, that is the subject of a condominium plan to be registered in a land titles office under the act;
  - (c) is a commercial use with residential units in the same structure; or
  - (d) is contained in a residential dwelling or attached garage and is an approved accessory suite.

## Section 8.29 MIXED RESIDENTIAL/COMMERCIAL USE 02-04

- (1) For mixed use developments with more than two residential dwelling units in the same structure, dwelling units must be located on the second storey;
- (2) For a mixed use development with one residential dwelling unit on the same site:
  - (a) The dwelling unit must not be or operate as a store front;
  - (b) future subdivision of these lots shall not be permitted; and
  - (c) the development must meet Safety Code requirements.
- (3) A cannabis store may not be located as a mixed residential / commercial use; **18-04**
- (4) A cannabis facility may not be located as a mixed residential / commercial use. **18-04**

## Section 8.30 ACCESSORY SUITES REGULATIONS 11-12

- (1) An accessory suite may be located in:
  - (a) a principal dwelling
  - (b) an accessory building

## PART 8 GENERAL LAND USE RULES

- (c) above a detached garage
- (2) Accessory suites shall:
  - (a) comply with Safety Codes Act standards and regulations and all municipal and provincial regulations;
  - (b) shall appear as a single dwelling unit;
  - (c) be developed so the portion of the principal dwelling or accessory building containing the suite reflects the design of the principal building on the site incorporating similar design features such as window and door detailing, exterior cladding materials and colours, and roof lines;
  - (d) not exceed 75 m<sup>2</sup> (800 ft<sup>2</sup>) in total floor area;
  - (e) be a minimum of 30 m<sup>2</sup> (323 ft<sup>2</sup>);
  - (f) provide parking in accordance with Section 8.14 of this Bylaw. All stalls provided for the suite shall be constructed to the satisfaction of the Approving Authority. Tandem parking is not permitted;
- (3) In order to reduce potential impacts to adjacent land owners, accessory suites shall only be considered appropriate for dwellings that are occupied by the owner;
- (4) Approved development permits for accessory suites shall be temporary in nature and shall be valid only for the period of time that the dwelling is occupied by the owner. The Town may register a caveat on the title of the property as notice of this requirement;
- (5) The minimum setbacks for an Accessory Suite within an Accessory Building or above a Detached Garage shall be:
  - (a) side yard (adjacent to other lots): 1.5 m (5 ft);
  - (b) side yard (abutting a public roadway with vehicle doors facing roadway): 6 m (20 ft);
  - (c) side yard (abutting a public roadway with vehicle doors facing laneway): 3 m (10 ft);
  - (d) front yard: 6 m (20 ft) or the setback of the principal dwelling, whichever is greater;
  - (e) rear yard: 1.5 m (5 ft)
- (6) The maximum total height of the building with an Accessory Suite above a detached garage is 8 m (26.25 ft);
- (7) The maximum height for an Accessory Building containing an Accessory Suite is 5 m (16 ft);
- (8)** If at any time the requirements for an accessory suite have not, in the opinion of the Approving authority, been complied with, the Approving Authority may suspend or cancel the development permit for the accessory suite, pursuant to the provisions of the Municipal Government Act; **11-12**

### Section 8.31 SATELLITE DISH ANTENNAS

- (1) A satellite dish antenna shall only be located in a rear yard, or a side yard that does not abut a side street.
- (2) Notwithstanding Section 8.31.1 above, where any part of a satellite dish antenna is more than 3m above grade level, it shall be located to the satisfaction of the Approving authority.
- (3) Sections 8.31.1 and 8.31.2 shall not apply where the applicant can show, to the satisfaction of the Approving Authority, that compliance with these sections would prevent signal reception.

## **PART 8        GENERAL LAND USE RULES**

- (4) No advertising shall be allowed on a satellite dish antenna.
- (5) The illumination of a satellite dish antenna is prohibited

### **Section 8.32 CANNABIS RELATED BUSINESS 18-04**

- (1) Cannabis Counselling shall
  - (a) only occur where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules;
  - (b) be subject to the parking requirements Section 8.14.3.b.vii;
  - (c) be a location where consumption of cannabis must not occur;
  - (d) be where the sale or rental of cannabis accessories may occur.
- (2) Cannabis Facility
  - (a) is a location where a license for all activities associated with cannabis growing, processing, packaging, testing, destruction or storage is issued by Health Canada
  - (b) is a location where all activities associated with cannabis growing, processing, packaging, testing, destruction or storage occur within the cannabis facility structure;
  - (c) is a location where the sale of cannabis can occur in conjunction with the cannabis facility where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules, has been approved by the Town and where the retail store has been approved by the Provincial government
  - (d) is subject to the parking requirements Section 8.14.3.b.vii;
  - (e) is a location where an accessory building or structure used for security purposes may be located on the parcel containing the use;
  - (f) must have equipment designed and intended to remove odours from the air where it is discharged from the facility as part of the ventilation system; and must be maintained in good operating condition at all times;
  - (g) may not have any part of an exterior wall that is located within 100 metres of
    - i) A provincial health care facility or a boundary of the parcel of land on which the facility is located;
    - ii) A building containing a school or a boundary of a parcel of land on which the building is located, or
    - iii) A boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the Municipal Government Act.
  - (h) separation distances may not be varied by the Development Authority;
  - (i) design may incorporate crime prevention through environment design (CPTED) principles and the entire site on which it is located;
  - (j) is where the development authority may require, as a condition of a development permit, a Public Utility, Water and Waste Management Plan, completed by a qualified professional(s), that includes details on:
    - i) The incineration of waste products and air borne emission, including smell;
    - ii) The quality and characteristics of liquid and waste material discharged by the facility;

## **PART 8        GENERAL LAND USE RULES**

- iii) The method and location of collection and disposal of liquid and waste material;
    - iv) water conservation methods employed;
    - v) The mitigation of over strength sewage loading;
    - vi) And any other thing that may be deemed necessary to make a decision on the application.
  - (k) Is where the development authority may require, as a condition of a development permit, a site and facility security plan;
  - (l) Is where the development authority may require, as a condition of a development permit, that the applicant provide a site and business operation plan that contains the principles of Crime Prevention through Environment Design.
- (3) Cannabis Store
- (a) Is a location where the sale of cannabis can only occur where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules;
  - (b) Is a location where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility;
  - (c) must be licensed by the Alberta Government;
  - (d) is a location where cannabis counselling may also occur as an ancillary use to the cannabis store use;
  - (e) hours of operation may not extend after 10 pm Monday through Sunday;
  - (f) may not have any part of an exterior wall that is located within 100 metres of
    - i) A provincial health care facility or a boundary of the parcel of land on which the facility is located;
    - ii) A building containing a school or a boundary of a parcel of land on which the building is located, or
    - iii) A boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the Municipal Government Act.
  - (g) is subject to the parking requirements in Section 8.14.3.b.vii;
  - (h) separation distances may not be varied by the Development Authority;
  - (i) and site on which it is to be located may incorporate crime prevention through environment design (CPTED) principles;
  - (j) is a location where the development authority may require, as a condition of a development permit, a business operation security plan.



## Part 9 SPECIAL LAND USE RULES

### Section 9.1 APPLICABILITY

- (1) The Special Land Use Provisions apply to the uses listed irrespective of the District in which they are located. Where these Provisions appear to be in conflict with the regulations in which the use is either a Permitted or a Discretionary Use, the Special Land Use Provisions shall take precedence, and shall be applied in addition to the requirements in the District.
- (2) Notwithstanding 9.1.1, Part 4 of Foothills County Land Use Bylaw 60/2014 'Rules Governing all Districts', in effect as of January 1, 2020, shall apply to all lands assigned to the 'County Agricultural', 'County Country Residential', and 'County Public Utility' Districts. **21-06**

### Section 9.2 HOME OCCUPATIONS

- (1) Home occupations shall be limited to those uses that do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. These activities shall be an incidental and subordinate use to the principal residential building and accessory building. Home occupations are divided into categories: major and minor, and are guided by the following provisions:
  - (a) Minor Home Occupations
    - i) The home occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling in which it is located. **02-04; 21-06**
    - ii) The home occupation shall not employ any person who lives outside of the home.
    - iii) Home occupations shall not generate traffic uncharacteristic to the residential area.
    - iv) The home occupation may not extend beyond the confines of the primary residential dwelling nor utilize accessory buildings.
    - v) There shall be no outside storage of materials, goods or equipment on the site.
    - vi) There shall be no form of advertising relating to the occupation discernible from outside the building. One on site parking stall shall be provided for each vehicle used by the occupation, plus the requirements of the dwelling.
  - (b) Major Home Occupations
    - i) A major home occupation shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling or accessory building in which it is located. **02-04**
    - ii) The home occupation may employ up to two persons who do not live on the site or within the primary residence.
    - iii) The home occupation should not generate traffic more than five (5) vehicle trips per day. **02-04**
    - iv) One on site parking stall shall be provided for each employee and each vehicle used by the occupation, plus those required for the residential use.
    - v) There shall be no visible outside storage of materials, goods or equipment on the site, but the utilization of accessory buildings may be acceptable.

## PART 9 SPECIAL LAND USE RULES

- vi) Advertising relating to the home occupation and discernible from the outside of the building shall be limited to one non-illuminated sign which does not exceed 1,000 cm<sup>2</sup> (155 in<sup>2</sup>).
- (c) General Regulations Governing Home Occupations
  - i) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference with radio or television reception.
  - ii) Any vehicles parking on-street or off-street as a result of the home occupation shall, in the opinion of the Approving Authority, not be a source of inconvenience to adjacent land owners or tenants, or exceed 6,000 kg (13,227.5 lbs).
  - iii) The home occupation shall not, in the opinion of the Approving Authority, be a source of inconvenience, materially interfere with or affect the use, enjoyment or value of neighbouring properties, by way of excessive noise, smoke, steam, odour, dust, vibration or refuse matter which would not commonly be found in the neighbourhood.
  - iv) If at any time any of the requirements for a home occupation have not, in the opinion of the Approving Authority, been complied with, or the use is not in keeping with the terms of the approved application, the Approving Authority may suspend or cancel the development permit for the home occupation, pursuant to the provisions under the Municipal Government Act or request the applicant to submit a new application to the approving authority for consideration. **02-04**
  - v) The occupation shall be operated only as a secondary use to the residential use of the site for which the permit is issued. The permit shall only be valid for the period of time the site is occupied by the applicant. **02-04**
  - vi) A permit for an occupation in a Residential Site does not exempt compliance with health regulations or any other permit requirements. **02-04**
  - vii) Any changes to the originally approved application must be provided in writing to the Approving Authority. **02-04**

### Section 9.3 LIMITED GROUP HOMES

- (1) The number of residents, to a maximum of six, shall be established by the Municipal Planning Commission, who shall have regard for the nature of the Group Home, the density of the District in which it is located, and provincial regulations.
- (2) Group Homes shall not generate traffic or parking in excess of which is characteristic of the district in which it is located.

### Section 9.4 BED AND BREAKFAST ACCOMMODATION

- (1) Bed and Breakfast Accommodation shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Bed and Breakfast Accommodation shall be an incidental and subordinate use to the principal residential use and shall be restricted to the dwelling.
- (2) Bed and Breakfast Accommodation shall:
  - (a) require a development permit valid for the period of time the dwelling unit is occupied by the applicant;

## PART 9 SPECIAL LAND USE RULES

- (b) not require any structural alterations;
- (c) not display any form of advertising for the operation on site, except as provided for in the Land Use Bylaw;
- (d) not create a nuisance by way of noise, parking or traffic generation;
- (e) not employ any person other than an occupant of the principal residential building in which the Bed and Breakfast Accommodation operation takes place;
- (f) not occupy more than 25% of the dwelling, or provide for more than two rooms, whichever is less;
- (g) must demonstrate to the satisfaction of the Approving Authority that the proposed accommodation meets relevant Provincial Health and Safety codes;
- (h) provide one (1) parking stall shall be provided per rented room, plus the number required for the dwelling.

### Section 9.5 RELIGIOUS ASSEMBLY

- (1) A Religious Assembly shall comply with the following special provisions:
  - (a) The site for a Religious Assembly shall have a frontage of at least 30.4 m (100 ft) and an area of at least 930 m<sup>2</sup> (10,000 ft<sup>2</sup>).
  - (b) Where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the Religious Assembly, the combined area of the site shall not be less than 1,300 m<sup>2</sup> (14,000 ft<sup>2</sup>).

### Section 9.6 CHILD CARE SERVICES

- (1) A Child Care Service shall comply with the following regulations:
  - (a) The maximum number of children for which care may be provided in a Child Care Service shall be established by the Development Officer, who shall have regard for the nature of the Child Care Service, the density of the District in which it is located, potential increase in traffic, the location of the use in relation to other uses in the area of the development, and provincial regulations.
  - (b) The Development Authority shall, in deciding whether to approval or refuse a Child Care Service which is a discretionary use, consider, among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park, or other open or recreational areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of use with other development in the area, including distance from a cannabis related business. **18-04**

## **PART 9      SPECIAL LAND USE RULES**

### **Section 9.7      ESSENTIAL UTILITY SERVICES, MUNICIPAL AND SCHOOL RESERVES, AND ENVIRONMENTAL RESERVES**

- (1) Notwithstanding the Permitted and Discretionary Uses contained within any District in this Bylaw, Essential Utility Services, Municipal and School Reserves and Environmental Reserves are a permitted use in any district.
- (2) Notwithstanding the setback, yard, lot area and width regulations of any district within this bylaw, such regulations shall not apply to the development of Essential Utility Services, Municipal and School Reserves, and Environmental Reserves.

### **Section 9.8      EXCAVATION, STRIPPING, STOCKPILING AND GRADING OF SOIL**

- (1) Excavation, stripping, stockpiling and grading of soil shall be deemed to be a Discretionary Use, as if it were so designated in the use lists of the district clauses of this bylaw.

## Part 10 DISTRICTS

### Section 10.1 LAND USE DISTRICTS

- (1) For the purpose of this Bylaw, the land within the boundaries of the Municipality shall be divided into one or more of the Districts as established in Section 10.2.
- (2) Throughout this bylaw and amendments thereto, a District may be referred to either by its full name or its abbreviation, as set out in Section 10.2.

### Section 10.2 DISTRICTS

- |                 |   |
|-----------------|---|
| (1) R-1         | Single Detached Residential District              |
| (2) R-1A        | Restricted Low Density Residential                |
| (3) R-1C        | Single Detached Conventional Residential District |
| (4) R-2         | Semi-Detached Residential District                |
| (5) R-2X        | Medium Density Multi-Family District              |
| (6) R-3         | Multiple Family District                          |
| (7) R-4         | Apartment and Attached Housing District           |
| (8) R-MH        | Manufactured Home Community District              |
| (9) CB          | Central Business District                         |
| (10) CB1        | General Business District                         |
| (11) CB2        | Black Diamond Station District                    |
| (12) SC         | Service Commercial District                       |
| (13) I          | Industrial District                               |
| (14) PS         | Public Service District                           |
| (15) AG         | Agriculture District                              |
| (16) A          | Agricultural District <b>02-04</b>                |
| (17) DC         | Direct Control District                           |
| <b>(18) UR</b>  | Urban Reserve District <b>02-04</b>               |
| <b>(19) CA</b>  | County Agricultural <b>21-06</b>                  |
| <b>(20) CCR</b> | County Country Residential <b>21-06</b>           |
| <b>(21) CPU</b> | County Public Utility <b>21-06</b>                |

## Section 10.3 R-1 SINGLE DETACHED RESIDENTIAL

### (1) GENERAL PURPOSE

To establish a District primarily for Single Detached Housing.

### (2) PERMITTED USES

Accessory Buildings

Home Occupation, Minor

Single Detached Housing

Signs

Art Studio and Gallery: Lot 12 Block 20 Plan 8010853 **05-16**

### (3) DISCRETIONARY USES

Accessory Suites

Bed and Breakfast Accommodation

Child Care Services

Home Occupation, Major **02-04**

Group Homes, limited

Manufactured Homes **02-04**

Religious Assembly

Restoration of antique implements of husbandry Lot W ½ of 2 and all of 3, Block 10, Plan 8985 FM

Single Detached Housing, Moved On

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |  |
|--|--|
| (a) MINIMUM SITE AREA  | <b>510 m<sup>2</sup> (5,500 ft<sup>2</sup>) notwithstanding any lot existing at the effective date of this bylaw that does not meet the minimum site area is deemed to comply with this Bylaw.</b> |
| (b) MINIMUM SITE WIDTH EXCEPT:   | <b>16.76 (55 ft)</b>   |
| i) Lots subdivided from any lot 27.4 m (90 ft) in width and existing at the effective date of this Bylaw.  | <b>13.7 m (45 ft)</b>  |
| ii) Any lot of separate record with Land Titles existing at the effective date of this Bylaw that has a site width less than 16.8 m (55 ft) is deemed to comply with this Bylaw. |  |
| (c) MINIMUM YARD REQUIREMENT FOR PRINCIPAL BUILDINGS ON LANED SITES  |  |

**Part 10      DISTRICTS**  
**R-1 SINGLE-DETACHED RESIDENTIAL**

|   |  |
|---|--|
| <i>See Illustration 1</i>   |  |
| i) front yard without front drive garages and garages with entrances perpendicular to the street;                         | <b>4.5 m (14.7 ft)</b>   |
| ii) with front drive garages with entrances parallel to the street: <b>02-04</b>  | <b>6 m (19.6 ft)</b>   |
| iii) side yard<br>(for lot abutting a public roadway other than a lane)   | <b>3 m (10 ft)</b>   |
| iv) side yard<br>(adjacent to other lots)   | <b>1.5 m (5 ft)</b>  |
| v) rear yard <b>02-04</b>   | <b>7.5 m (25 ft)</b>   |
| (d) MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS ON LANELESS SITES –<br><i>See Illustration 2</i>                    |  |
| i) All Yards  | <b>Same as for laned sites except the following:</b>                 |
| ii) One side yard adjacent to other lots  | <b>3 m (10 ft) if there is no attached garage</b>                    |
| (e) MINIMUM YARD REQUIREMENTS FOR ACCESSORY BUILDINGS ON LANED AND/OR LANELESS SITES – <i>See Illustrations 1 &amp; 2</i> |  |
| i) Front Yard   | <b>6 m (20 ft)</b>   |
| ii) Rear Yard   | <b>1.5 m (5 ft)</b>  |
| iii) Side Yard<br>(abutting a public roadway other than a lane)   | <b>3 m (10 ft)</b>   |
| iv) Side Yard (adjacent to other lots)  | <b>1 m (3 ft) except as noted in Section 8.05.6</b>                  |
| v) For detached garages with vehicle doors flanking public roadway other than a lane                                      | <b>6 m (20 ft) distance between garage and public roadway. 21-06</b> |
| (f) MAXIMUM SITE COVERAGE   |  |
| i) Total  | <b>40%</b>   |

