

TOWN OF TURNER VALLEY

LAND USE BYLAW



21-1114 | JUNE 2021

**The Town of Turner Valley**

Land Use Bylaw 21-1114

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GENERAL ADMINISTRATION



DEFINITIONS



ADMINISTRATIVE REQUIREMENTS & AUTHORITY



GENERAL LAND USE REGULATIONS & PROVISIONS



ESTABLISHMENT OF LAND USE DISTRICTS



RESIDENTIAL DISTRICTS



COMMERCIAL DISTRICTS



INDUSTRIAL DISTRICTS



OPEN SPACE DISTRICTS



DIRECT CONTROL DISTRICTS



PARKING REGULATIONS



SIGNAGE CONTROL





1.0 GENERAL ADMINISTRATION



1.1 SHORT TITLE

This Town of Turner Valley Land Use Bylaw shall be referred to hereafter as this Bylaw.

1.2 REPEAL OF BYLAW

Bylaw No. 03-869 and all amendments thereto are hereby repealed and shall cease to have effect on the day this Bylaw is adopted.

1.3 DISTRICTS

The Town is divided into districts and the boundaries of those districts are shown on the Land Use Map which is included as Figure 3 of this Bylaw.

1.4 USES AND REGULATIONS

Except as otherwise permitted in this Bylaw, development and subdivision in each district shall be in accordance with the uses listed in the district for the site on which it is proposed and the regulations and guidelines of this Bylaw.

1.5 COMPLIANCE WITH OTHER LEGISLATION

In addition to this Bylaw, an applicant is responsible for complying with any federal, provincial, or municipal legislation, including any Development Agreement or Development Permit. The applicant is also responsible for complying with the conditions of any easement or covenant which affects the development or subdivision.

1.6 INTERPRETATION

Notwithstanding the terms provided within, the Municipal Government Act [MGA] and its amendments take precedence in case of dispute on the meanings of all terms or phrases.

1.7 METRIC STANDARDS

In this Bylaw approximate Imperial equivalents are indicated in brackets following the Metric requirements. The Imperial figures are provided for information only and in all cases the Metric figures shall govern.



A PART 2

DEFINITIONS

GENERAL ADMINISTRATION



DEFINITIONS



2.0 DEFINITIONS

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ADMINISTRATIVE REQUIREMENTS & AUTHORITY



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GENERAL LAND USE REGULATIONS & PROVISIONS



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DIRECT CONTROL DISTRICTS



PARKING REGULATIONS



SIGNAGE CONTROL





2.0 DEFINITIONS

In this Bylaw, and any amendments made hereto, unless the content otherwise requires, the interpretation set out in the following subsections shall be used.



2.1 A

"Abattoir" means the use of land, or building, in which animals are slaughtered and may include the packing, treating, storing and sale of the product.

"Accessory building" means a building which does not accommodate the principal use of a site and which is not attached above grade to a principal building. This use class includes private garages and private tennis courts;

"Accessory use" means a use which is subordinate or incidental to the principal use of the site;

"Agricultural related business" means a development used for the retail sale, repair and maintenance of new or used agricultural equipment or other agricultural supply businesses;

"Apartment" means a building containing three (3) or more dwelling units having common corridors and stairways and having shared exit and entrance facilities;

"Arts or crafts studio" means a development for which the principal use is the creation of works of art or instruction in art and may include sales of works of art as an ancillary use. Uses may include literary, visual, craft, design, and interdisciplinary and performance arts studios;

"Assisted living homes" means a multi-unit residential development where living arrangements with personal care services provided such as meals, housekeeping, transportation, and assistance with daily activities, available on an as needed basis. This use shall comply with all relevant provincial regulations;

"Auctioning services" means a use specifically intended for the auctioning of goods and equipment sold by bids from an audience through an auctioneer, and do not include live animals, large vehicles, passenger vehicles, recreational vehicles, motorized equipment or equipment intended to be pulled by a motorized vehicle. The use can be contained entirely within or outside the building, and includes temporary storage of such goods and equipment for auction;

"Automotive sales and rentals" means a development used for the sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This use includes incidental storage or vehicles, automobile dealerships, rental agencies and motorcycle dealerships and does not include dealerships for the sale of automotive products with a gross vehicle weight rating of 5500 kg or greater;





"Automotive services" means a development used for the servicing, repair, and painting of motor vehicles, and includes facilities such as alignment shops, auto-body paint shops, muffler shops, transmission repair shops, rust proofing shops, and tire sales. This use does not include automotive sales and rentals, car washing establishments or service stations;

2.2

B

"Balcony" means an elevated platform projecting from a wall with no support from the ground, having an outer railing or parapet and being greater than 0.61 m (2.00 ft.) in width;

"Basement" means that portion of a building between two floor levels which is partly underground and has not more than one half of its height from finished floor to finished ceiling above finished grade;

"Bed and breakfast accommodation" means an accessory use in a dwelling in which rooms are provided with or without meals for pay, for the traveling or vacationing public;

"Bottle depot" means a facility used to receive, warehouse and transport refundable beverage and other like containers for purposes of recycling;

"Breweries, distilleries, and/or wineries" means a development licensed by the Alberta Gaming and Liquor Commission (AGLC) where beer, spirits, wine or other alcoholic beverages are manufactured and may include the storage, packaging, bottling, canning, and shipping of products manufactured within the premises. This use includes the following;

- a) Sale of alcoholic beverages manufactured on the premises to the public for consumption within the premises;
- b) Private hospitality area where products manufactured on premise are provided to private groups for tasting and consumption;
- c) Associated offices;
- d) Limited accessory retail sales of products or merchandise directly associated with the principal use;
- e) May be combined with eating establishment, drinking establishment or retail store when one of these uses is also a listed use in the same district as a brewery, distillery, and winery;

"Buffer" means a row of trees, shrubs, earth berm or fencing to provide visual screening and separation between sites and districts;

"Building" includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway;

"Building supply centres" means a commercial retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage;

"Bulk fuel storage and distribution facility" means a development for the purpose of storing natural gas and petroleum products for distribution to customers;





“Business support services” means a use which provides 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 security; and the repair or servicing of office equipment and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and business equipment repair shops;



2.3 C



“Cannabis” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined in the Cannabis Act (Canada) and its regulations and any amendments and includes edible products that contain cannabis;

“Cannabis accessory” means a thing that is commonly used in the consumption or production of cannabis. A cannabis accessory includes, but is not limited to, rolling papers, or wraps, holders, pipes, water pipes, bongs vaporizers that is represented to be used in the consumption of cannabis;

“Cannabis counselling” means a service where counselling on cannabis is provided by persons who are not medical professionals;

“Cannabis consumption establishment” means a use where the primary purpose is the sale of cannabis to the public, for consumption within the premise that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution facilities or retail cannabis stores;

“Cannabis production and distribution facility” means a development where any of the following activities occur, excepting personal use exemptions as defined in the Act to Control and Regulate Cannabis and its regulations, and any amendments or substitutions thereof:

- a) The processing of cannabis;
- b) The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished goods and products related to cannabis;
- c) The storage, warehousing, and/or transportation of cannabis; and
- d) Distribution and wholesale of materials, goods and products to retail cannabis stores.
- e) This use does not include a retail cannabis store or a cannabis consumption establishment.

“Canopy” means a non-retractable solid projection extending from the wall of the building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, moldings, architraves and pediments, but includes the structure known as the theatre marquee and is to be considered part of the principal building and is considered part of the building to which it is attached;

“Car washing establishment” means a facility for the washing, cleaning, or polishing of motor vehicles;



"Child care facility" means the use of a building or portion thereof for the provision of care, maintenance, instruction or supervision of seven (7) or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding twenty four (24) consecutive hours and includes all day-care centers, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition. A provincial license is required to operate a child care program. A child care facility may be operated as an ancillary use within a religious institution;



"Community buildings and facilities" means buildings and facilities which are available for the use and enjoyment to the inhabitants of the Municipality and the rural area for the purposes of assembly, culture and recreational activity;



"Completed" means that all components of the development including but not limited to:

- a) Exterior finish materials including roofing (i.e. asphalt shingles), siding (i.e. vinyl siding, stucco etc.), soffit, fascia, eavestrough and parging,
- b) On site servicing,
- c) Off-site improvements,
- d) Parking, and
- e) Landscaping;



Have been installed to a standard satisfactory to the Development Authority;