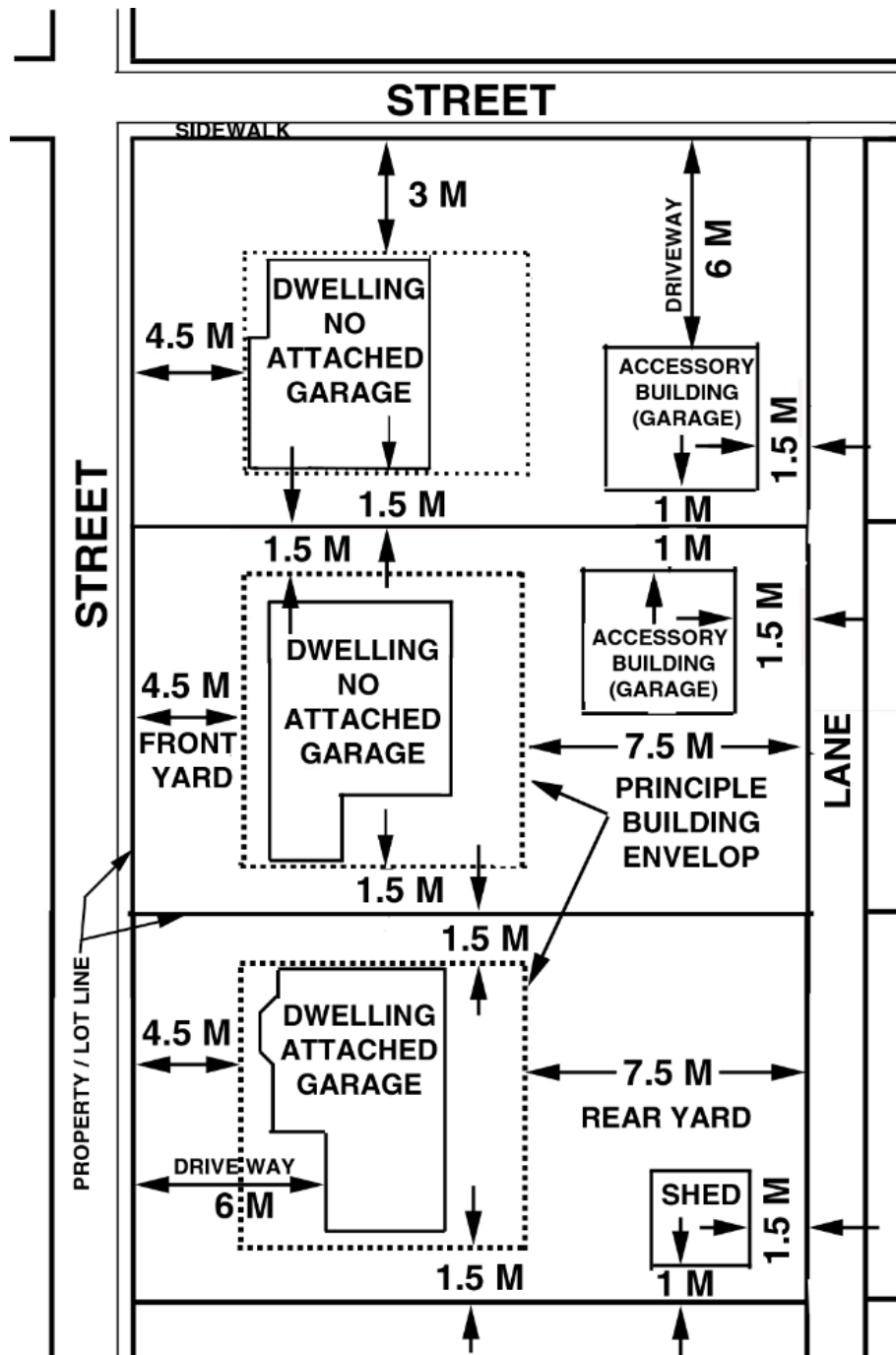
## Part 10 DISTRICTS

### R-1 SINGLE-DETACHED RESIDENTIAL

|   |  |
|---|--|
| ii) Principal Building                                  | <b>40%</b>   |
| iii) Accessory Building <b>02-04</b>                    | <b>15% to a maximum of 75 m<sup>2</sup> (800 ft<sup>2</sup>)</b> |
| iv) Dwelling with attached garage                       | <b>40%</b>   |
| (g) MAXIMUM BUILDING HEIGHT                             |  |
| i) Principal Building                                   | <b>9.1 m (30 ft)</b>   |
| ii) Accessory Building                                  | <b>4.9 m (16 ft)</b>   |
| (h) MINIMUM GROUND FLOOR AREA                           |  |
| i) Bungalow, Bi-level, Split Level                      | <b>89.2 m<sup>2</sup> (960 ft<sup>2</sup>)</b>                   |
| ii) First Storey or Ground Floor of Two-Storey Dwelling | <b>74.32 m<sup>2</sup> (800 ft<sup>2</sup>)</b>                  |
| iii) Two-Storey Dwelling Combined Total                 | <b>130 m<sup>2</sup> (1,400 ft<sup>2</sup>)</b>                  |
| (i) Deleted <b>02-04</b>                                |  |

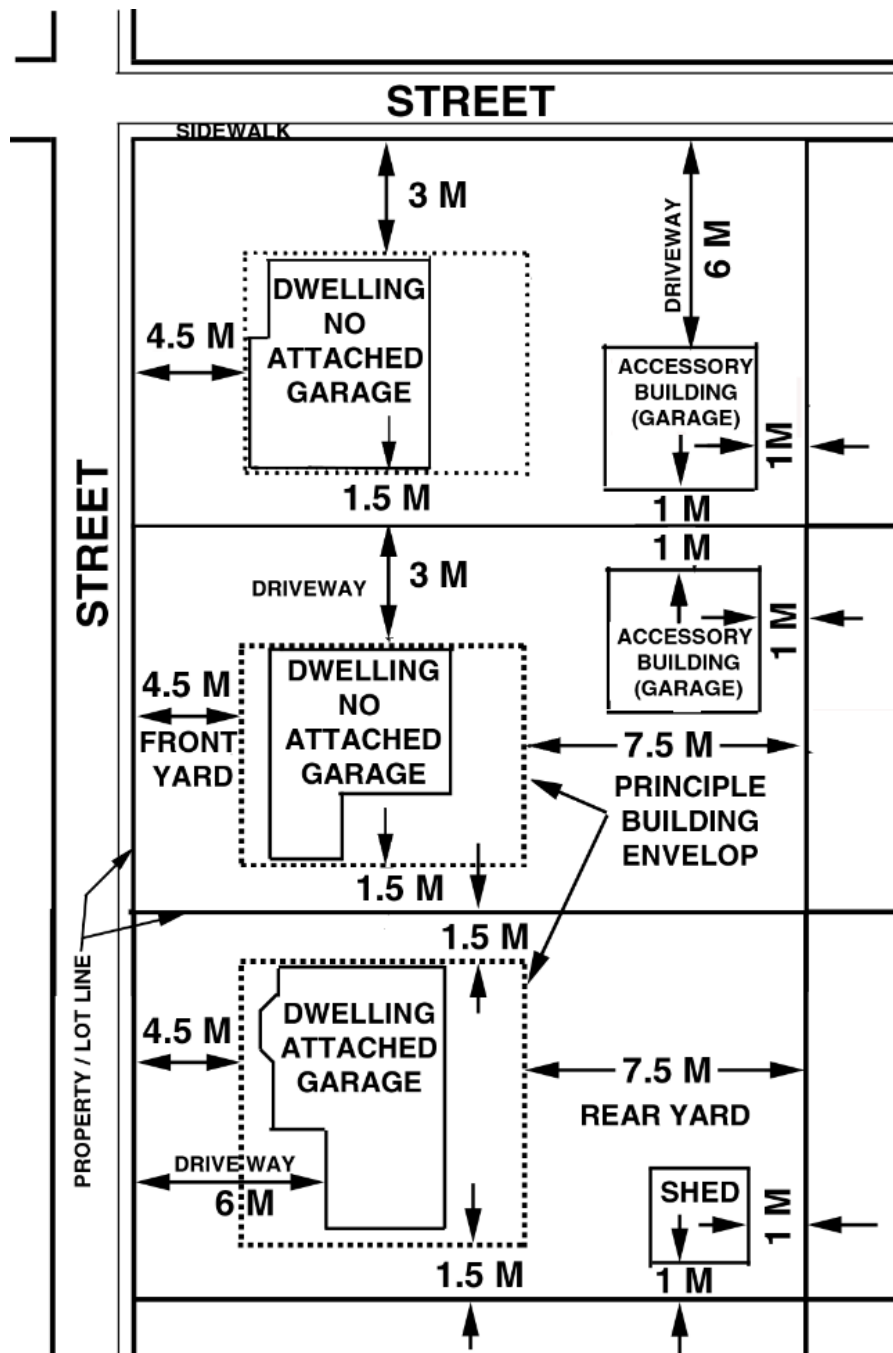


Part 10 DISTRICTS  
R-1 SINGLE-DETACHED RESIDENTIAL  
ILLUSTRATION 1 LANED SITES R-1: 02-15



**Part 10 DISTRICTS**  
**R-1 SINGLE-DETACHED RESIDENTIAL**

**ILLUSTRATION 2 LANELESS SITES R-1: 02-15**



**(5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES**

- (a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District:

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.

## Part 10      DISTRICTS

### R-1 SINGLE-DETACHED RESIDENTIAL

- **Accessory Suites** shall be developed in accordance with Section 8.30 of this bylaw.
  - **Bed and Breakfast Accommodation** shall be developed in accordance with Section 9.4 of this Bylaw.
  - **Child Care Services** shall be developed in accordance with Section 9.6 of this Bylaw.
  - **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
  - **Group Homes** shall be developed in accordance with Section 9.3 of this Bylaw.
  - **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
  - **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
  - **Manufactured Housing** shall be developed in accordance with Section 8.9 of this Bylaw.
  - **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
  - **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
  - **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
  - **Signs** shall be developed in accordance with Sections 8.24 of this Bylaw. **21-06**
  - **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
  - **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.
- (b) Notwithstanding Section 8.10, the restoration of antique implements of husbandry may be permitted within lot W ½ of 2 and all of 3, Block 10, Plan 8985 FM. Restrictions regarding this activity shall be determined by the Approving authority.

## Section 10.4 R-1A RESTRICTED LOW DENSITY RESIDENTIAL

### (1) GENERAL PURPOSE

The purpose of this residential district is to provide for low-density residential development. This district provides special land use rules and architectural controls which have been adopted to recognize a specific housing need, and to allow the development of a mix of high quality single detached and semi-detached housing.

### (2) PERMITTED USES

Accessory Buildings  
Home Occupation (Minor)  
Parks and Playgrounds  
Single Detached Housing  
Signs

### (3) DISCRETIONARY USES

Accessory Suites  
Bed and Breakfast Accommodation  
Duplex Housing  
Home Occupation (Major) **02-04**  
Group Homes, Limited  
Manufactured Home **02-04**  
Religious Assembly  
Semi-Detached Housing  
Single Detached Housing, Moved On

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|   |   |
|---|---|
| (a) MINIMUM SITE AREA   |   |
| i) Single Detached Housing  | <b>510 m<sup>2</sup> (5,500 ft<sup>2</sup>)</b>   |
| ii) Semi-Detached Housing.  | <b>270 m<sup>2</sup> (2906 ft<sup>2</sup>) for each dwelling unit of a semi-detached/duplex house</b> |
| iii) All other uses at the discretion of the Development Officer  |   |
| (b) MINIMUM SITE WIDTH  |   |
| i) Single Detached Housing  | <b>16.76 m (55 ft)</b>  |
| ii) Semi-Detached and Duplex housing  | <b>9 m (29.52 ft) for each dwelling unit</b>  |
| (c) MINIMUM YARD REQUIREMENT FOR PRINCIPAL BUILDINGS ON LANED SITES– Shall be in accordance with Illustration 3 |   |
| i) front yard without front drive garages and   | <b>4.5 m (14.7 ft)</b>  |

## PART 10 DISTRICTS

### R-1A RESTRICTED LOW DENSITY RESIDENTIAL

|  |   |   |
|--|---|---|
|  | garages with entrances perpendicular to the street;                               |   |
| ii)  | with front drive garages with entrances parallel to the street: <b>02-04</b>      | <b>6 m (20 ft)</b>  |
| iii)   | side yard (for lot abutting a public roadway other than a lane)                   | <b>3 m (10 ft)</b>  |
| iv)  | side yard (adjacent to other lots)  | <b>1.5 m (5 ft)</b>   |
| v)   | side yard (adjacent to other lots) side by side semi-detached dwellings           | <b>None required where a firewall sits on the lot line separating the dwelling units.</b> |
| vi)  | rear yard <b>02-04</b>  | <b>7.5 m (24.5 ft)</b>  |
| (d) MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS ON LANELESS SITES – Shall be in accordance with Illustration 4                   |   |   |
| i)   | All Yards   | <b>Same as for laned sites except the following:</b>                                      |
| ii)  | One side yard adjacent to other lots  | <b>3 m (10 ft) if there is no attached garage</b>   |
| (e) MINIMUM YARD REQUIREMENTS FOR ACCESSORY BUILDINGS ON LANED AND/OR LANELESS SITES – Shall be in accordance with Illustrations 3 & 4 |   |   |
| i)   | Front Yard  | <b>6 m (20 ft)</b>  |
| ii)  | Rear Yard   | <b>1.5 m (5 ft)</b>   |
| iii)   | Side Yard (abutting a public roadway other than a lane)                           | <b>3 m (10 ft)</b>  |
| iv)  | Side Yard (adjacent to other lots)  | <b>1 m (3 ft) except as noted in Section 8.5.6</b>  |
| v)   | For detached garages with vehicle doors flanking public roadway other than a lane | <b>3 m (10 ft) distance between garage and public roadway.</b>                            |
| (f) MAXIMUM SITE COVERAGE  |   |   |
| i)   | Single Detached Units   |   |
| a)   | Total   | <b>40%</b>  |
| b)   | Principal Building  | <b>40%</b>  |

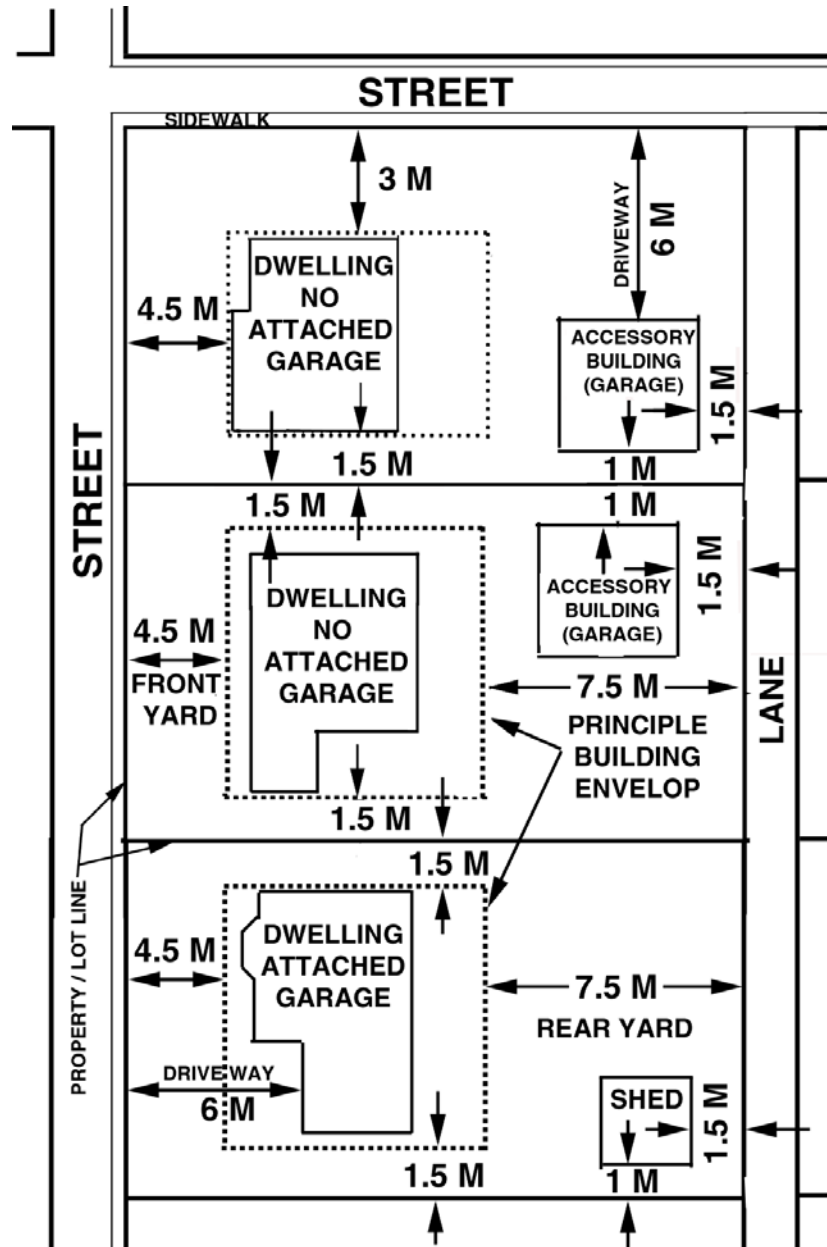
## PART 10 DISTRICTS

### R-1A RESTRICTED LOW DENSITY RESIDENTIAL

|  |  |
|--|--|
| c) Accessory Building<br><b>02-04</b>  | <b>15% to a maximum of 75 m<sup>2</sup> (800 ft<sup>2</sup>)</b> |
| d) Dwelling with Attached Garage   | <b>40%</b>   |
| ii) Semi Detached Dwelling Units   |  |
| a) Total   | <b>40%</b>   |
| b) Accessory Building  | <b>15%</b>   |
| c) Dwelling with Attached Garage   | <b>50%</b>   |
| (g) MAXIMUM BUILDING HEIGHT  |  |
| i) Principal Building  | <b>9.1 m (30 ft)</b>   |
| ii) Accessory Building   | <b>4.9 m (16 ft)</b>   |
| (h) MINIMUM GROUND FLOOR AREA  |  |
| i) Single Detached Dwelling Units  |  |
| a) Bungalow, Bi-Level, Split Level   | <b>110 m<sup>2</sup> (1,200 ft<sup>2</sup>)</b>                  |
| b) Two-Storey Dwelling Combined Total  | <b>110 m<sup>2</sup> (1,200 ft<sup>2</sup>)</b>                  |
| ii) Semi Detached or Duplex Dwelling Units                                       |  |
| a) Each dwelling unit of a single storey dwelling.                               | <b>79 m<sup>2</sup> (850 ft<sup>2</sup>)</b>                     |
| b) First storey or ground floor of a two storey dwelling for each dwelling unit. | <b>46.5 m<sup>2</sup> (500 ft<sup>2</sup>)</b>                   |
| c) Two storey combined total for each dwelling unit.                             | <b>84 m<sup>2</sup> (900 ft<sup>2</sup>)</b>                     |
| (i) Deleted <b>02-04</b>   |  |