"Comprehensive residential development" means two (2) or more buildings each containing one or more dwelling units, located on a site or a number of adjoining sites where all buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development. A comprehensive residential development continues to be considered a comprehensive residential development for purposes of this Bylaw in the event the comprehensive residential development is subdivided under either a bare land condominium, building condominium or both;



"Convenience store" means a retail store in which articles for sale comprise a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, and meat. To complement such items, articles for sale may include the limited sale of magazines, books and records, housewares, toiletries, stationary and tobacco products. This use class does not include retail cannabis stores;



"Corner" means the intersection of the side and front property lines;



"Council" means the Council of the Town of Turner Valley;



"Coverage of site" means the combined area of all buildings or structures on a site, including accessory buildings over 10 m² (107.6 sq ft.) measured at;



- a) A point at grade directly below the outside surface of the exterior walls or roof; or
- b) The floor of the structure at the first floor level.



This includes projections less than 2.5 m (8 ft) above finished grade, examples include but are not limited to;



- a) Decks and balconies,
- b) Open and closed in and covered porches and verandas,





2.4 D

“Deck” means an unenclosed flat-floored roofless area adjoining a principal building or built as a structural part of it with a floor surface more than 0.3 m (1.00 ft.) above grade and is considered part of the building to which it is attached;

“Development” means:

- a) An excavation or stockpile and the creation of either of them, or
- b) A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- c) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- d) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

“Development Authority” means the person or persons delegated by the authority to exercise development powers and duties on behalf of the Municipality pursuant to the Municipal Government Act (MGA);

“Development Officer” means the official or officials of the Municipality appointed by council to act as a Development Authority with the responsibility of receiving, considering and deciding on applications for development under this Land Use Bylaw;

“Development permit” means a certificate or document permitting a specified development and includes where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit;

- c) Covered terraces and,
- d) Other spaces within a building;

Coverage of site does not include the following:

- a) Steps,
- b) Eaves,
- c) Cornices and similar projections,
- d) Unenclosed inner and outer courts,
- e) Decks, balconies and patios which are less than 0.6 m (2 ft) above grade and,
- f) The percentage of a parcel of land which is covered by driveways, aisles, surface parking spaces, landscaped areas, decks, exterior storage and or swimming pools;

“Crematorium” means a development where the primary use is the incineration of the deceased, and collection of ashes for interment, within one (1) or more cremation chambers. This use may include the preparation of the deceased for burial, preparation of funeral service, and a facility for the viewing of the deceased. This use does not include providing funeral services;



"Discretionary use" means a use of land or of a building which is listed in the Land Use Rules section for each district as "Discretionary Uses" and for which, subject to the provisions of this Bylaw, a development permit may be issued;



"Drinking establishment" means an establishment, licensed by the Alberta Liquor Control Board, in which alcoholic beverages are served for consumption on the premises, and any preparation or serving of food is accessory thereto, and includes a licensed lounge that is ancillary to a restaurant;



"Drive-through facilities" means a development that is accessory to the principal use, where services are provided to patrons who are in a motor vehicle and includes a drive through window, queuing lanes and may have outdoor speakers provided. Principal uses include use categories such as financial institutions and restaurants.



"Driveway" means an area that accommodates vehicular access from a garage, car port or other parking area, to a private or public roadway;



"Duplex dwelling" means a building designed and built for one dwelling unit placed over the other, or containing two dwelling units side-by-side, where each dwelling unit has its own separate entrance, and where dwelling units are separated by a firewall. Side-by-side dwelling units are also often referred to as semi-detached dwellings;



"Dwelling accommodation" means one or more dwelling units in a building or on a site which also contains non-residential uses;



"Dwelling unit" means a set or a suite of rooms used as a residence by one or more persons, and contains a kitchen, living, sleeping and sanitary facilities;



2.5 E



"Easement" means a right to use land generally for access to other property or as a right-of-way for a public utility;



"Entertainment establishment" means a development where indoor entertainment is provided to the public, either exclusively or in combination with other activities, and may include live/dinner theater, a theater/cinema, or a bowling alley, and does not include amusement arcades or bingo or casino facilities;



"Entrance" means the main access point to a site or building that is generally oriented to the main street and serves a point of entry function;



"Environmental reserve" means land specified to be environmental reserve or environmental reserve easement by the Subdivision Authority pursuant to the Municipal Government Act (MGA);



"Existing" means existing as of the date of adoption of this Bylaw;

"Extensive agricultural" means systems of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock either separately or in conjunction with one another in unified operations and includes buildings and other structures incidental to the operation;



2.6 F

"Fence" means a vertical physical barrier constructed to provide visual screening or to prevent unauthorized access;

"Financial institution" means a bank, trust company, credit union, or similar establishment;

"Flood fringe" means the area in the flood risk area where floodwaters are shallower and move more slowly. Development in the flood fringe may be permitted provided that it is adequately flood-proofed;

"Flood risk area" means the area which would be inundated by a 1:100 flood, or which has a 1% chance of being equaled or exceeded in any year;

"Floodway" means the area in the flood risk area with the greatest risk. Floodway waters are the deepest and most destructive. New structures and development prone to flood damage are not permitted;

"Floor area" means the gross floor area defined by the outside dimensions of the building for each floor from the centre line of a firewall or walls in the case of a building bay;

"Food processing and packaging" means a development other than a specialty food store, or restaurant, in which agricultural products are prepared, processed, preserved, packaged, graded or stored for eventual human consumption and includes services such as a flour mill, a bakery production facility, an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones. These operations are intended to primarily use agricultural products that are produced on site and shall have minimal off-site impacts such as such as noise, odour, surface or groundwater pollutants, earthborne vibrations, heat, or high brightness light sources;

"Four-plex" means a single building comprised of four dwelling units with each unit having direct entrance from outside;

"Funeral home" means a use or development where the principal use is to arrange and provide funeral services and the preparation of the deceased for burial or cremation but does not include a crematorium;



2.7 G

"Garage" means a private accessory building designed and used for storage of motor vehicles and includes a carport;

"Garden centre" means a development providing for the retail sale of bedding, household and ornamental plants, and associated merchandise, and may include display gardens. This use does not include on-site outdoor cultivation or propagation of plants. This use does not include retail cannabis stores or cannabis production and distribution facilities;

"Gas bars" means premises used or intended to be used for the sale of fuel, lubrication oils and associated automotive fluids only. This use class does not include service stations;

**"Grade"**

- a) In residential districts means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls;
- b) In all other districts means the elevation, established by the Municipal Engineer, of the crown of the abutting street. In the event that two grades are involved, the average of the two shall be used as the grade for the site;

"Gross floor area" means the total floor area of each floor of a building excluding the basement measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the centre line of the common firewall;

"Group home" means a development consisting of the use of a building as a facility which is authorized by a public authority to provide room and board for three (3) residents or more, exclusive of staff or the receiving household, 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. This does not include extended medical treatment services such as drug and alcohol addiction treatment centers' or correctional group homes used as custodial facilities.

2.8 H

"Habitable floor area" means the total area used for habitation including kitchen, bathroom, hallway, bedrooms, living room, stairways and closets;

"Height" means, when used with reference to a building or structure, the vertical distance measured from grade level to the highest point of a building or structure, 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 flag pole, antenna or similar device not structurally essential to the building. In the case of sites with varying grades, the average of the four corners of the building may be used to calculate building height;

"Home occupation" means a commercial use within a residential building which is incidental and subordinate to the principal residential use of the building and meets the special requirements of this Bylaw. This use does not include automotive related uses, cannabis consumption establishments, cannabis production and distribution facilities, kennels, or retail cannabis stores;

Home occupations are divided into two categories:

- a) Minor - home occupations are those which do not employ any person outside of the home, nor generate traffic uncharacteristic of the area, nor extend beyond the confines of the residential unit, and
- b) Major - home occupations are those which may utilize accessory buildings, employ up to two persons and may not generate traffic uncharacteristic to the neighbourhood or visible outside storage;





2.9

I

"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;

- a) The manufacturing, fabricating, processing, assembly or disassembly of raw, and or finished materials, projects and or equipment, provided live animals are not involved in any aspect of the operation;
- b) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or the cleaning, servicing and repair of goods and equipment associated with household use, where such operations have impacts that would typically make them incompatible in non-industrial land use districts;
- c) The offices or workshops of contractors engaged in either building trades and services, or road and utility construction;
- d) The storage or trans-shipping of materials, goods and equipment;
- e) The crushing, dismantling, sorting or processing of discarded goods, provided these activities do not involve chemicals or the application of heat;
- f) The warehousing, shipping, and distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to general retail stores or other sales use classes defined in this Bylaw for resale to individual customers; provided the gross floor area of the warehouse is less than 20,000 square meters
- g) Dismantling and separating into parts of any article, machinery or vehicle;
- h) The analysis, researching, development or testing of materials or substances in a laboratory;
- i) The repair, service or refurbishment of furniture, electronic equipment and appliances that are used in the home;