**PART 10 DISTRICTS**  
**R-1A RESTRICTED LOW DENSITY RESIDENTIAL**

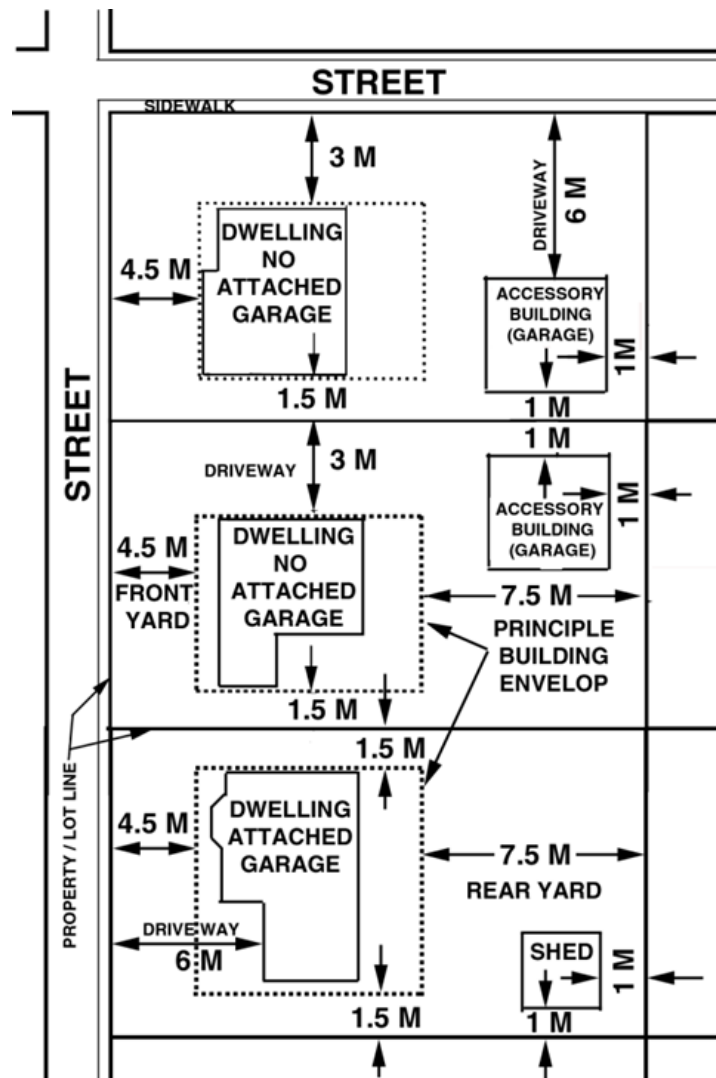
Illustration 3 Laned Sites R-1A 21-06



## PART 10 DISTRICTS

### R-1A RESTRICTED LOW DENSITY RESIDENTIAL

Illustration 4 Laneless Sites R-1A 21-06



#### (5) ARCHITECTURAL CONTROLS FOR DWELLING UNITS

##### (a) Roofs:

- Should have a minimum pitch of 4 in 12.
- Variations in roof lines are encouraged. A long unbroken roof line is discouraged.
- Minimum roof overhang shall be 300 mm (1 ft) if used.

##### (b) Massing:

- Shall be compatible with adjacent development in terms of building envelope, proportion, height and scale.

##### (c) Street Façade:

- Shall be compatible with surrounding streetscape.
- The front entrance should be defined.



## PART 10 DISTRICTS

### R-1A RESTRICTED LOW DENSITY RESIDENTIAL

- iii) Front loading garages should not be the dominant feature of the street elevation.
- (d) Entrances:
  - i) Main entrance shall be located on the front elevation and should be usually dominant.
  - ii) Use of covered porches, double doors, sidelights is encouraged to emphasize the main entrance.
- (e) Materials:
  - i) Exterior materials shall be compatible with those used in immediate vicinity.
  - ii) Acceptable wall materials include wood siding, vinyl siding, stucco, stone and brick masonry.
  - iii) Acceptable roof materials include asphalt shingles, wood shingles/shakes, and clay tiles.
- (f) Colour Range
  - i) Colour of exterior materials should be compatible and complementary to colours used on adjacent development.
- (g) Street Trees
  - i) Developers should contribute trees on a lot by lot basis. One tree per lot shall be installed and located adjacent to the front lot line.
- (h) Fencing
  - i) Shall be high quality both visually and materials used.
  - ii) Shall be sensitive to surrounding area.
  - iii) Shall enhance the area's overall appearance.
- (6) MIX OF HOUSING TYPES
  - (a) In an effort to provide a mix of housing types and a streetscape that optimizes the separation spaces between single detached dwellings and semi-detached and duplex dwellings, the Development Officer will consider that:
    - i) no more than 25% of the dwelling units in the District shall be semi-detached and/or duplex dwelling units. In order to optimize separation spaces between housing types, semi-detached dwellings and/or duplex dwelling units are prohibited where they would occupy immediately side by side adjacent lots.
- (7) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES
  - (a) The following regulations are found in the **General Development Regulations** and **Special Land Use Provisions** sections of this Bylaw, and may apply to developments in this District.
    - **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
    - **Accessory Suites** shall be developed in accordance with Section 8.30 of this bylaw.
    - **Bed and Breakfast Accommodation** shall be developed in accordance with Section 9.4 of this Bylaw.
    - **Child Care Services** shall be developed in accordance with Section 9.6 of this Bylaw.
    - **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
    - **Group Homes** shall be developed in accordance with Section 9.3 of this Bylaw.

## **PART 10      DISTRICTS**

### **R-1A RESTRICTED LOW DENSITY RESIDENTIAL**

- **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
- **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
- **Manufactured Housing** shall be developed in accordance with Section 8.9 of this Bylaw.
- **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

## Section 10.5 R-1C SINGLE DETACHED CONVENTIONAL RESIDENTIAL DISTRICT

### (1) GENERAL PURPOSE

To provide a District for Single Detached dwellings with conventional lot sizes, density and building envelopes.

### (2) PERMITTED USES

Accessory Buildings  
Home Occupation (Minor)  
Single Detached Housing  
Sign

### (3) DISCRETIONARY USES

Accessory Suites  
Bed and Breakfast Accommodation  
Child Care Services  
Group Homes, Limited to 3 persons  
Home Occupation (Major)  
Parking

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |  |
|--|--|
| (a) MINIMUM SITE AREA  |  |
| i) Single Detached Housing.  | <b>464 m<sup>2</sup> (4994 ft<sup>2</sup>)</b>   |
| (b) MINIMUM SITE WIDTH   |  |
| i) Single Detached Housing.  | <b>15 m (49.21 ft)</b>   |
| (c) MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS: – Shall be in accordance with <b>Illustrations 5 &amp; 6. 21-06</b> |  |
| i) Front Yard  | <b>6 m (20 ft) with attached garages</b>   |
|  | <b>4.5 (14.7 ft) without attached garages or with garages with door entrance at right angles to the street</b> |
| ii) Rear Yard  | <b>7.0 m (22.9 ft)</b>   |
| iii) Side Yards  | <b>1.2 m (4 ft)</b>  |
| iv) One side yard adjacent to other lots   | <b>3 m (10 ft) if there is no attached garage, and no lane access</b>  |
| (d) MINIMUM YARD REQUIREMENTS FOR ACCESSORY BUILDINGS – Shall be in accordance with <b>Illustrations 5 &amp; 6 21-06</b>   |  |
| i) Front Yard  | <b>6 m (20 ft)</b>   |
| ii) Rear Yard  | <b>10 &amp; 7.6 m lane: 1 m (3 ft)</b>   |

## PART 10 DISTRICTS

### R-1C SINGLE DETACHED CONVENTIONAL RESIDENTIAL DISTRICT

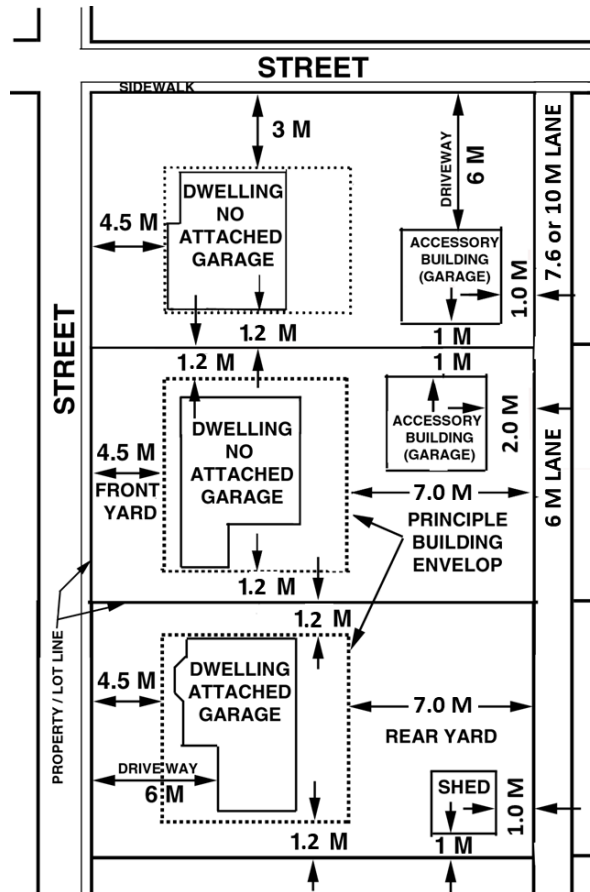
|  |  |
|--|--|
|  | <b>6 m lane: 2 m (6.5 ft)</b>  |
| iii) Side Yard (abutting a public roadway other than a lane) | <b>3 m (10 ft) if garage entrance is from the lane<br/>6 m (20 ft) if garage entrance is from a public roadway other than a lane</b> |
| iv) Side Yard (adjacent to other lots)                       | <b>1 m (3 ft) except as noted in Section 8.05.6.</b>   |
| (e) MAXIMUM SITE COVERAGE                                    |  |
| i) Total of Principal and Accessory Buildings                | <b>50%</b>   |
| ii) Principal Building                                       | <b>50%</b>   |
| iii) Accessory Building                                      | <b>15% to a maximum of 75 m<sup>2</sup> (800 ft<sup>2</sup>)</b>   |
| iv) Principal Building with Attached Garage                  | <b>50%</b>   |
| (f) MAXIMUM BUILDING HEIGHT                                  |  |
| i) Principal Building  | <b>10 m (32.8 ft)</b>  |
| ii) Accessory Building                                       | <b>5 m (16.4 ft)</b>   |
| (g) MINIMUM GROUND FLOOR AREA                                |  |
| i) Single Detached Dwellings                                 |  |
| ii) Bungalow, Bi-Level, Split Level                          | <b>89.2 m<sup>2</sup> (960 ft<sup>2</sup>)</b>   |
| iii) First Storey or Ground Floor of Two-Storey Dwelling     | <b>74.3 m<sup>2</sup> (800 ft<sup>2</sup>)</b>   |
| iv) Combined Total Area of Two-Storey                        | <b>130 m<sup>2</sup> (1,400 ft<sup>2</sup>)</b>  |

## PART 10 DISTRICTS

### R-1C SINGLE DETACHED CONVENTIONAL RESIDENTIAL DISTRICT

#### ILLUSTRATION 5. LANED SITES R-1C 21-06

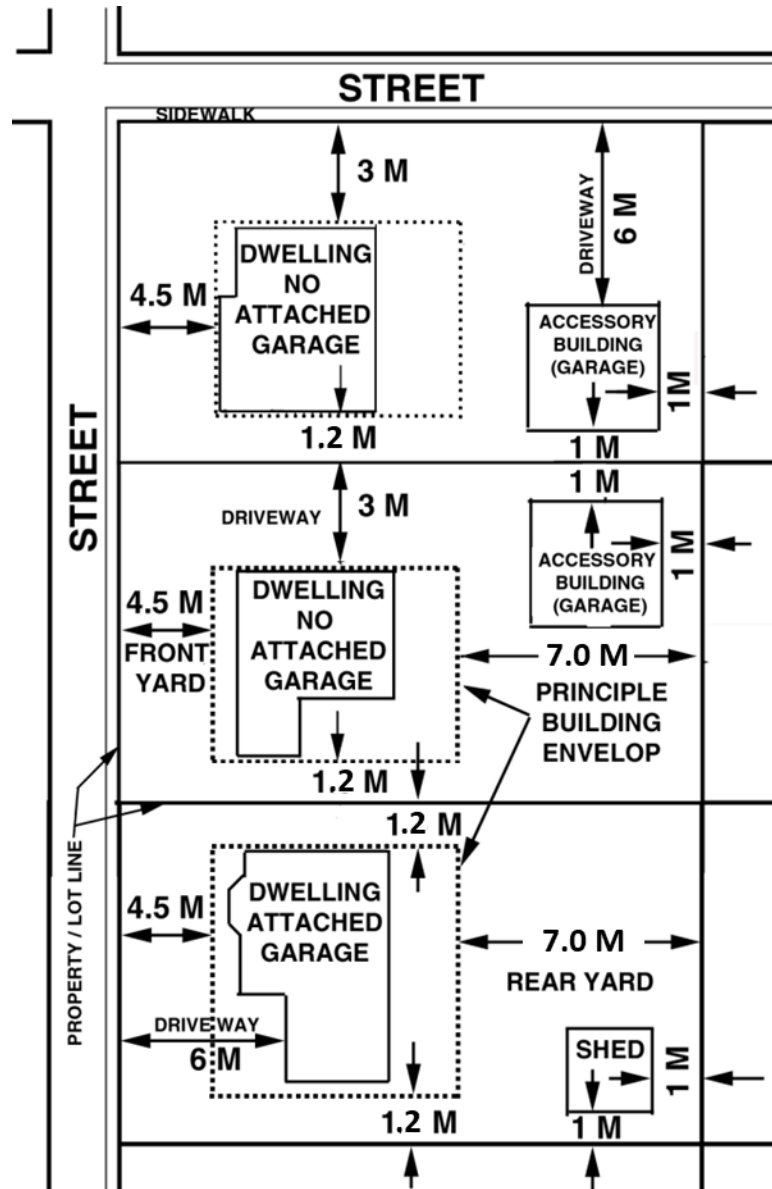
NOTE: 6 METRE WIDE LANE REQUIRES 2 METRE SETBACK FOR GARAGES WITH ENTRANCE FROM THE LANE



## PART 10 DISTRICTS

### R-1C SINGLE DETACHED CONVENTIONAL RESIDENTIAL DISTRICT

ILLUSTRATION 6: LANELESS SITES R-1C 21-06



(5) PARKING

- (a) Parking of recreational vehicles will be prohibited within the front yards and on the streets, except for a 24-hr. period for trip or RV storage preparation.

(6) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

## **PART 10     DISTRICTS**

### **R-1C SINGLE DETACHED CONVENTIONAL RESIDENTIAL DISTRICT**

- (a) The following regulations are found in the **General Development Regulations and Special Land Use Provisions** sections of this Bylaw, and may apply to developments in this District.
- **Accessory Buildings** shall be developed in accordance with Section 8.08 of this Bylaw.
  - **Accessory Suites** shall be developed in accordance with Section 8.30 of this bylaw.
  - **Home Occupations** shall be developed in accordance with Section 9.02 of this Bylaw.
  - **Child Care Services** shall be developed in accordance with Section 9.06 of this Bylaw
  - **Group Homes** shall be developed in accordance with Section 9.3 of this Bylaw
  - **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
  - **Parking** shall be developed in accordance with Section 8.14 of this Bylaw
  - **Projections into Yards** shall be in accordance with Section 8.05 of this Bylaw.
  - **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
  - **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
  - **Special Setback Requirements** shall be provided in accordance with Section 8.03 of this Bylaw.

## Section 10.6 R-2 SEMI-DETACHED RESIDENTIAL

### (1) GENERAL PURPOSE

To provide a District primarily for Semi-Detached and Duplex housing.

### (2) PERMITTED USES

Accessory Buildings

Duplex Housing

Home Occupation, Minor

Single Family Detached Housing

Semi-Detached Housing

Semi-Detached Housing:

Lot 20, Block 26, Plan 1106EH

Minimum Parcel Size: 483 m<sup>2</sup>

Minimum Front Yard Setback: 3.9 m

Minimum Rear Yard Setback: 3.9 m

All other standards of the R-2 District apply **14-18**

Signs

### (3) DISCRETIONARY USES **02-04, 05-22, 06-15**

Accessory Suites

Bed and Breakfast Accommodation

Child Care Services

Home Occupation, Major

Manufactured Homes

Religious Assembly

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |  |
|--|--|
| (a) MINIMUM SITE AREA  |  |
| i) Single Detached Housing.  | <b>510.9 m<sup>2</sup> (5,500 ft<sup>2</sup>)</b>                        |
| ii) Duplex Housing   | <b>510.9 m<sup>2</sup> (5,500 ft<sup>2</sup>)</b>                        |
| iii) Semi-Detached Housing<br><b>05-22, 06-15</b>  | <b>348.4 m<sup>2</sup> (3,750 ft<sup>2</sup>) for each dwelling unit</b> |
| (b) MINIMUM SITE WIDTH   |  |
| i) Single Detached Housing.  | <b>16.8 m (55 ft)</b>  |
| ii) Duplex Housing   | <b>16.8 m (55 ft)</b>  |
| iii) Semi-Detached Housing:<br><b>05-22, 06-15</b>   | <b>10.7 m (35 ft) for each dwelling unit</b>                             |
| (c) LANED SITES: MINIMUM YARD REQUIREMENT FOR PRINCIPAL BUILDINGS ON LANED SITES Shall be in accordance with <b>Illustration 7 21-06</b> |  |



**PART 10 DISTRICTS**  
**R-2 SEMI-DETACHED RESIDENTIAL**

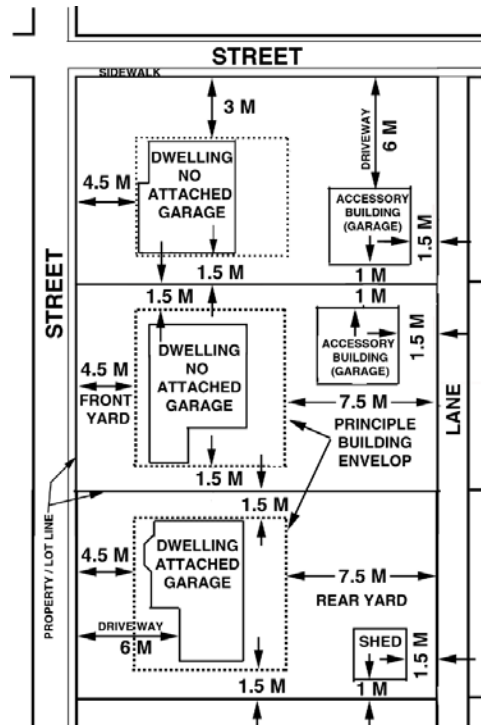
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| i)  | front yard without front drive garages and garages with entrances perpendicular to the street;       | <b>4.5 m (14.7 ft)</b>   |
| ii)   | with front drive garages with entrances parallel to the street: <b>02-04</b>                         | <b>6 m (19.6 ft)</b>   |
| iii)  | rear yard <b>02-04</b>   | <b>7.5 m (24.5 ft)</b>   |
| iv)   | side yard abutting a public roadway other than a lane  | <b>3 m (10 ft)</b>   |
| v)  | side yard adjacent to other lots   | <b>1.5 m (5 ft)</b>  |
| (d) LANELESS SITES: MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS ON LANELESS SITES – Shall be in accordance with <b>Illustration 8 21-06</b> |  |  |
| i)  | All Yards  | <b>Same as for laned sites except the following:</b>           |
| ii)   | One side yard adjacent to other lots   | <b>3 m (10 ft) if there is no attached garage</b>              |
| <b>05-22, 06-15</b>   |  |  |
| (e) MINIMUM YARD REQUIREMENTS FOR ACCESSORY BUILDINGS – Shall be in accordance with <b>Illustrations 7 &amp; 8 05-22, 06-15</b>                   |  |  |
| i)  | Front Yard   | <b>6 m (20 ft)</b>   |
| ii)   | Rear Yard  | <b>1.5 m (5 ft)</b>  |
| iii)  | Rear Yard: Block B Plan 211 LK:  | <b>1 m (3 ft) 05-22</b>  |
| iv)   | Side Yard (abutting a public roadway other than a lane)  | <b>3 m (10 ft)</b>   |
| v)  | Side Yard (adjacent to other lots)   | <b>1 m (3 ft)</b>  |
| vi)   | Side Yard where an accessory building abuts an adjacent accessory building by means of a party wall. | <b>No side yard required.</b>                                  |
| vii)  | Side Yard for detached garages with vehicle  | <b>6 m (20 ft) distance between garage and public roadway.</b> |

**PART 10 DISTRICTS**  
**R-2 SEMI-DETACHED RESIDENTIAL**

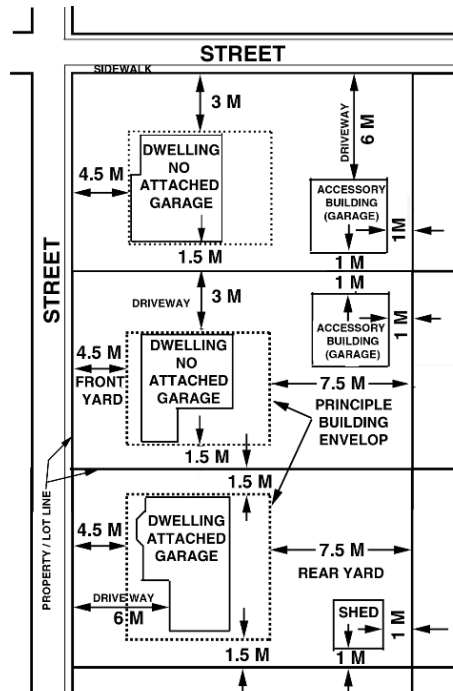
|  |   |
|--|---|
| doors flanking public roadway other than a lane        |   |
| (f) MAXIMUM SITE COVERAGE                              |   |
| i) Total of Principal and Accessory Buildings          | <b>40%</b>  |
| ii) Principal Building                                 | <b>30%</b>  |
| iii) Accessory Building <b>02-04</b>                   | <b>15% to a maximum of 75 m<sup>2</sup> (800 ft<sup>2</sup>)</b>    |
| iv) Principal Building with Attached Garage            | <b>40%</b>  |
| (g) MAXIMUM BUILDING HEIGHT                            |   |
| i) Principal Building                                  | <b>9.1 m (30 ft)</b>  |
| ii) Accessory Building                                 | <b>4.9 m (16 ft)</b>  |
| (h) MINIMUM GROUND FLOOR AREA                          |   |
| i) Single Detached and Duplex Dwellings                |   |
| a) Bungalow, Bi-Level, Split Level                     | <b>89.2 m<sup>2</sup> (960 ft<sup>2</sup>)</b>                      |
| i) First Storey or Ground Floor of Two-Storey Dwelling | <b>74.3 m<sup>2</sup> (800 ft<sup>2</sup>)</b>                      |
| ii) Combined Total Area of Two-Storey                  | <b>130 m<sup>2</sup> (1,400 ft<sup>2</sup>)</b>                     |
| (i) MINIMUM GROUND FLOOR AREA                          |   |
| i) Semi-Detached Dwellings                             |   |
| a) Single Storey Building                              | <b>79 m<sup>2</sup> (850 ft<sup>2</sup>) for each dwelling unit</b> |
| b) First Storey of a Two-Storey Building               | <b>46.5 m<sup>2</sup> (500 ft<sup>2</sup>)</b>                      |
| c) Combined Total Area of Two-Storey                   | <b>83.6 m<sup>2</sup> (900 ft<sup>2</sup>)</b>                      |
| (j) DELETED <b>02-04</b>                               |   |

# **PART 10     DISTRICTS** **R-2 SEMI-DETACHED RESIDENTIAL**

**ILLUSTRATION 7**  
**LANED SITES R-2: 02-04**



**ILLUSTRATION 8**  
**LANELESS SITES R-2: 02-04**



## PART 10 DISTRICTS

### R-2 SEMI-DETACHED RESIDENTIAL

#### ILLUSTRATION THREE: ~~DELETED 06-15~~

##### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

- (a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.
- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
  - **Accessory Suites** shall be developed in accordance with Section 8.30 of this bylaw.
  - **Bed and Breakfast Accommodation** shall be developed in accordance with Section 9.4 of this Bylaw.
  - **Child Care Services** shall be developed in accordance with Section 9.06 of this Bylaw.
  - **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
  - **Group Homes** shall be developed in accordance with Section 9.3 of this Bylaw.
  - **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
  - **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
  - **Manufactured Housing** shall be developed in accordance with Section 8.9 of this Bylaw.
  - **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
  - **Projections** into Yards shall be in accordance with Section 8.5 of this Bylaw.
  - **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
  - **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
  - **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
  - **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

##### (6) EXEMPTIONS

- (a) Lot 7, Plan 2391EC, with a civic address of 201 Ford Street SW is permitted a minimum site width of 21.3 m.
- (b) 517 Centre Avenue W (Block B, Plan 2306 EB) is permitted a minimum site area of 3,125 ft<sup>2</sup> per semi-detached dwelling unit. **~~00-16~~**

## Section 10.7 R-2X MEDIUM DENSITY MULTI-FAMILY DISTRICT

### (1) GENERAL PURPOSE

To provide a District for a semi-detached and attached dwellings and site-specific apartments under bareland or building condominium ownership having a maximum density of 37 units per net Hectare (14.8 units per net acre). **07-26**

### (2) PERMITTED USES

Accessory Buildings

Apartments- Lot 6, Block 10, Plan 121 0014 to a maximum density of 54 units per hectare **18-09**

Attached Housing

Semi-Detached Housing

Signs

### (3) DISCRETIONARY USES

Home Occupation (Minor)

Parking

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |   |
|--|---|
| (a) MINIMUM SITE AREA  |   |
| (b) Parent Parcel  | <b>0.4 ha (1 acre)</b>  |
| (c) MINIMUM SITE WIDTH:  | <b>Based upon dwelling module width.</b>  |
| (d) MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS          |   |
| i) Front Yard on Public Streets                                | <b>6 m (19.7 ft) with attached garages</b>  |
|  | <b>4.5 m (14.7 ft) without attached garages or with garages with driveway entrances at right angles to the street.</b>  |
| ii) Front Yards on Common Areas                                | <b>Determined by Site layout and Approving Authority. Minimum 4.5 m (14.7 ft) with attached garages and Visitor parking provided elsewhere on site. Without attached garages: 6 m (19.7 ft)</b> |
| iii) Side Yards on Public Streets                              | <b>3.0 m (10 ft)</b>  |
| iv) Side Yards adjacent to Property Line                       | <b>1.2 m (4 ft)</b>   |
| v) Side Yard Separation Distance between dwelling unit modules | <b>2.4 m (8 ft)</b>   |

**PART 10 DISTRICTS**  
**R-2X MEDIUM DENSITY MULTI-FAMILY DISTRICT**

|   |   |
|---|---|
| vi) Where a dwelling unit abuts an adjacent dwelling unit by means of a party wall. | <b>No side yard required.</b>   |
| vii) Rear Yards on Public Streets or Property lines.                                | <b>6.5 m (21.3 ft)</b>  |
| viii) Separation between Building Fronts  | <b>As Determined by Site Layout and Approving Authority. Minimum 15 m (50 ft)</b>   |
| <b>(e) MINIMUM YARD REQUIREMENTS FOR ACCESSORY BUILDINGS</b>                        |   |
| i) Front Yard   | <b>6 m (19.7 ft)</b>  |
| ii) Rear Yard   | <b>1 m (3 ft)</b>   |
| iii) Side Yard abutting a public roadway other than a lane                          | <b>3 m (10 ft) if a driveway entrance is from the lane.</b><br><b>6 m (19.7 ft) if a driveway entrance is from a public roadway other than a lane</b> |
| iv) Side Yard adjacent to other units   | <b>1 m (3 ft) except as noted in Section 8.5.6</b>  |
| <b>(f) MAXIMUM SITE COVERAGE</b>  | <b>Determined by Site Layout (separation distances between buildings and yards) and Approving Authority</b>   |
| <b>(g) MAXIMUM BUILDING HEIGHT</b>  |   |
| i) Principal Building   | <b>10 m (32.8 ft)</b>   |
| ii) Accessory Building  | <b>5 m (16.4 ft)</b>  |
| iii) Notwithstanding 1), for apartments:  | <b>On Lot 6, Block 10, Plan 121 0014, maximum building height shall be 6.0 m (19.7 ft) to eaveline and 9.1 m (30 ft) to peak of roof</b>              |
| <b>(h) MINIMUM FLOOR AREA</b>   |   |
| i) First Storey of a Bungalow, Bi-Level, Split Level                                | <b>89.2 m<sup>2</sup> (960 ft<sup>2</sup>) 07-26</b>  |
| ii) First Storey or Ground Floor of Two-Storey Dwelling                             | <b>74.3 m<sup>2</sup> (800 ft<sup>2</sup>)</b>  |
| iii) Combined Total Area of Multiple Story Dwelling unit, which may include         | <b>130 m<sup>2</sup> (1,400 ft<sup>2</sup>)</b>   |

**PART 10 DISTRICTS**  
**R-2X MEDIUM DENSITY MULTI-FAMILY DISTRICT**

|  |  |
|--|--|
| finished living space that is not more than 1.2 m (4 ft.) below grade. |  |
| iv) Apartment unit:  | <b>55 m<sup>2</sup> (592 ft<sup>2</sup>) 07-26</b> |

(5) **PARKING**

- (a) All parking shall be provided on the unit sites, “NO PARKING” signs to be posted on the internal road.
- (b) Visitor parking to be accommodated on driveway aprons or in designated areas if driveway aprons are not 6 m (19.7 ft) in length.
- (c) Parking to be provided as per Section 8.14.
- (d) Parking of recreational vehicles will be prohibited within the front yards and on the internal road, except for a 24 hr period for trip or RV storage preparation.
- (e) Notwithstanding Clause(b), parking for Apartments on Lot 6, Block 10, Plan 121 0014, shall be provided at the rate of 2.0 stalls per dwelling unit. **18-09**

(6) **STREET REQUIREMENTS: 07-26**

- (a) All entrance road ways and double serviced road ways shall be a minimum of 9 m (30 ft) right of way and carriage way width.
- (b) Single serviced internal road ways shall be a minimum of 8 m (26.2 ft) carriage right of way.
- (c) Notwithstanding Clause (b), internal roadway carriage right of way width may be reduced to 7.2 m (23.6 ft) serving a cluster of not more than 6 units.
- (d) All sites that depend upon direct or indirect access from Highway 7 or 22, and where there has not been either a Highway Functional or Traffic Impact Study conducted, shall have a Traffic Impact Study prepared and accompany the application for development. **07-26**

(7) **Servicing 07-26**

- (a) All internal servicing shall meet Alberta Environment’s standards for water and sewer services.
- (b) All units shall have separate water meters, unless under condominium ownership may be serviced from one meter under the control of the Condominium Corporation with the meter or meter room having access to the Town.
- (c) All metered utilities shall have public access and if separately metered should be contained in one “meter room”.
- (d) All sites shall make provision for storm water retention facilities to handle a 100 year storm event of a 24 hour duration and a Storm Water Management Plan and report shall accompany the application for development.

(8) **ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES 07-26**

- (a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.
  - **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.

## **PART 10      DISTRICTS**

### **R-2X MEDIUM DENSITY MULTI-FAMILY DISTRICT**

- **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
- **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
- **Projections** into Yards shall be in accordance with Section 8.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.



## Section 10.8 R-3 MULTI-FAMILY

### (1) GENERAL PURPOSE

To provide a District primarily for multiple family housing, generally as Row Housing and low-rise apartments.

### (2) PERMITTED USES

Accessory Buildings  
Apartments  
Attached Housing  
Fourplex  
Home Occupation, Minor  
Semi-Detached Housing  
Signs  
Triplex

### (3) DISCRETIONARY USES

Bed and Breakfast Accommodation **02-04**  
Child Care Services  
Home Occupation, Major **02-04**  
Religious Assembly  
Seniors Lodging House

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

| (a) MINIMUM SITE AREA   |   |
|---|---|
| i) Triplex, Fourplex, Attached Housing and Semi-Detached Housing                                  | 348.4 m <sup>2</sup> (3,750 ft <sup>2</sup> ) for each dwelling |
| ii) Apartment Housing   | 223 m <sup>2</sup> (2,400 ft <sup>2</sup> ) for each dwelling.  |
| (b) MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS:  |   |
| i) front yard without front drive garages and garages with entrances perpendicular to the street; | 4.5 m (14.7 ft)   |
| ii) with front drive garages with entrances parallel to the street: <b>02-04</b>                  | 6 m (19.6 ft)   |
| iii) Rear Yard <b>02-04</b>   | 7.5 m (24.5 ft)   |
| iv) Side yard abutting a public roadway other than a lane   | 3 m (10 ft)   |

## PART 10 DISTRICTS

### R-3 MULTI-FAMILY HOUSING DISTRICT

|   |   |  |
|---|---|--|
| v)  | Side yard adjacent to other lots  | 1.5 m (5 ft)   |
| vi)   | Side yard for Semi-Detached Housing in Lots 1 and 2 Block 2 Plan 0011520 (Willow Ridge) | 1.2 m (4 ft)   |
| (c) SIDE YARD EXCEPTION WHERE DWELLINGS OF A ROW HOUSE ARE CONTAINED ON SEPARATE PARCELS OR TITLES FOR: |   |  |
| i)  | Internal Dwellings  | <b>No side yard required.</b>                                  |
| ii)   | End dwelling units  | <b>No side yard required on interior side.</b>                 |
| (d) MINIMUM SIDE YARD REQUIREMENTS FOR ACCESSORY BUILDINGS  |   |  |
| i)  | Front Yard  | <b>6 m (20 ft)</b>   |
| ii)   | Rear Yard   | <b>1.5 m (5 ft)</b>  |
| iii)  | Side yard abutting public roadway other than a lane                                     | <b>3 m (10 ft)</b>   |
| iv)   | Side yard adjacent to other lots  | <b>1 m (3 ft)</b>  |
| (e) MAXIMUM SITE COVERAGE <b>02-04</b>  |   |  |
| i)  | Total all Buildings   | <b>40%</b>   |
| ii)   | Principal Building, except senior citizen accommodation                                 | <b>40%</b>   |
| iii)  | Senior citizen accommodation  | <b>70 %</b>  |
| iv)   | Accessory Building  | <b>15% to maximum of 75 m<sup>2</sup> (800 ft<sup>2</sup>)</b> |
| (f) MAXIMUM BUILDING HEIGHT   |   |  |
| i)  | Principal Building  | <b>9.1 m (30 ft)</b>   |
| ii)   | Accessory Building  | <b>4.9 m (16 ft)</b>   |
| (g) MINIMUM GROUND FLOOR AREA   |   |  |
| i)  | Triplex, Fourplex, Attached Housing, and Semi-Detached Housing                          |  |

## PART 10 DISTRICTS

### R-3 MULTI-FAMILY HOUSING DISTRICT

|  |   |
|--|---|
| a) Single Storey Building                | 79 m <sup>2</sup> (850 ft <sup>2</sup> ) for each dwelling unit   |
| b) First Storey of a Two Storey Building | 46.5 m <sup>2</sup> (500 ft <sup>2</sup> )  |
| c) Combined Total Area of Two Storey     | 83.6 m <sup>2</sup> (900 ft <sup>2</sup> )  |
| ii) Apartment Buildings                  | 37.2 m <sup>2</sup> (400 ft <sup>2</sup> ) for each dwelling  |
| iii) Seniors Lodging House               | Exempt  |
| (h) PARKING                              | Shall not be located in the front yard of a site. All parking spaces shall be hard surfaced. Shall be developed in accordance with Section 8.14 of this Bylaw.                      |
| (i) LANDSCAPING & FENCING                | Shall be required for all portions of the site not covered by structures or parking.<br><br>Shall be provided in accordance with Sections 8.11 and 8.13 and 10.8.6.a of this Bylaw. |
| (j) Deleted <b>02-04</b>                 |   |

#### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES **02-04**

(a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Bed and Breakfast Accommodation** shall be developed in accordance with Section 9.4 of this Bylaw.
- **Child Care Services** shall be developed in accordance with Section 9.6 of this Bylaw.
- **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
- **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
- **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
- **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.

## **PART 10     DISTRICTS**

### **R-3 MULTI-FAMILY HOUSING DISTRICT**

- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

**(6) ADDITIONAL REQUIREMENTS FOR CLUSTER OR GROUP HOUSING AND MULTI- FAMILY SITES**

- (a) Notwithstanding Section 10.8.4.i a minimum of 30% landscaping and amenity space shall be provided on site for multifamily developments. Landscaping can be soft or hard materials and balconies, decks, patios and indoor common recreation rooms can be used in the area calculation for landscaping and amenity space.
- (b) Separation Distance for dwelling units shall be:
  - i) 2.4 m. (8 ft) from any other building in the cluster.
  - ii) building elevations with living room and/or bedroom windows facing onto another principle building unit should be:
    - a) separated by a distance of 15 m (49.2 ft) from the other dwelling unit living room and/or bedroom windows; or
    - b) separated by a distance of 3 m (9.8 ft) from any internal roadway or walkway intended for common use in the development area; or
    - c) designed with an angle of no less than 45 degrees to each building face; or
    - d) screened to the satisfaction of the approving authority.
- (c) Vehicle-Pedestrian Facilities:
  - i) All private roads shall be constructed and surfaced to the municipality's specifications and have a minimum carriageway of 7.6 m (25 ft).
  - ii) Dead-end roads or cul-de-sacs shall have a turning circle at the dead-end with a radius of at least 10.5 m (34 ft).
  - iii) On-street parking is prohibited on private roadways;
  - iv) Internal pedestrian walkways, where provided, shall have a hard surfaced minimum width of 1.2m (4 ft) and shall be constructed to the satisfaction of the municipality.
- (d) General Requirement
  - i) Front Yard: Notwithstanding 10.8.4.b.i, the front yard for a cluster housing complex may be reduced to 5m (16.4 ft) if there is no front drive garages and the development is for rental housing units of a building condominium ownership development.
- (e) Garbage Storage:
  - i) Garbage and waste material shall be stored in weatherproof and animal-proof containers in accordance with municipal policy;
  - ii) shall be visually screened from all adjacent sites and public thoroughfares.
  - iii) if contained in central collection areas, should be at least within 30 m (100 ft) of all dwelling units.
- (f) Compatibility:
  - i) Where units front onto a public street, they shall be compatible in terms of mass and character with existing residential buildings on neighbouring sites.