"Industrial use, minor" means a use where all of the processes and functions associated with the use are contained within a fully enclosed building and where no dust or vibration is seen or felt outside of the building containing the use. This use may involve one or more of the following activities:

- a) The manufacturing, fabricating, processing, assembly or disassembly of raw, and or finished materials, projects and or equipment, provided live animals are not involved in any aspect of the operation;
- b) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or the cleaning, servicing and repair of goods and equipment associated with household use, where such operations have impacts that would typically make them incompatible in non-industrial land use districts;



- c) The offices or workshops of contractors engaged in either building trades and services, or road and utility construction;
- d) The storage or trans-shipping of materials, goods and equipment;
- e) The crushing, dismantling, sorting or processing of discarded goods, provided these activities do not involve chemicals or the application of heat;
- f) The warehousing, shipping, and distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to general retail stores or other sales use classes defined in this Bylaw for resale to individual customers;
- g) Dismantling and separating into parts of any article, machinery or vehicle;
- h) The analysis, researching, development or testing of materials or substances in a laboratory;
- i) The repair, service or refurbishment of furniture, electronic equipment and appliances that are used in the home;

"Issue" means the date a development permit or an order is dated and signed by the Development Officer in the course of their duties;

2.10 K

"Kennel" means any person, group of persons or corporation harbouring more than two (2) dogs and engaged in the business of breeding, buying, selling or boarding dogs;



2.11 L

"Landscaped area" means an area designed, constructed and laid out so as to maintain, change or modify the natural features of a site so as to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing, walks and may also be referred to as "landscaping";

"Lane" means a public thoroughfare with a right-of-way width of not greater than 9 m (29.53 ft.) and not less than 6 m (19.68 ft.) which provides a secondary means of access to a site or sites;

"Loading space" means a space for parking a commercial vehicle while being loaded or unloaded;

"Local authority" means:

- a) A council; or
- b) A school authority; or
- c) A health authority; or
- d) The board of directors of an irrigation district; or
- e) The board of trustees of a drainage district; or
- f) When a joint committee is established pursuant to the Municipal Government Act (MGA) to construct, own, maintain or operate or do any other matter or thing with respect to a public utility, the joint committee;



2.12 M

"Manufactured home" means a single detached residential unit or structure that is manufactured or prefabricated and which is moved on to the site intact or in sections and which provides year round living accommodation for one or more persons and can be connected to utilities;

"Manufacturing plant" means a development engaged in secondary processing, assembly and packaging where no excessive atmospheric emissions, vibrations and noise are produced, and the use does not create an excessive load on municipal utilities. Limited product display, retail sales, offices and instructional classes accessory to the principal use may be permitted in this use class. The use does not include a cannabis production and distribution facilities;

"Market" means a development where a group of individual vendors provide goods for sale directly to the public, such as food products, handcrafted articles, or second hand goods, sold either indoors or outside of a building, and where vendors can change in a frequent or seasonal basis;

"Market garden" means a development providing for the production and retail sale of agricultural products and is limited to market gardens, tree and flower nurseries and similar specialty agricultural uses;

"Medical clinic" means a public or private medical, surgical, physiotherapeutic or other human health clinic regularly staffed by practicing physicians, dentist or other qualified medical practitioners;

"MGA" means the Municipal Government Act, and its amendments.

"Mini-storage warehouse" means a development that provides walk in size cubicles for public rent for the storage of goods;

"Mixed use residential commercial" means a building used partly for residential and partly for non-residential uses.