**PART 10      DISTRICTS**  
**R-3 MULTI-FAMILY HOUSING DISTRICT**

(g) Laneless:

- i) A laneless lot shall not be subdivided into lots for individual dwelling unit lots unless the Approving Authority is satisfied with the provisions made for:
  - a) the required off-street parking;
  - b) any necessary emergency or utility maintenance access to the rear of the individual lots.

## Section 10.9 R-4 APARTMENT AND ATTACHED HOUSING DISTRICT 07-04

### (1) GENERAL PURPOSE

To provide a District for apartment and townhouse housing styles, having a maximum density of 74.1 dwelling units per hectare (30 dwelling units per acre) or less and developed under single ownership for rental or under condominium ownership.

### (2) PERMITTED USES

Accessory Buildings  
Apartments  
Attached Housing  
Public Utilities  
Signs

### (3) DISCRETIONARY USES

Assisted Living Apartments or Lodges  
Child Care Services  
Home Occupation, Limited to Desk and Telephone operations  
Private Parks  
Seniors Apartments or lodges

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|   |  |
|---|--|
| <b>(a) MINIMUM SITE AREA</b>  |  |
| i) Apartments and Attached Housing  | <b>929 m<sup>2</sup> (10,000 ft<sup>2</sup>)</b> |
| <b>(b) MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS:</b>   |  |
| <b>i) Front Yard:</b>   |  |
| a) Apartments   | <b>6 m (19.6 ft)</b>                             |
| b) Attached Housing:<br>without front drive<br>garages and garages<br>with entrances<br>perpendicular to the<br>street; | <b>4.5 m (14.7 ft)</b>                           |
| c) with front drive<br>garages with<br>entrances parallel to<br>the street:   | <b>6 m (19.6 ft)</b>                             |
| d) Rear Yard: All<br>Principal Buildings  | <b>7.0 m (22.9 ft)</b>                           |
| e) Side yard abutting a<br>public roadway<br>other than a lane  | <b>3 m (10 ft)</b>                               |

## PART 10 DISTRICTS

### R-4 APARTMENT AND ATTACHED HOUSING DISTRICT

|   |   |
|---|---|
| f) Side yard adjacent to other lots   | <b>1.5 m (5 ft)</b>   |
| (c) SIDE YARD EXCEPTION WHERE DWELLINGS OF AN ATTACHED HOUSING ARE CONTAINED ON SEPARATE PARCELS OR TITLES FOR: |   |
| i) Internal Dwellings   | <b>No side yard required.</b>   |
| ii) End dwelling units  | <b>1.5 m (5 ft)</b>   |
| iii) End dwelling unit adjacent to a roadway  | <b>3 m (10 ft)</b>  |
| (d) MINIMUM SIDE YARD REQUIREMENTS FOR ACCESSORY BUILDINGS  |   |
| i) Side yard abutting public roadway other than a lane  | <b>3 m (10 ft)</b>  |
| ii) Side yard adjacent to other lots  | <b>1 m (3 ft) except as provided in Section 8.5.6</b>   |
| (e) MAXIMUM SITE COVERAGE   |   |
| Governed by density, on site parking, and landscaping   |   |
| (f) MAXIMUM BUILDING HEIGHT   |   |
| i) Principal Building   | <b>9.1 m (30 ft) to roof eave if building does not have a sprinkler system.</b>   |
|   | <b>Deletion 07-32</b>   |
|   | Notwithstanding the above, Lot 2, Block 3, Plan 0813188 apartment building's height, with a sprinkler system, is 9.1 m (30 ft) to top floor balcony landing. <b>07-32</b> |
|   | Distance is from finished grade elevation that is accessible.   |
| ii) Accessory Building  | <b>4.9 m (16 ft)</b>  |
| (g) MINIMUM GROUND FLOOR AREA   |   |
| i) Attached houses  |   |
| a) Single Storey Building   | <b>79 m<sup>2</sup> (850 ft<sup>2</sup>) for each dwelling unit</b>   |
| b) First Storey of a Two Storey Building  | <b>46.5 m<sup>2</sup> (500 ft<sup>2</sup>)</b>  |

## PART 10 DISTRICTS

### R-4 APARTMENT AND ATTACHED HOUSING DISTRICT

|  |   |
|--|---|
| c) Combined Total Area of Two Storey   | <b>83.6 m<sup>2</sup> (900 ft<sup>2</sup>)</b>  |
| ii) Apartment Buildings  | <b>37.2 m<sup>2</sup> (400 ft<sup>2</sup>) for each dwelling</b>  |
| iii) Seniors apartments and lodges   | <b>Exempt</b>   |
| (h) <b>PARKING:</b> Shall not be located in the front yard of a site. All parking spaces shall be hard surfaced. |   |
| i) Except as provided for in 2):   | <b>2.0 parking spaces per unit plus 1 space per 4 units for visitor parking.</b>  |
| ii) Seniors Assisted Living Accommodation including lodges:  | <b>2 spaces per unit plus 1 space per staff member and 1 space per 4 units for visitor parking</b>  |
| (i) <b>LANDSCAPING</b>   | <b>A minimum of 25% of the site shall be landscaped with soft or hard landscaping material.</b>   |
| (j) <b>SCREENING</b>   | <b>All storage and garbage containment areas are to be screened with the same materials used on the exterior of the principal building(s)</b> |

#### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

- a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.
- **Accessory Buildings** shall be developed in accordance with Section 8.8.
  - **Child Care Services** may be allowed in accordance with Section 9.6
  - **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
  - **Home Occupations** shall be limited to desk and telephone businesses requiring no onsite storage of goods or materials and no additional employees.
  - **Parking** design will be in accordance with Sections 8.14.3, 8.14.4 and 8.16.
  - **Projections into Yards** shall be in accordance with Section 8.5.
  - **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27.
  - **Satellite Dish Antennas** may be allowed in accordance with Section 8.31.
  - **Special Setback Requirements** shall be provided in accordance with Section 8.3.



## **PART 10     DISTRICTS**

### **R-4 APARTMENT AND ATTACHED HOUSING DISTRICT**

#### **(6) ADDITIONAL REQUIREMENTS FOR APARTMENTS, AND ATTACHED DWELLINGS**

- (a) In addition to Section 10.09.4.i balconies, decks, patios and indoor common recreation rooms will be considered as landscaping and amenity space in addition to the 25% site landscaping.

#### **(7) Separation Distance for dwelling units:**

- (a) shall be 2.4 m (8 ft) from any other building in a cluster with facing walls containing no openings.
- (b) building elevations with living room and/or bedroom windows facing onto another principle building unit should be:
  - i) separated by a distance of 15 m (49.2 ft) from the other dwelling unit living room and/or bedroom windows; or
  - ii) separated by a distance of 3 m (9.8 ft) from any internal roadway or walkway intended for common use in the development area; or
  - iii) designed with an angle of no less than 45 degrees to each building face; or
  - iv) screened to the satisfaction of the approving authority;
  - v) of a material that does not allow for clear visibility.

#### **(8) VEHICLE-PEDESTRIAN FACILITIES:**

- (a) All private roads and parking aisle widths shall be constructed and surfaced to the municipality's specifications and have a minimum carriageway of 7.6 m (25 ft).
- (b) Dead-end roads or cul-de-sacs shall have a turning circle at the dead-end with a radius of at least 10.5 m (34 ft).
- (c) On-street parking is prohibited on private roadways;
- (d) Internal pedestrian walkways, where provided, shall have a hard surfaced minimum width of 1.2 m (4 ft) and shall be constructed to the satisfaction of the municipality.
- (e) Internal pedestrian walkways should connect to the Town's street or existing pathway system.
- (f) All sites that depend upon direct or indirect access from Highway 7 or 22, and where there has not been either a Highway Functional or Traffic Impact Study conducted, shall have a Traffic Impact Study prepared and accompany the application for development.

#### **(9) LANDSCAPING:**

- (a) Tree plantings will be based upon 3 trees per 140 m<sup>2</sup> (1506 ft<sup>2</sup>) of landscaped area with plantings to be concentrated around the perimeter of the site; shrubs to be planted on the basis of one third of tree plantings, and at least one third of the trees shall be coniferous. The size of the trees and shrubs will be as follows:
  - i) All plant materials shall be of a species capable of healthy growth in Black Diamond and xeriscaping is encouraged in the landscaping of the site.
  - ii) Shrubs shall be a minimum height or spread of 61 cm (24 in) at the time of planting.
  - iii) The minimum size for coniferous trees shall be a height of 1.2 m (4.0 ft).
  - iv) The minimum size for deciduous trees shall be 5 cm (2 in) caliper.

## **PART 10 DISTRICTS**

### **R-4 APARTMENT AND ATTACHED HOUSING DISTRICT**

- (b) No willows are to be planted within 6 m (20 ft) of any water or sewer line and no poplars are to be planted.

#### **(10) SERVICING:**

- (a) All external serving shall be done to Town standards.
- (b) All internal serving shall meet Alberta Environment's standards for water and sewer services.
- (c) All units shall have separate water meters, unless under condominium ownership may be serviced from one meter under the control of the Condominium Corporation with access to the Town.
- (d) All metered utilities shall have public access and if separately metered should be contained in one "meter room".
- (e) All sites shall make provision for storm water retention facilities to handle a 100 year storm event of a 24 hour duration and a Storm Water Management Plan and report shall accompany the application for development.

#### **(11) GENERAL REQUIREMENTS:**

- (a) Front Yard:
  - i) Notwithstanding Section 10.9.4.bi.a, the front yard for a cluster housing complex may be reduced to 5 m (16.4 ft) if there is no front drive garages.
- (b) Garbage Storage:
  - i) Garbage and waste material shall be stored in weatherproof and animal-proof containers in accordance with municipal policy;
  - ii) shall be visually screened from all adjacent sites and public thoroughfares.
  - iii) if contained in central collection areas, should be at least within 30 m (100 ft) of all dwelling units.
- (c) Compatibility:
  - i) Where units front onto a public street, they shall be compatible in terms of mass and character with existing residential buildings on neighbouring sites.
- (d) Laneless:
  - i) A laneless lot shall not be subdivided into lots for individual dwelling unit lots unless the Approving Authority is satisfied with the provisions made for:
    - a) the required off-street parking;
    - b) any necessary emergency or utility maintenance access to the rear of the individual lots.

## Section 10.10 R-MH MANUFACTURED HOME COMMUNITY

### (1) GENERAL PURPOSE

The purpose and intent of this district is to provide serviced lots or sites specifically designed for manufactured housing and mobile homes in comprehensively designed communities wherein lots or sites are provided on a lease, rental and/or purchase (freehold or bareland condominium) basis. A community may include common facilities intended for the use and enjoyment of community residents.

### (2) PERMITTED USES

Accessory Buildings  
Home Occupation, Minor  
Mobile Homes  
Manufactured Homes  
Public Parks  
Signs

### (3) DISCRETIONARY USES

Home Occupation, Major **02-04**  
Community Amenity Facilities  
Community Storage Facilities

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|   |  |
|---|--|
| (a) MINIMUM COMMUNITY AREA                | <b>2 ha (5 acres)</b>  |
| (b) MINIMUM LOT AREA                      |  |
| i) Single Section Homes                   | <b>350 m<sup>2</sup> (3,767 ft<sup>2</sup>)</b>  |
| ii) Multi-Section Homes                   | <b>400 m<sup>2</sup> (4,306 ft<sup>2</sup>)</b>  |
| (c) MINIMUM LOT WIDTH                     |  |
| i) Single Section Homes                   | <b>12 m (39.4 ft)</b>  |
| ii) Multi-Section Homes                   | <b>13.5 m (44.3 ft)</b>  |
| (d) MINIMUM LOT DEPTH                     |  |
| i) Single Section Homes                   | <b>29 m (95 ft)</b>  |
| ii) Multi-Section Homes                   | <b>27 m (88.6 ft)</b>  |
| (e) MINIMUM YARD REQUIREMENTS             |  |
| i) Front Yard                             | <b>4.6 m (15 ft)</b>   |
| ii) Rear Yard                             | <b>1.5 m (4.9 ft)</b>  |
| iii) Zero Lot Line Properties – Side Yard | <b>The minimum side yard setback for all internal sites will apply zero lot line siting where: (a) the</b> |

**PART 10     DISTRICTS**  
**R-MH MANUFACTURED HOME COMMUNITY**

|  |  |
|--|--|
|  | <b>owner of the adjacent site grants a 3 m access easement for maintenance and fire separation, which shall be registered by caveat against the title of any site proposed for development and the title of the adjacent site, including a 60 centimeter eave and footing encroachment; and (b) all roof drainage from the building is directed onto the site by eavestrough and downspouts.</b> |
| (f) MINIMUM SEPARATION SPACES BETWEEN ALL BUILDINGS AND THE COMMUNITY BOUNDARY | <b>3.0 m (9.8 ft)</b>  |
| (g) MINIMUM FLOOR AREA FOR EACH DWELLING                                       | <b>65 m<sup>2</sup> (700 ft<sup>2</sup>)</b>   |
| (h) MAXIMUM LOT COVERAGE   |  |
| i) All Buildings Together  | <b>40%</b>   |
| ii) Accessory Buildings  | <b>15%</b>   |
| (i) MAXIMUM HEIGHT   |  |
| i) Principle Building  | <b>9 m (29.5 ft)</b>   |
| ii) Accessory Building   | <b>5 m (16.4 ft)</b>   |

**(5) COMPREHENSIVE SITING PLAN REQUIREMENTS**

- (a) An approved comprehensive siting plan shall be required prior to the subdivision and/or development of land in this district, and all development shall conform to the comprehensive siting plan.
- (b) The comprehensive siting plan shall show:
  - i) lot or site dimensions;
  - ii) minimum setback dimensions;
  - iii) the type of dwelling and number of dwelling units on each lot or site;
  - iv) signage;
  - v) garbage containers;
  - vi) lighting;
  - vii) open space;
  - viii) buffers;
  - ix) site landscaping including screening around garbage containers and other community facilities and buildings; and
  - x) such other information as deemed necessary by the Approving Authority.

**PART 10     DISTRICTS**  
**R-MH MANUFACTURED HOME COMMUNITY**

- (c) The comprehensive siting plan shall incorporate:
    - i) curvilinear internal roads;
    - ii) an internal road system that minimizes potential traffic congestion, traffic hazards and conflict with pedestrian traffic;
    - iii) a pedestrian walkway system connecting homes with community facilities and abutting public walkways;
    - iv) recreation and open space that is conveniently located for residents and is free from traffic hazards;
    - v) variation in front setbacks;
    - vi) cluster designs or other lot or site configurations that promote a wide choice of sites and settings for residents, maximize privacy and minimize conflict between adjacent lots and community facilities;
    - vii) landscaping plan;
    - viii) establish guidelines and standards satisfactory to the Approving Authority governing the design and materials of homes, community buildings and facilities, carports, patios, porches, foundations, fences and other attached or detached structures.
  - (d) The comprehensive siting plan shall be evaluated and approved by the Approving Authority on the basis of the development standards of this district. The Approving Authority may adopt additional guidelines as a further basis on which to evaluate the comprehensive siting plan. Both the development standards and additional guidelines applying to the comprehensive siting plan shall be employed in the consideration of all subsequent development permit applications.
  - (e) Only those standards whose relaxation will not alter the intent or substance of the comprehensive siting plan may be waived. All other changes shall require an amendment to the comprehensive siting plan.
- (6) GENERAL DEVELOPMENT REGULATIONS
- (a) Dwellings shall have CSA and Alberta Building Standards (ABS) label numbers.
  - (b) Dwellings shall be finished from the floor level to the ground level within 30 days of placement. All finish materials shall either be parged, factory fabricated or of equivalent quality, be pre-finished or painted so that the design and construction complements the dwelling.
  - (c) Equipment used for transportation of manufactured homes shall be removed from the dwelling and finishing installed within thirty (30) days of placement.
  - (d) Dwellings shall be placed on a **CSA Z240.10.1:19** standard foundation, an engineer approved foundation, or a basement. **21-06**
  - (e) The floor area of an addition shall not exceed the floor area of the dwelling.
  - (f) The roof line of an addition or accessory building shall not exceed the height of the home.
  - (g) Two off street parking spaces shall be provided.

**PART 10     DISTRICTS**  
**R-MH MANUFACTURED HOME COMMUNITY**

- (h) All attached or accessory structures such as room additions, porches, sun rooms, garages and garden sheds shall be a factory prefabricated unit or of an equivalent quality, and shall be pre-finished or painted so that the design and construction complements the principal building.
- (7) VEHICULAR AND PEDESTRIAN AREAS
  - (a) All roads in a community shall meet the municipality's Engineering Design Standards to the satisfaction of the Approving Authority.
  - (b) Internal pedestrian walkways shall have a hard surface and a minimum width of 1m and shall be constructed to the satisfaction of the Approving Authority.
  - (c) Visitor parking shall be:
    - i) located in convenient areas throughout the community;
    - ii) properly signed; and
    - iii) not used for the storage of vehicles, trailers and boats.
  - (d) A secondary access from a public roadway shall be provided for emergency access to any community containing more than 70 lots or sites.
  - (e) All roads shall be designed, constructed and paved in accordance with specifications approved and certified by a Professional Engineer
- (8) STORAGE
  - (a) Recreational vehicles shall not be stored on individual lots, but may be stored in a location as indicated in the comprehensive site plan. This storage area must be buffered from adjacent land uses.
- (9) RECREATION AND LANDSCAPING AREAS
  - (a) A minimum of 5 percent of the gross area of the parcel shall be required for outdoor amenity space or recreational use.
  - (b) All areas of a community not occupied by dwellings, buildings, roads and other facilities shall be landscaped to the satisfaction of the Approving Authority.
  - (c) Adequate screening shall be provided around garbage containers and storage facilities to the satisfaction of the Approving Authority.
  - (d) For the purpose of calculating recreational and open space requirements, any indoor recreational space fully developed in a community facility shall be counted as triple its actual total floor area. Any common outdoor community facility such as a swimming pool, tennis courts, shuffleboards, lawn bowling, putting greens, barbecue patios, etc., may be counted as double its actual surface area, subject to the approval of the Approving Authority.
- (10) BUFFERING
  - (a) The need for a buffer area, landscaping, screening or a perimeter fence shall be determined on an individual case by case basis, depending upon natural conditions found on the parcel, adjacent land uses and the proposed roads, storage facility, lots or sites and open space locations.

## **PART 10     DISTRICTS**

### **R-MH MANUFACTURED HOME COMMUNITY**

- (b) Buffers and screening, if deemed necessary by the Approving Authority, may include fences, berms, walls, landscaping, or any combination thereof.
- (c) Buffer areas, if or where required by the Approving authority, shall be restricted to a maximum width of 4.5 m adjacent to a highway or railway and 3 m elsewhere. The buffer width requirement may be reduced or eliminated by the use of berms, walls, fences or dense landscape screening, or a combination thereof as determined by the Approving authority.

#### **(11) LIGHTING**

- (a) Adequate road lighting shall be designed by a Professional Engineer to the satisfaction of the Approving Authority. Such lighting shall be installed and maintained to adequately illuminate the traveled portion of the road, including all intersections, the turning circle of cul-de-sacs, any point at which an internal roadway changes direction 30 degrees or more, and any off street visitor parking areas.

#### **(12) SIGNS**

- (a) Only one main, freestanding identification sign of a residential character and appearance, shall be erected at the entrance of a community unless the Approving Authority is of the opinion that a further and similar sign is appropriate due to the layout, location and size of the community, in relation to the surrounding areas.
- (b) Directional signs within the community must be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed

#### **(13) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES**

- (a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.
  - **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
  - **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
  - **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
  - **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
  - **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
  - **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
  - **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.

## **Section 10.11            CB CENTRAL BUSINESS**

### **(1) GENERAL PURPOSE 02-04**

The purpose and intent of this district is to provide for the designation and regulation of certain land uses which are intended to serve pedestrian traffic. The District is being applied to property which is best suited to accommodating the needs of the visiting public without inappropriate impacts upon the daily functioning of the community or inappropriate impacts upon established commercial uses.

### **(2) PERMITTED USES**

Household Repair Services **02-04**

Indoor Recreation Services **02-04**

Offices (administration, business, professional) **02-04**

Personal Services **02-04**

Professional, Financial and Office Services

Retail Stores

Public Parks

Signs

### **(3) DISCRETIONARY USES**

Accessory Buildings **02-04**

Alternative Health Care Services

Amusement Establishments

Automotive & Recreational Vehicle Sales/Rental

Cannabis Store **18-04**

Commercial Schools

Contractor Services, Limited **02-04**

Community Recreation Services

Custom Manufacturing Establishments

Drinking Establishment, Minor

Drive-In Food Services

Existing Single Detached Housing (may be expanded but not rebuilt)

Eating and Drinking Establishments

Gas Bars

Government Services

Health Services **02-04**

Hotels

Mixed Use Residential Commercial

Motels

Parking, Non-Accessory

Private Clubs

Professional, Financial and Office Support Services **02-04**

Religious Assembly

Service Stations, Minor

Small Animal Veterinarian Clinic **03-14**

Small Contractor, Home and Garden Equipment Rental, Repair, Sales, and Service

Small Engine Repair **01-06**

Spectator Entertainment Establishments

Utility Services, Minor

Warehouse Sales **02-04**



## PART 10 DISTRICTS

### CB CENTRAL BUSINESS

#### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|   |   |
|---|---|
| (a) MINIMUM SITE AREA   | <b>No minimum requirement</b>   |
| (b) MINIMUM SITE WIDTH  | <b>No minimum</b>   |
| (c) MINIMUM FRONT YARD:   |   |
| i) Principal buildings where front lot line abuts a residential district          | <b>2.4 m (8 ft)</b>   |
| ii) Accessory Building  | <b>At discretion of Municipal Planning Commission</b>   |
| (d) MINIMUM SIDE YARD:  |   |
| i) Abutting a residential district  | <b>2.4 m (8 ft)</b>   |
| ii) Abutting a public roadway other than a lane                                   | <b>3 m (10 ft)</b>  |
| iii) Abutting a public roadway utilized as a pedestrian oriented shopping street. | <b>No side yard required</b>  |
| iv) Accessory buildings abutting a public roadway other than a lane               | <b>3 m (10 ft)</b>  |
| (e) MINIMUM REAR YARD   | <b>6.1 m (20 ft) except as may otherwise be allowed by the Approving Authority.</b>             |
| (f) MAXIMUM BUILDING HEIGHT   |   |
| i) Principal Building   | <b>9.1 m (30 ft)</b>  |
| ii) Accessory Building  | <b>4.8 m (16 ft)</b>  |
| (g) EXISTING SINGLE DETACHED HOUSING  | <b>Shall adhere to regulation relating to non-conforming use in Section 8.19 of this Bylaw.</b> |
| (h) EXTERIOR FINISHING MATERIALS  | <b>Must be constructed as shown on the approved plans.</b>                                      |
| (i) Deleted <b>02-04</b>  |   |
| (j) Deleted <b>02-04</b>  |   |
| (k) GAS BARS AND SERVICE STATIONS   |   |

## PART 10 DISTRICTS

### CB CENTRAL BUSINESS

|  |  |
|--|--|
| i) All pump islands                                | <b>6 m (20 ft) from any site boundary, parking area</b>  |
| ii) Canopy over a pump island may extend to within | <b>3 m (10 ft) of the site boundary</b>  |
| (l) GARBAGE COLLECTION                             | <b>Shall be screened from view from adjacent sites and public roadways as approved by Approving Authority.</b> |
| (m) Deleted <b>02-04</b>                           |  |

#### (5) ADDITIONAL RULES FOR DEVELOPMENT WITHIN THIS DISTRICT **02-04**

- (a) The Historic Downtown Design Standards will be used as the guiding principle for development within this District. **04-16**
- (b) Deleted 04-16
- (c) Notwithstanding 8.11, the following fence design and materials must be used in screening or site buffering:
  - i) Type: Picket; Post and Rail;
  - ii) Design:
    - a) Picket fences should be simple patterns with entrances highlighted with arbors, arches or pergolas; spacing between pickets be no more than 400 mm (1.5 in) and no an 100 mm (0.5 in).
    - b) Post and Rail should mimic the “ranch style” with wide spacing between rails.
    - c) Maximum height should not exceed 1.2 m (3.9 ft) in front yards.
    - d) If painted, solid colour paint must be used and must match or complement the color of the building.
    - e) Must be “good neighbour” fences i.e. visually pleasing from both sides.
  - iii) Materials must be of wood and preferably of locally produced material.
- (d) In addition to the requirements of Section 8.13 the following landscaping details are required:
  - i) A minimum of 10% of the site shall be landscaped and parking areas shall incorporate landscaping nodes into the layout.
  - ii) Hard landscaping in the form of textured concrete, brick, or rock of no less than 800 mm (3.5 in) diameter, wood bark will be considered in the landscaping area calculation.
  - iii) Landscaping will be encouraged to be placed adjacent to pedestrian traffic areas and in the front yards.
  - iv) Street boulevards, where available, shall be landscaped to match the development.
- (e) Xeriscaping should be incorporated in landscaping.
- (f) All parking areas shall be provided with outdoor lighting in the form of freestanding light standards or attached to exterior walls of structures.

## PART 10 DISTRICTS

### CB CENTRAL BUSINESS

- (g) Provision must be made in all on site parking areas for bicycle stands.
- (6) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES
  - (a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.
    - **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
    - **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
    - **Development** must be in accordance with the Historic Downtown Design Standards. Bylaw **04-16**
    - **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
    - **Mixed Use Residential Commercial** shall be developed in accordance with Section 8.29 of this Bylaw.
    - **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
    - **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
    - **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
    - **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
    - **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
    - **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.
- (7) EXEMPTION
  - (a) Lot 34, Block 1, Plan 5378ED with a civic address of 225 1 Street SE shall be permitted the use classification of existing single detached housing (that may be expanded but not rebuilt).

## Section 10.12 CB1 GENERAL BUSINESS

### (1) GENERAL PURPOSE

To establish a District for businesses which require large sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

### (2) PERMITTED USES

Public Parks  
Retail Stores **01-24**  
Signs

### (3) DISCRETIONARY USES

Accessory Buildings **02-04**  
Automotive and Equipment Repair Shops  
Automotive and Recreation Vehicle Sales/Rentals  
Cannabis Store **18-04**  
Contractor Services Limited  
Custom Manufacturing Establishments  
Drive-In Food Services  
Eating and Drinking Establishments  
Fleet Services  
Funeral Services  
Government Services **02-04**  
Hotels  
Indoor Recreation Services **02-04**  
Mini-Storage Warehouse  
Mixed Use Commercial Residential  
Motels  
Outside Storage **01-24**  
Rapid Drive-Through Vehicle Services  
Service Station, Major  
Private Clubs  
Utility Services, Minor  
Warehouse Sales **02-04**

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |  |
|--|--|
| (a) MINIMUM SITE AREA  | No minimum requirement                                       |
| (b) MINIMUM SITE WIDTH WHERE DEVELOPMENT OCCURS ALONG A MAJOR PUBLIC ROADWAY | 30 m (100 ft) unless access is provided from a service road. |
| (c) MINIMUM YARD REQUIREMENT   |  |
| i) Front Yard  | 6 m (20 ft)  |
| ii) Rear Yard  | 6 m (20 ft)  |

## PART 10 DISTRICTS

### CB1 GENERAL BUSINESS

|  |   |
|--|---|
| (d) MAXIMUM BUILDING HEIGHT                        |   |
| i) Principal Building                              | <b>9.1 m (30 ft)</b>  |
| ii) Accessory Building                             | <b>4.8 m (16 ft) or one storey</b>  |
| (e) LANDSCAPING AND FENCING                        | <b>Landscaping is required for all portions of the site not covered by structures or parking. Shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.</b>                                       |
| (f) PARKING  | <b>When established in the rear of the principal building, outdoor lighting of parking spaces shall be provided to the satisfaction of the Development Authority in accordance with Section 8.14 of this Bylaw.</b> |
| (g) GAS BARS AND SERVICE STATIONS                  |   |
| i) All pump islands                                | <b>6 m (20 ft) from any site boundary, parking area</b>   |
| ii) Canopy over a pump island may extend to within | <b>3 m (10 ft) of the site boundary</b>   |
| (h) GARBAGE COLLECTION                             | <b>Shall be screened from view from adjacent sites and public roadways to the satisfaction of the Approving Officer</b>   |

#### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

(a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Mixed Use Residential Commercial** shall be developed in accordance with Section 8.29 of this Bylaw.
- **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

## Section 10.13      CB2 BLACK DIAMOND STATION

### (1) GENERAL PURPOSE

To establish a District for businesses which require large sites and a location with good visibility and accessibility to Highways 22 & 7.

### (2) PERMITTED USES

Professional, Financial and Office Services  
Retail Stores  
Public Parks  
Signs

### (3) DISCRETIONARY USES

Accessory Buildings **02-04**  
Alternative Health Care Services  
Automotive Equipment Repair Shops  
Automotive and Recreation Vehicle Sales/Repair  
Amusement Establishments  
Cannabis Store **18-04**  
Commercial Schools  
Community Recreation Services  
Custom Manufacturing Establishments  
Drinking Establishment, Minor  
Drive-In Food Services  
Eating and Drinking Establishments  
Gas Bars  
Hotels  
Motels  
Household Repair Services **02-04**  
Offices (administration, business, professional) **02-04**  
Parking, Non-Accessory  
Personal Services **02-04**  
Professional, Financial and Office Services **02-04**  
Professional, Financial and Office Support Services **02-04**  
Religious Assembly  
Rapid Drive-Through Vehicle Services  
Service Stations Major  
Service Stations, Minor  
Spectator Entertainment Establishments  
Utility Services, Minor  
Warehouse Sales **02-04**

**PART 10 DISTRICTS**  
**CB2 BLACK DIAMOND STATION**

(4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|   |   |
|---|---|
| (a) MINIMUM SITE AREA   | <b>No minimum requirement</b>   |
| (b) MINIMUM SITE WIDTH  | <b>No minimum</b>   |
| (c) MINIMUM FRONT YARD:   |   |
| i) Principal buildings where front lot line abuts a residential district          | <b>2.4 m (8 ft)</b>   |
| ii) Accessory Building  | <b>At discretion of Municipal Planning Commission</b>   |
| (d) MINIMUM SIDE YARD:  |   |
| i) Abutting a residential district  | <b>2.4 m (8 ft)</b>   |
| ii) Abutting a public roadway other than a lane                                   | <b>3 m (10 ft)</b>  |
| iii) Abutting a public roadway utilized as a pedestrian oriented shopping street. | <b>No side yard required</b>  |
| iv) Accessory buildings abutting a public roadway other than a lane               | <b>3 m (10 ft)</b>  |
| (e) MINIMUM REAR YARD   | <b>6.1 m (20 ft) except as may otherwise be allowed by the Approving Authority.</b>   |
| (f) MAXIMUM BUILDING HEIGHT   |   |
| i) Principal Building   | <b>9.1 m (30 ft)</b>  |
| ii) Accessory Building  | <b>4.8 m (16 ft)</b>  |
| (g) EXISTING SINGLE DETACHED HOUSING  | <b>Shall adhere to regulation relating to non-conforming use in Section 8.19 of this Bylaw.</b>   |
| (h) EXTERIOR FINISHING MATERIALS  | <b>Must be constructed as shown on the approved plans.</b>  |
| (i) LANDSCAPING AND FENCING   | <b>Shall be required for all portions of site not covered by structures or parking. Shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.</b> |

**PART 10 DISTRICTS**  
**CB2 BLACK DIAMOND STATION**

|  |   |
|--|---|
| (j) PARKING  | <b>When established in the rear of the principal building, outdoor lighting of parking spaces shall be provided to the satisfaction of the Development Authority. Shall be developed in accordance with Section 8.14 of this Bylaw.</b> |
| (k) GAS BARS AND SERVICE STATIONS                  |   |
| i) All pump islands                                | <b>5 m (20 ft) from any site boundary, parking area.</b>  |
| ii) Canopy over a pump island may extend to within | <b>3 m (10 ft) of the site boundary</b>   |
| (l) GARBAGE COLLECTION                             | <b>Shall be screened from view from adjacent sites and public roadways as approved by Approving Authority.</b>  |
| (m)  |   |

(5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

- (a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.
- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
  - **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
  - **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
  - **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
  - **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
  - **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
  - **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.



## **Section 10.14 SERVICE COMMERCIAL DISTRICT (SC) LAND USE RULES 05-17**

### **(1) GENERAL PURPOSE**

The purpose and intent of this district is to provide for a range of commercial and light industrial uses which may be accompanied by retail sales, business and professional offices, light manufacturing, warehousing, and outside storage of materials and equipment. Uses requiring high customer visibility from the highway are encouraged to locate within this district and on lots adjacent to the Highway 7.

### **(2) LIST OF PERMITTED USES**

Accessory Buildings  
Agricultural Equipment Sales, Service, Storage and Repairs  
Automotive Accessories, Parts Sales, Sales and Service  
Automotive and Recreation Vehicle Leasing, Sales and Services  
Building Supply Centres  
Business Support Services  
Communication Structures  
Contractor Services Limited includes outside storage  
Community Amenity Facilities  
Community Recreation Services  
Equipment Rentals  
Essential Utility Services  
Funeral Services  
Household Repair Services  
Mini-Storage facilities (indoor)  
Offices (administration, business, professional)  
Outdoor Storage  
Parks (public)  
Personal Services **14-01**  
Rapid Drive-Through Vehicle Services  
Religious Assembly: Lot 11, Block 1, Plan 0715169 **13-07**  
Retail Store **14-01**  
Warehouse Stores (sales and storage)  
Security Quarters: Lot 8 Block 1 Plan 0610957 and Lot 10 Block 3 Plan 0710797: Living Quarters 112 m<sup>2</sup> (1205 ft<sup>2</sup>) **(06-21, 07-22)**  
Security Quarters: Lot 13, Block 1, Plan 151 0584 **15-04**  
Security Quarters: Lot 7 Block 1 Plan 061 0957: Living Quarters 111.4 m<sup>2</sup> (1200 ft<sup>2</sup>) **18-05**  
Signs (advertising, directional and identification)

### **(3) LIST OF DISCRETIONARY USES**

Auction Rooms  
Cannabis Facility **18-04**  
Cannabis Store **18-04**  
Contractor Services, General  
Commercial Schools  
Drive-In Food Services **14-22**  
Eating and Drinking Establishments  
Gaming and Bingo Facilities

## PART 10 DISTRICTS

### SERVICE COMMERCIAL DISTRICT (SC) LAND USE RULES

Hotels  
 Industrial Uses General  
 Industrial Vehicle and Equipment Sales/Rental  
 Motels  
 Parking Areas (public and accessory to development)  
 Recycling Depot  
 Service Stations (major and minor)  
 Veterinarian Clinics (large and small animals)

#### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|   |   |
|---|---|
| (a) MINIMUM SITE AREA   | <b>0.2 ha (0.5 ac)</b>  |
| (b) MINIMUM SITE WIDTH WHERE DEVELOPMENT OCCURS ALONG A MAJOR PUBLIC ROADWAY  | <b>30 m (100 ft) unless access is provided from a service road.</b>   |
| (c) MINIMUM YARD REQUIREMENT  |   |
| i) Front Yard   | <b>3 m (10 ft)</b>  |
| ii) Front yard abutting a major public roadway  | <b>6 m (20 ft)</b>  |
| iii) Rear Yard  | <b>6 m (20 ft)</b>  |
| iv) Side Yard   | <b>Minimum 1.2 m (4 ft) without fire rated wall, otherwise no side yard is required</b>   |
| v) Side Yards abutting a public roadway other than a lane   | <b>3 m (10 ft)</b>  |
| (d) THE APPROVING AUTHORITY MAY REQUIRE GREATER YARD SETBACKS THAN STATED IN (iii) ABOVE, IF ASPECTS OF THE DEVELOPMENT INTERFERE WITH THE SAFETY OR AMENITY OF ABUTTING LANDS. SEPARATION SPACES REQUIRED BY PROVINCIAL REGULATION SHALL BE MET. |   |
| (e) MAXIMUM BUILDING HEIGHT   |   |
| i) All Buildings  | <b>9.1 m (30 ft)</b>  |
| (f) LANDSCAPING AND FENCING   | <b>Landscaping is required for all portions of the site not covered by structures or parking. Shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.</b> |
| (g) PARKING/LOADING AND UNLOADING   | <b>Shall be hard surfaced and in accordance with Section 8.14 of this Bylaw.</b>  |

## **PART 10     DISTRICTS**

### **SERVICE COMMERCIAL DISTRICT (SC) LAND USE RULES**

#### **(5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES**

(a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
- **Development involving Hazardous Waste Material** handling and disposal shall be referred to Alberta Environment for comment.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw. In addition, all food establishments shall be set back 300 m from the wastewater treatment facilities.

## Section 10.15 I INDUSTRIAL

### (1) GENERAL PURPOSE

To establish a District for those manufacturing, processing, assembly, distribution, service and repair uses which carry out a portion of their operation outdoors and require outdoor storage areas. In general, any nuisance factor associated with the uses in this District should not extend beyond the boundaries of the site.

### (2) PERMITTED USES

Public Parks  
Signs

### (3) DISCRETIONARY USES

Accessory Buildings **02-04**  
Community Recreation Services  
Contractor Services, General **02-04**  
Eating and Drinking Establishments  
Equipment Rentals **02-04**  
Industrial Uses, General  
Manufacturing  
Gaming, Bingo Facilities  
Household Repair Services **02-04**  
Industrial Vehicle and Equipment Sales/Rental  
Outdoor Storage  
Rapid Drive-Through Vehicle Services  
Recycling Depot  
Retail Stores  
Deletion **14-04**  
Utility Services, Minor  
Warehouse Sales **02-04**

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |  |
|--|--|
| (a) MINIMUM SITE AREA  | No minimum requirement                                       |
| (b) MINIMUM SITE WIDTH WHERE DEVELOPMENT OCCURS ALONG A MAJOR PUBLIC ROADWAY | 30 m (100 ft) unless access is provided from a service road. |
| (c) MINIMUM YARD REQUIREMENT   |  |
| i) Front Yard  | 3 m (10 ft)  |
| ii) Front yard abutting a major public roadway                               | 6 m (20 ft)  |
| iii) Rear Yard   | 6 m (20 ft)  |

## PART 10 DISTRICTS

### I INDUSTRIAL

|   |   |
|---|---|
| iv) Side Yards abutting a public roadway other than a lane  | <b>3 m (10 ft)</b>  |
| (d) THE APPROVING AUTHORITY MAY REQUIRE GREATER YARD SETBACKS THAN STATED IN (C) ABOVE, IF ASPECTS OF THE DEVELOPMENT INTERFERE WITH THE SAFETY OR AMENITY OF ABUTTING LANDS. SEPARATION SPACES REQUIRED BY PROVINCIAL REGULATION SHALL BE MET. |   |
| (e) MAXIMUM BUILDING HEIGHT   |   |
| i) Principal Building   | <b>9.1 m (30 ft)</b>  |
| ii) Accessory Building  | <b>4.8 m (16 ft) or one storey</b>  |
| (f) LANDSCAPING AND FENCING   | <b>Landscaping is required for all portions of the site not covered by structures or parking. Shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.</b>                       |
| (g) PARKING/LOADING AND UNLOADING   | <b>Shall be constructed of a surface to minimize carrying dirt or dust onto the public roadway, but need not be hard surfaced. Shall be provided in accordance with Section 8.14 of this Bylaw.</b> |

#### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

(a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
- **Development involving Hazardous Waste Material** handling and disposal shall be referred to Alberta Environment for comment.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

## **Section 10.16            PS PUBLIC SERVICE**

### **(1) GENERAL PURPOSE**

To provide a District for public and privately owned facilities of an institutional or community service nature.

### **(2) PERMITTED USES**

Public Parks  
Signs  
Utility Services, Minor

### **(3) DISCRETIONARY USES**

Accessory Buildings **02-04**  
Community Gardens **02-04**  
Community Recreation Services **02-04**  
Education Services  
Government Services  
Grazing Lease **09-13**  
Indoor Recreation Services  
Libraries and Cultural Exhibits  
Medical Treatment Services  
Outdoor Recreation Services **02-04**  
Protective and Emergency Services  
Religious Assembly  
Rodeo Grounds  
Seniors' Lodging Houses  
Tourist Campsites  
Utility Services, Major  
Grazing Lease – All those portions of the W ½ 16-20-2 W5M lying to the north of Subdivision Plan 991 0437 including the north south road allowance adjacent to the west boundary and Transmission Right of Way as shown on Plan 4224 JK and lying within the Corporate limits as per the attached map. **09-13**

## PART 10 DISTRICTS

### PS PUBLIC SERVICE

#### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|                             |   |
|-----------------------------|---|
| (a) MINIMUM SITE AREA       | <b>No minimum requirement</b>   |
| (b) MINIMUM SITE WIDTH      | <b>No minimum</b>   |
| (c) ALL YARDS               | <b>At discretion of the Approving Authority.</b>  |
| (d) MAXIMUM BUILDING HEIGHT | <b>Shall be compatible with abutting development.</b>   |
| (e) LANDSCAPING AND FENCING | <b>Shall be required for all portions of the site not covered by structures or parking. Shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.</b> |
| (f) PARKING                 | <b>All parking shall be hard surfaced. Shall be provided in accordance with Section 8.14 of this Bylaw.</b>   |

#### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Religious Assembly Uses** shall be developed in accordance with Section 9.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

## Section 10.17 AG AGRICULTURAL

### (1) GENERAL PURPOSE

To establish a District for agricultural purposes and to prevent premature or scattered subdivision of lands intended for future growth.

### (2) PERMITTED USES

Home Occupation, Minor  
Signs

### (3) DISCRETIONARY USES

Accessory Buildings  
Bed and Breakfast Accommodation  
Campground  
Greenhouses and Plant Nurseries  
Home Occupation, Major  
Rodeo Grounds  
Single Detached Housing  
Single Detached Housing, Moved On

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |  |
|--|--|
| (a) MINIMUM SITE AREA  | At discretion of Approving Authority   |
| (b) MINIMUM YARD REQUIREMENTS  |  |
| i) Front yard  | 6.1 m (20 ft)  |
| ii) Front yard with buildings adjacent to a Provincial highway without an intervening service road | As required by Alberta Transportation & Utilities  |
| iii) Rear Yard   | 7.6 m (25 ft)  |
| iv) Side Yard  | At discretion of Approving Authority   |
| (c) MAXIMUM BUILDING HEIGHT  |  |
| i) Principal Building  | 9.1 m (30 ft)  |
| ii) Accessory Building   | 4.7 m (16 ft) except in case of buildings or structures accessory to a farm other than dwellings |
| (d) MINIMUM GROUND FLOOR AREA:   |  |
| i) Bungalow, bi-level and split level dwellings  | 89.2 m <sup>2</sup> (960 ft <sup>2</sup> )   |



## PART 10 DISTRICTS

### A AGRICULTURAL

|  |  |
|--|--|
| ii) First storey of a two storey dwelling    | <b>74.3 m<sup>2</sup> (800 ft<sup>2</sup>)</b>                                   |
| iii) Combined total of a two storey dwelling | <b>130 m<sup>2</sup> (1,400 ft<sup>2</sup>)</b>                                  |
| (e) Deleted <b>02-04</b>                     |  |
| (f) ON SITE WATER AND SEWAGE DISPOSAL:       | <b>Shall be installed in accordance with Provincial regulatory requirements.</b> |
| (g) Deleted <b>02-04</b>                     |  |

#### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

(a) The following regulations are found in the **General Development Regulations and Special Land Use Provisions** sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Bed and Breakfast Accommodation** shall be developed in accordance with Section 9.4 of this Bylaw.
- **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
- **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
- **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
- **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

## Section 10.18      **A AGRICULTURAL 02-04**

### (1) GENERAL PURPOSE

Is to recognize existing agricultural development.

### (2) PERMITTED USES

Green houses  
Home Occupation, Minor  
Signs

### (3) DISCRETIONARY USES

Accessory Buildings  
Bed and Breakfast Accommodation  
Home Occupation, Major  
Single Detached Housing

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |   |
|--|---|
| (a) MINIMUM SITE AREA  | <b>At discretion of Approving Authority</b>     |
| (b) MINIMUM YARD REQUIREMENTS  |   |
| i) Front yard  | <b>6 m (20 ft)</b>                              |
| ii) Front yard with buildings adjacent to a Provincial Highway without an intervening service road | <b>As required by Alberta Transportation</b>    |
| iii) Rear Yard   | <b>7.5 m (25 ft)</b>                            |
| iv) Side Yard  | <b>10 m (33 ft)</b>                             |
| (c) MINIMUM GROUND FLOOR AREA:   |   |
| i) Bungalow, bi-level and split level dwellings  | <b>89.2 m<sup>2</sup> (960 ft<sup>2</sup>)</b>  |
| ii) First storey of a two storey dwelling  | <b>74.3 m<sup>2</sup> (800 ft<sup>2</sup>)</b>  |
| iii) Combined total of a two storey dwelling   | <b>130 m<sup>2</sup> (1,400 ft<sup>2</sup>)</b> |
| (d) MAXIMUM BUILDING HEIGHT  |   |
| i) Principal Building  | <b>9.1 m (30 ft)</b>                            |
| ii) Accessory Buildings  | <b>6 m (20 ft)</b>                              |
| (e) MAXIMUM SITE COVERAGE  |   |

## PART 10 DISTRICTS

### A AGRICULTURAL

|  |   |
|--|---|
| i) Principal Building                  | 278 m <sup>2</sup> (3,000 ft <sup>2</sup> )                               |
| ii) Accessory Buildings                | 140 m <sup>2</sup> (1,500 ft <sup>2</sup> )                               |
| (f) ON SITE WATER AND SEWAGE DISPOSAL: | Shall be installed in accordance with Provincial regulatory requirements. |

#### (5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

(a) The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Bed and Breakfast Accommodation** shall be developed in accordance with Section 9.4 of this Bylaw.
- **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
- **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
- **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
- **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

## **Section 10.19            DC DIRECT CONTROL**

### **(1) GENERAL PURPOSE**

To provide a District for the creation of site-specific land use regulations in respect of specific sites within the Town, where the circumstances relating to the development of the site are such that regulation and control by means of the other Land Use Districts in this Bylaw would be inappropriate.

### **(2) LIST OF PERMITTED AND DISCRETIONARY USES**

Permitted and Discretionary uses for a Direct Control designation shall be established by Council as a schedule to Section 10.19 of this district.

### **(3) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES**

All developments in this District shall comply with any site-specific regulations established by Council in Section 10.19 of this district.

### **(4) GENERAL PROCEDURES**

Applications for development in Direct Control Districts shall comply with the procedures established for development permit applications in Parts 3 to 6 of this Bylaw.

### **(5) LAND DESIGNATED DIRECT CONTROL**

#### **(a) DC-1:**

#### **i) Location:**

Lots 1 to 23 of Block 2 and Lots 1 to 8 of Block 1, all of Plan 8010709, and containing an area of approximately 2.56 ha (6.32 acres) is designated Direct Control 1 (DC-1) for the purposes of developing a design controlled residential neighbourhood.

#### **ii) List of Permitted and Discretionary Uses**

Same as those listed in Section 10.3 of this Bylaw. Mobile homes as defined in Part 2 of this bylaw and relocated buildings are prohibited in this District. All buildings in this District must be new construction.

#### **iii) Special Development Requirements**

Guidelines for minimum requirements for Site Area, Site Width, Yards, habitable Ground Floor Area per unit and the maximum requirements for Site coverage, Building Height and Number of Dwelling Units per Site are as set out in Section 10.3, SINGLE DETACHED RESIDENTIAL DISTRICT (R-1) of this Bylaw.

#### **iv) Development Design Guidelines**

All new construction must use elements of design that are similar to and compatible with the existing buildings in the District. Buildings should exhibit similarities in scale, shape, character, roof line and building height, building materials and colours

## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

#### **(b) DC-2:**

##### **i) Location:**

The east ½ of Lot 4, Block 5, Plan 2298 DR containing an area of approximately 709 m<sup>2</sup> (7,623 ft<sup>2</sup>) is designated Direct Control District 2 (DC-2) for the purpose of allowing for the limited use of an existing church building and manse in a manner which is compatible with the surrounding residential district.

##### **ii) Permitted Uses**

Single Detached Housing  
Religious Assembly

##### **iii) Discretionary Uses**

Alternative Health Care Services  
Professional, Financial, and Officer Support Services (limited to 1 Secretarial Service only)  
Custom Manufacturing Establishments (limited to 8 Pottery/Artist Studios only)  
Libraries and Cultural Exhibits (limited to 1 Art Gallery only)  
Commercial Schools (limited to Art Classes only)  
Retail Sales (limited to the sale of items related to the listed uses)  
Signs

##### **iv) Special Development Requirements**

- a) The maximum number of dwellings per site in this District shall not exceed one single detached house (existing manse).
- b) The uses listed shall not create a nuisance by way of dust, noise, odor or smoke.
- c) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.
- d) There shall be no outdoor business activity, or storage of material or equipment.
- e) Hours of Operation for the Art Gallery shall be between 9 a.m. and 5 p.m. Sunday through Thursday and 9 a.m. to 9 p.m. Friday and Saturday. Hours of Operation for Art Classes shall be between 10 a.m. and 10 p.m. daily.
- f) Alternative Health Care Services Hours of Operation shall not extend past 10:00 p.m. Monday through Saturday, inclusive.
- g) Signs shall be developed in accordance with Section 8.21 of the Land Use Bylaw. Sign Schedule 8.27 shall apply to this District.
- h) Any new development and/or additions shall be developed in accordance with Section 10.3, SINGLE DETACHED RESIDENTIAL DISTRICT (R-1) of this Bylaw.

## PART 10 DISTRICTS

### DC DIRECT CONTROL

(c) **DC-3: Note: District no longer in effect, lands have been redistricted to CB-2 as per Bylaw 14-16**

i) **Location:**

That portion of the NW ¼ 9-20-2-5 lying to the east of Block 9, Plan 2945HJ and the north of 1 Avenue SE containing an area of approximately 1.4 ha is designated Direct Control District 3 (DC-3) for the purpose of allowing a small general contractor service to operate from the site. ***Lands have been redistricted to CB-2 as per Bylaw 14-16;***

ii) **Permitted Uses**

Offices-in-Homes;  
Single Detached Housing

iii) **Discretionary Uses**

Accessory Buildings;  
Contractor Services (limited to the selling, storage, cutting and splitting of logs for firewood);  
Farm, non-commercial;  
Signs.

(d) **DC-4: Note: District no longer in effect, lands have been redistricted to CB as per Bylaw 02-04**

i) **Location:**

Lot 10 Block 10 Plan 4061 EC land use rules are as follows: ***(originally 01-07, Lands have been redistricted to CB as per Bylaw 02-04)***

ii) **General Regulations**

- a) The use of the family dwelling is restricted to mixed use development of a single family unit and specialty food preparation for distribution.
- b) No retailing of food products is to be conducted from the site other than bulk purchases.
- c) Number of employees not to exceed two.
- d) Except for owner/operator consumption, restaurant style seating or serving of food on site or within the dwelling is not permitted.
- e) Three parking stalls are to be provided on site.
- f) On site storage of one vehicle with a maximum GVW rating of 5,171 kg (11,400 lbs) for supply and distribution is permitted.
- g) Access to the site is to be from Third Ave. and the laneway. Access to Government Road is not permitted.
- h) Operation is to meet all provincial health, building, fire, plumbing, gas and electrical codes and regulations.

## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

**(e) DC-5: Note: a portion of the lands have been redistricted to R-3 as per Bylaw 16-10**

**i) Location:**

Block B Plan 211 LK land use rules are as follows: **06-15**

**ii) Special Development Requirements:**

- a) The site is to be used for adult living life style multi-family apartment use maximum density of 72 units within three (3) buildings containing maximum of 24 units per building with/bareland building condominium ownership for the units and common areas.
- b) Parking will be 1 stall per unit with visitor parking to be 0.25 stalls per unit.
- c) Suite Floor area to be a minimum of 75 m<sup>2</sup> (807 ft<sup>2</sup>).
- d) Maximum building height shall not exceed 16.0 m (52.5 ft).
- e) Front, rear, and side yards shall be as per the R-3 Land Use Rules, except for the set back from Centre Avenue which shall be 6 m (20 ft).
- f) Living space / buildings shall be separated by a minimum distance of 15 m (50 ft).
- g) Building shall be sprinklered.
- h) Primary access shall be from 1 Avenue SE.

**iii) Landscaping:**

- a) Landscaping shall be concentrated on 3 Street SE and 1 Avenue SE and a landscaped noise attenuation berm adjacent to Centre Ave and as per approved landscaping plan by Council. Where possible, xeriscaping should be incorporated into the landscaping nodes.
- b) Tree plantings will be based upon 1 tree per 140 m<sup>2</sup> (1,506 ft<sup>2</sup>) of landscaped area with plantings to be concentrated around the perimeter of the site; shrubs to be planted on the basis of one third of tree plantings, and at least one third of the trees shall be coniferous. The size of the trees and shrubs will be as follows:
- c) All plant materials shall be of a species capable of healthy growth in Black Diamond.
- d) Shrubs shall be a minimum height or spread of 61 cm (24 in) at the time of planting.
- e) The minimum size for coniferous trees shall be a height of 1.2 m (4.0 ft).
- f) The minimum size for deciduous trees shall be 5 cm (2 in) caliper.
- g) No willows are to be planted within 6 m (20 ft) of any water or sewer line and no poplars are to be planted.
- h) All services required to serve the development must be installed to Town Standards and in accordance with the development servicing agreement.
- i) Any pathways within the development area are to connect to area pathway system or Town sidewalk system.

## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

**(f) DC-6:**

**i) Location:**

Lot 29 Block 2 Plan 001 1777 land use rules are as follows **06-25**

**ii) Special Development Requirements:**

- a) The site is to be used for adult living life style multi-family apartment use with a maximum density of 33 units within one building under a building condominium ownership for the units and common areas.
- b) All first floor living accommodation, heating and electrical systems to be above the 1:100 year flood elevation as determined by Alberta Environment and Parks **21-06**
- c) Parking will be 2 stalls per unit plus 1 stall per 4 units for visitor parking.
- d) Suite Floor area to be a minimum of 88 m<sup>2</sup> (947 ft<sup>2</sup>).
- e) Maximum building height to roof peak shall not exceed 16.5 m (54 ft) from finished grade adjacent to the building and 17.5 m (58 ft) from existing grade with maximum height of balcony landing to be 9.6 m (31.6 ft) above grade and shall not contain any suites with lofts.
- f) Front, rear, and side yards shall be as per the R-3 Land Use Rules, except for the set back from the West property line which shall be a minimum of 15 m (50 ft).
- g) Building shall be sprinklered.
- h) Primary access shall be from 4A Street NW

**iii) Landscaping:**

- a) Site Landscaping shall be 35% of the site area. Where possible, xeriscaping should be incorporated into the landscaping nodes.
- b) Tree plantings will be based upon 3 trees per 140 m<sup>2</sup> (1,506 ft<sup>2</sup>) of landscaped area with plantings to be concentrated around the perimeter of the site; shrubs to be planted on the basis of one third of tree plantings, and at least one third of the trees shall be coniferous. The size of the trees and shrubs will be as follows:
- c) All plant materials shall be of a species capable of healthy growth in Black Diamond.
- d) Shrubs shall be a minimum height or spread of 61 cm (24 in) at the time of planting.
- e) The minimum size for coniferous trees shall be a height of 1.2 m (4.0 ft).
- f) The minimum size for deciduous trees shall be 5 cm (2 in) caliper.
- g) No willows are to be planted within 6 m (20 ft) of any water or sewer line and no poplars are to be planted.
- h) All services required to serve the development must be installed to Town Standards and in accordance with the development servicing agreement.
- i) Any pathways within the development area are to connect to area pathway system or Town sidewalk system.



## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

(g) **DC-7: Note: District no longer in effect, lands have been redistricted to DC-11 as per Bylaw 20-17**

i) **Location:**

Lots 9-11 Block 20 Plan 7910374 land use rules are as follows: **08-13**

ii) **Special Development Requirements:**

- a) The site is to be used for adult living life style multi-family apartment use with a maximum density of 12 units and under a building condominium ownership for the units and common areas.
- b) All first floor living accommodation, heating and electrical systems to be above the 1:100 year flood elevation as set out in Canada - Alberta Flood Report.
- c) Parking will be 2 stalls per unit with visitor parking to be 0.25 stalls per unit.
- d) Suite Floor area to be a minimum of 102 m<sup>2</sup> (1,100 ft<sup>2</sup>).
- e) Maximum building height to roof peak shall not exceed 10 m (32.8 ft).
- f) Front, rear, and side yards shall be as per the R-3 Land Use Rules, except for the north side yard which shall be 7.5 m (24.6 ft).
- g) Primary access shall be from 4 Street SW and the lane way.

iii) **Landscaping:**

- a) Site Landscaping shall be 25% of the site area. Where possible, xeriscaping should be incorporated into the landscaping nodes.
- b) Tree plantings will be based upon 3 trees per 140 m<sup>2</sup> (1,506 ft<sup>2</sup>) of landscaped area with plantings to be concentrated around the perimeter of the site; shrubs to be planted on the basis of one third of tree plantings, and at least one third of the trees shall be coniferous. The size of the trees and shrubs will be as follows:
  - i) All plant materials shall be of a species capable of healthy growth in Black Diamond.
  - ii) Shrubs shall be a minimum height or spread of 61 cm (24 in) at the time of planting.
  - iii) The minimum size for coniferous trees shall be a height of 1.2 m (4.0 ft).
  - iv) The minimum size for deciduous trees shall be 5 cm (2 in) caliper.
- c) No willows are to be planted within 6 m (20 ft) of any water or sewer line and no poplars are to be planted.
- d) All services required to serve the development must be installed to Town Standards and in accordance with the development servicing agreement.

## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

#### **(h) DC-9: 11-08**

##### **i) Location:**

A portion of Lot 1, Block 10, Plan 0811832 and Lots 3, 4, & 20, Block 3, Plan 5387ED

##### **ii) General Regulations:**

###### **Purpose and Intent**

- a) The purpose and intent of this district is to provide regulations for the development of a child care service facility on the subject lands, and to provide regulations for the subdivision and consolidation of land necessary for the development of the facility.
- b) Parts 1 - 9 of the Land Use Bylaw (98-14) shall apply unless otherwise specified in this Bylaw.
- c) The Development Officer shall be the Development Authority for applications for signage and accessory buildings.
- d) The Municipal Planning Commission shall be the Development Authority for applications for Child Care Services.
- e) The Municipal Planning Commission shall decide on any applications for subdivision contemplated by this bylaw.
- f) All development upon the Lands shall be in accordance with all licenses, permits and approvals pertaining to the development as required by all applicable authorities.
- g) The Municipal Planning Commission or Development Officer may, through the Development Permit or Development Agreement as authorised by this Bylaw, specify any development regulation, criteria or condition necessary to ensure the Development and Subdivision on the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Municipal Planning Commission or Development Officer at its sole and unfettered discretion.

##### **iii) Development Agreement and Subdivision Requirements:**

- a) The Town shall not endorse a Plan of Survey for Subdivision of the Lands until the Developer has executed a Development Agreement in form and substance satisfactory to the Town at its sole discretion, which shall address the construction of infrastructure necessary to serve the development, and may include the posting of financial securities, where necessary to ensure all subdivision and development of the Lands conforms to the principals upon which this Bylaw is based. The Development Agreement may be registered by caveat against the Lands and run with the Lands and may include but not be limited to the following:
- b) Construction of a road and sidewalk in accordance with the Town standards, and in accordance with the Approved Development Concept attached as Schedule 'B';

## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

- c) Confirmation of the location of all necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas, telephone, and such other utilities required by the Town; and
  - d) Subdivision of the lands shall conform with the Approved Subdivision Concept attached as Schedule 'C';
- iv) **Land Use Regulations:**
  - a) **Permitted Uses**
    - Child Care Services
    - Accessory Buildings
    - Signage
- v) **Minimum Requirements:**
  - a) the minimum front yard shall be 3.0 m (9.8 ft)
  - b) the minimum side yard shall be 3.0 m (9.8 ft)
  - c) the minimum rear yard shall be 3.0 m (9.8 ft)
  - d) a landscaped outdoor play area shall be provided for the facility that meets Provincial regulations
  - e) a minimum of 12 parking spaces shall be provided on-site
- vi) **Maximum Limitations:**
  - a) the maximum principal building height shall be 9.1 m (30.0 ft).
  - b) the maximum accessory building height shall be 3.6 m (12 ft)
  - c) the maximum principal building footprint shall be 220 m<sup>2</sup> (2,370 ft<sup>2</sup>)
  - d) the maximum accessory building footprint shall be 40 m<sup>2</sup> (430 ft<sup>2</sup>)
  - e) there may only be one (1) principal building on the lands
  - f) there may be a maximum of two (2) accessory buildings on the lands
- vii) **Approved Development Concept**

Any application for Development Permit shall broadly conform with the Approved Development Concept attached as Schedule 'B', however, minor variances to this plan may be approved at the discretion of the Municipal Planning Commission or the Development Officer.
- viii) **Development Requirements:**
  - a) All outdoor storage areas and waste disposal areas shall be screened utilizing fencing, berming, landscaping or a combination thereof.
  - b) Outdoor play areas are to be fenced
  - c) The western bank of the drainage ditch is to be fenced
  - d) The Municipal Planning Commission may specify the days and hours of operation of a Child Care Service facility.

## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

**(i)   DC-10: 14-02**

**i)   Location:**

Lots 9 & 10, Block 1, Plan 9210920

**ii)   General Regulations:**

- a) The purpose and intent of this district is to provide site-specific flood mitigation policies for the redevelopment and expansion of the existing structure located on the Lands.
- b) Parts 1 - 9 of the Land Use Bylaw (98-14) shall apply unless otherwise specified in this Bylaw. Policies contained within Section 8.21 Land Subject to Flooding do not apply to the lands within this Direct Control district.
- c) The Development Officer shall be the Development Authority for all Development applications. The Development Officer may refer applications to the Municipal Planning Commission.
- d) The Municipal Planning Commission shall be the Development Authority for applications referred to it by the Development Officer.
- e) The Municipal Planning Commission shall be the Subdivision Authority.
- f) All development upon the Lands shall be in accordance with all licenses, permits and approvals as required by applicable authorities.
- g) The Municipal Planning Commission or Development Officer may, through a Development Permit or Development Agreement as authorised by Land Use Bylaw 98-14, specify any development regulation, criteria or condition necessary to ensure the Development and/or Subdivision of the Lands conform to the development proposals and representations upon which this Bylaw is based, as determined by and to the satisfaction of the Municipal Planning Commission or Development Officer at its sole and unfettered discretion.

**iii)   Flood Mitigation:**

- a) The Policies contained within Section 8.21 of Land Use Bylaw 98-14 (Land Subject to Flooding) do not apply to the lands within this Direct Control district.
- b) A Flood Mitigation Report, prepared by a qualified professional (either: 1) A professional engineer/technologist licensed to engage in the practice of engineering under the Engineering and Geoscience Professions Act, or 2) An Architect licensed to engage in the practice of architecture under the Architects Act) shall be submitted as part of any Development Permit application to expand or redevelop the existing building on the Lands, or to develop a separate building on the Lands.
- c) The Flood Mitigation Report shall:
  - i) Establish the elevation of the Lands
  - ii) Establish the elevation of the 1:100 year flood event, based on available studies, in conjunction with Alberta Environment and Sustainable Resource Development, and with the Town of Black Diamond.

## **PART 10     DISTRICTS**

### **DC DIRECT CONTROL**

- iii) Outline floodproofing measures that are to be integrated into the design of the building to prevent the incidence of claimable damage to the building and its contents in a flood less than or equal to the 1:100 flood event. Such measures should be consistent with the recommendations of Alberta Municipal Affairs Building Code Bulletin STANDATA 06-BCB-010, and may also include:
    - iv) Design of floors and exterior walls to prevent seepage;
    - v) Contingent measures to apply to windows, doors, vents, and other openings to prevent water entering the building;
    - d) The Town may approve, refuse, or revise the recommendations of the Flood Mitigation Report, at its sole discretion.
  - iv) **Land Use Regulations:**
    - a) The regulations of the CB Central Business District as found in Section 10.11 of Land Use Bylaw 98-14, and future amendments thereto, shall apply to this Direct Control District.
    - b) A Landscaping, Parking and Signage Plan, prepared by a qualified professional to the satisfaction of the Town, shall be submitted as part of any Development Permit application to expand or redevelop the existing building on the Lands, or to develop a separate building on the Lands. The Plan shall comply with the requirements for Landscaping, Parking, and Signage as outlined in Land Use Bylaw 98-14.
- (j) **DC-11: 20-17**
- i) **Location:**

Lots 9 - 11, Block 20, Plan 7910374
  - ii) **General Regulations:**
    - a) Parts 1 – 9 of Land Use Bylaw 98-14 shall apply unless otherwise specified in this Bylaw;
    - b) The regulations of the CB Central Business District as found in Section 10.6.2 of Land Use Bylaw 98-14 shall apply unless otherwise specified in this Bylaw;
    - c) The site is to be used for Drive-In Food Services;
    - d) Council shall be the Development Authority for the initial site development;
    - e) The Development Officer shall be the Development Authority for subsequent applications for signage, and minor accessory uses and development related to the primary use;
    - f) The Development Officer may refer any Development Permit Application to Council for decision;
    - g) The Development Officer shall be responsible for ensuring compliance with the Development Permit;

## PART 10 DISTRICTS

### DC DIRECT CONTROL

- h) Council shall be the Subdivision Authority;
- i) Setbacks, building height, and site coverage shall be at the discretion of Council;
- j) The development shall be designed to minimize impact on neighbouring parcels, including noise, lighting, odour, and activity. This includes design and placement of mechanical equipment, lighting, loudspeakers, menu panels, service windows, waste storage, vehicle and pedestrian access and routing. Fencing, landscaping and overall site design shall be used minimize impact on adjacent properties;
- k) A Traffic Impact Assessment shall be prepared by a qualified transportation professional in accordance with Alberta Transportation and Town of Black Diamond guidelines and shall be reviewed and accepted by Alberta Transportation and the Town as a condition of development approval;
- l) Implementation of the recommendations of the approved Traffic Impact Assessment shall be a condition of development approval;
- m) Garbage and waste shall be stored in weatherproof and animal proof containers, screened from adjacent sites and public thoroughfares, and be in a location and on private property easily accessible for pickup;
- n) Outside storage areas shall be screened from adjacent sites and thoroughfares;
- o) Fencing along the East and South property lines shall be of a height and construction material which is satisfactory to Council having regard to the location of fences in the surrounding area and the requirement for screening and sound attenuation;
- p) Off street parking and loading and unloading spaces shall be as per Section 8.14 and 8.16;
- q) All parking areas shall be provided with outdoor lighting in the form of freestanding light standards or attached to exterior walls of structures;
- r) Provision must be made for bicycle stand;
- s) Provision must be made for safe and efficient pedestrian access within the development;
- t) The development shall comply with the Historic Downtown Design Standards to the satisfaction of Council;
- u) The Developer shall pay the Town for incurred consultant, solicitor and other professional fees incurred for the review and preparation of documents related to the application; the Developer shall pay all subsequent amounts due within 30 days of receipt of invoice;
- v) As a condition of Development Permit the Developer shall enter into a Development Agreement with the Town of Black Diamond, which shall be registered on title, and shall include, but not be limited to the following:

**PART 10      DISTRICTS**  
**DC DIRECT CONTROL**

- i) construction of, or payment for the construction of, sidewalk on the east side of 4th St. SW from Center Ave. to 1st Ave. SW the south side of the lane;
- ii) shall not require any upgrade to 4<sup>th</sup> St. SW;
- iii) connection to municipal water, sanitary/sewer and storm water systems;
- iv) construction of any transportation infrastructure identified in the Traffic Impact Assessment;
- v) payment of off-site levies;
- vi) payment of security deposit, in the amount set by Council, to ensure that the terms of the development agreement are carried out.”
- w) Parcels shall be consolidated as a condition of development permit approval.

## Section 10.20 UR URBAN RESERVE DISTRICT LAND USE RULES 02-04

### (1) PURPOSE AND INTENT

The purpose and intent of this District is to provide for the continuation of existing uses while having regard for potential future urban development. Proposed urban development shall be supported by a plan of subdivision and shall comply with the policies and provisions of the Black Diamond Municipal Development Plan and any Area Structure Plan in effect.

### (2) LIST OF PERMITTED USES

Bicycle Paths and Walkways  
Home Occupations – Minor **05-02**  
Parks (public) and Playgrounds  
Recreational Facilities, Public  
Single Detached Housing  
Signs

### (3) LIST OF DISCRETIONARY USES

Accessory Buildings  
A limited expansion to an existing building or use, having due regard for its location to adjacent lands and to proposed future urban development.  
Bed and Breakfast Accommodations **05-02**  
Community Buildings and Facilities  
Home Occupations – Major **05-02**  
Parking, Non-Accessory **21-06**

### (4) DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

|  |  |
|--|--|
| (a) MINIMUM SITE AREA  | <b>0.5 ha (1.2 ac)</b>                       |
| (b) MINIMUM SITE WIDTH   | <b>50 m (165 ft)</b>                         |
| (c) MINIMUM SITE DEPTH   | <b>40 m (130 ft)</b>                         |
| (d) MINIMUM YARD REQUIREMENTS  |  |
| i) Front yard  | <b>6.1 m (20 ft)</b>                         |
| ii) Front yard with buildings adjacent to a Provincial highway without an intervening service road | <b>As required by Alberta Transportation</b> |
| iii)   | <b>21-06</b>                                 |
| iv) Side Yard  | <b>7.5 m (25 ft)</b>                         |
| (e) MINIMUM GROUND FLOOR AREA:   |  |



**PART 10     DISTRICTS**  
**UR URBAN RESERVE DISTRICT**

|   |  |
|---|--|
| i) First storey of a two storey dwelling    | <b>74.3 m<sup>2</sup> (800 ft<sup>2</sup>)</b>                                   |
| ii) Combined total of a two storey dwelling | <b>130 m<sup>2</sup> (1,400 ft<sup>2</sup>)</b>                                  |
| (f) MAXIMUM BUILDING HEIGHT                 |  |
| i) Principal Building                       | <b>9.1 m (30 ft)</b>   |
| ii) Accessory Buildings                     | <b>6 m (20 ft)</b>   |
| (g) MAXIMUM SITE COVERAGE                   |  |
| i) Principle Buildings:                     | <b>232 m<sup>2</sup> (2,500 ft<sup>2</sup>)</b>                                  |
| ii) Accessory Buildings:                    | <b>93 m<sup>2</sup> (1,000 ft<sup>2</sup>)</b>                                   |
| (h) ON SITE WATER AND SEWAGE DISPOSAL:      | <b>Shall be installed in accordance with Provincial regulatory requirements.</b> |

(5) ADDITIONAL DEVELOPMENT REGULATIONS FOR PERMITTED AND DISCRETIONARY USES

The following regulations are found in the General Development Regulations and Special Land Use Provisions sections of this Bylaw, and may apply to developments in this District.

- **Accessory Buildings** shall be developed in accordance with Section 8.8 of this Bylaw.
- **Bed and Breakfast Accommodation** shall be developed in accordance with Section 9.4 of this Bylaw.
- **Development on Hazardous Lands** shall be developed in accordance with Sections 8.21 and 8.22.
- **Home Occupations** shall be developed in accordance with Section 9.2 of this Bylaw.
- **Landscaping and Fencing** shall be developed in accordance with Sections 8.11 and 8.13 of this Bylaw.
- **Parking** shall be provided in accordance with Section 8.14 of this Bylaw.
- **Projections into Yards** shall be in accordance with Section 8.5 of this Bylaw.
- **Signs** shall be developed in accordance with Sections 8.24, 8.25, 8.26 and 8.27 of this Bylaw.
- **Satellite Dish Antennas** shall be developed in accordance with Section 8.31 of this Bylaw.
- **Special Setback Requirements** shall be provided in accordance with Section 8.3 of this Bylaw.

## **Section 10.21          County Agricultural**

### **(1)    PURPOSE AND INTENT**

The purpose and intent of this District is to apply the regulations of Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020, to lands annexed into the Town under Order in Council 015/2020, until such time as the Town creates new regulations, in accordance with Section 135(1)(d) of the Municipal Government Act. **21-06**

### **(2)    PERMITTED & DISCRETIONARY USES AND REGULATIONS**

Refer to the Agricultural District in Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020. **21-06**

## **Section 10.22            County Country Residential**

### **(1)    PURPOSE AND INTENT**

The purpose and intent of this District is to apply the regulations of Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020, to lands annexed into the Town under Order in Council 015/2020, until such time as the Town creates new regulations, in accordance with Section 135(1)(d) of the Municipal Government Act. **21-06**

### **(2)    PERMITTED & DISCRETIONARY USES AND REGULATIONS**

Refer to the Country Residential District in Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020. **21-06**

## **Section 10.23            County Public Utility**

### **(1)    PURPOSE AND INTENT**

The purpose and intent of this District is to apply the regulations of Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020, to lands annexed into the Town under Order in Council 015/2020, until such time as the Town creates new regulations, in accordance with Section 135(1)(d) of the Municipal Government Act. **21-06**

### **(2)    PERMITTED & DISCRETIONARY USES AND REGULATIONS**

Refer to the Public Utility District in Foothills County Land Use Bylaw 60/2014, in effect as of January 1, 2020. **21-06**

## **Part 11 LAND USE MAP**

### **Section 11.1 DISTRICTS**

- (1) The Town is hereby divided into Districts as provided for in Section 10.2 and their boundaries are delineated on the Map referred to in Section 11.2 which may be known as the Land Use Map.

### **Section 11.2 LAND USE MAP**

- (1) The Land Use Map, as may be amended or replaced by by-law from time to time, is that Map attached as Schedule B of this Bylaw and among other things bearing the following identification:
  - (a) Town of Black Diamond Land Use Map
  - (b) Schedule B of Revised Land Use Bylaw 21-06 as amended; **21-06**
- (2) In the event that a dispute should arise over the precise location of the boundary of any District as shown on the Land Use Map, the Council shall decide thereof.

### **Section 11.3 FLOOD RISK MAP**

- (1) The Flood Risk Map references Alberta Environment and Park's flood risk map of the Sheep River adopted under the Alberta Flood Hazard Identification Program. The Flood Risk Map can be viewed online using the Flood Awareness Map Application at <https://floods.alberta.ca/> **21-06**