"Mobile home" means a non-motorized transportable dwelling unit designed to be readily relocatable. This does not include recreational vehicles;

"Motel" means a building or group of buildings on a site providing separate sleeping units 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;



"Moved-in dwelling" means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site. For the purposes of this bylaw, a moved-in dwelling does not include a "manufactured home", "modular home", "ready-to-move home", motor home, travel trailer, recreation vehicle and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

"Municipality" means:

- a) The Municipal Corporation of the Town of Turner Valley; and
- b) 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;



2.13 N

"Nonconforming building" means a building:

- a) That is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- b) That on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

"Nonconforming use" means a lawful specific use:

- a) Being made of land or a building or intended to be made of a building lawfully under construction, at the date a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective; and
- b) That on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw;

2.14 O

"Office" Means a building or development primarily used for the provision of professional, management, administrative and consulting services. Typical uses include the offices of lawyers, accountants, engineers and architects; offices for real estate, telephone answering; catalogue, mail order or order sales offices where no stock or merchandise is retained or stored on the premises except as may be used for display or showroom purposes and similar other like uses;



2.15 P

"Parapet" means a low wall or railing to protect the edge of a roof;

"Parcel" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in the Land Titles Office;

"Parking lot" means development providing public vehicular parking as the principal use;

"Permanent residence" is a dwelling house which is permanently affixed to the property;

"Permitted use" means the use of land or of a building which is listed in the Land Use Rules section for each district as "Permitted Uses" and for which, when it meets the applicable provisions of this Bylaw, a development permit shall be issued;

"Personal service shop" means a development used for the provision of services to a household and includes services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. Typical uses include barber shops, beauty parlors, tailors, dressmakers, shoe repair shops, dry cleaning establishments, laundromats, pet grooming shops, photographic studios, small appliance repair and service shops and instructional classes and may include accessory retail sales;

"Poultry farm" means any person, group of persons or corporation harboring poultry of any kind and engaged in the business of breeding, buying or selling poultry and/or its byproducts;

"Prefabricated dwelling" means a dwelling unit or portions of a dwelling unit that is built in a factory or portions of dwelling units that are built in a factory or location other than on the lot intended for occupancy; includes modular, ready-to-move and panelized dwellings; manufactured in accordance with CSA and the Alberta Building Code, is transportable in one or more sections; is not constructed with a permanent hitch, chassis or other device allowing transport of the unit other than for the purpose of delivery to a permanent site.

"Principal building" means a building, which in the opinion of the Development Authority:

- Occupies the major or the central portion of a site; or
- Is the chief or the main one among the buildings on the site; or
- 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 Authority, constitutes the primary purpose for which the site is used;



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



"Private recreational facilities" means any development providing amusement, active or passive recreation, and enjoyment for members, guests or customers of the site on which the development is situated. Typical developments would include, but not be limited to, athletic facilities such as swimming pools, squash, tennis and racquetball courts, golf courses, table or electronic games, bowling alleys, picnic areas or similar recreational activities;



"Private swimming pool" means any outdoor pool having a depth of at least two (2) feet and a water surface area of at least one hundred and fifty (150) square feet, which is used or intended to be used, as a swimming or bathing pool in connection with a residence and available only to the family and private guests of the householder;



"Provincial health care facility" means an approved hospital as defined in the Hospitals Act, RSA 2000, c. H-12;



"Public and quasi-public installation and facilities" means buildings including utility buildings or utilities owned or operated by or for the Municipality, the Provincial Government, the Federal Government or a corporation under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the Municipality;



"Public park" 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 park land, 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, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features;



"Public recreational facilities" means any development providing amusement, active or passive recreation and enjoyment, to the citizens of a Municipality and any such facility that is owned and operated by the Municipal, Provincial or Federal Government;



"Public utility" means any municipal revenue-earning work or utility, and includes the municipal:



- a) Telephone system;
- b) Waterworks system;
- c) Bus lines or other transportation system;
- d) Irrigation system;
- e) Systems for the distribution of gas, whether natural or artificial;
- f) Heating systems; and
- g) Sewage system, and the commodity supplied by any public utility;



"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;



2.16 Q

“Professional” means an individual acting alone or together with another professional in a similar or different field within their area of expertise to undertake or complete an assessment, study, plan, tool, or other such process;



2.17 R

“Recreational vehicle” means a vehicle which is, or was originally designed to travel or to be transported on a highway and constructed or equipped to be used as temporary living or sleeping quarters by travelers, or a vehicle designed as a recreational conveyance on or off the highway without limiting the generality of the foregoing includes a trailer, travel trailer, tent trailer, coach, camper, motor home but not a mobile home. This use class does not include manufactured homes;



“Recreational vehicle sales and services” means a development intended to be used for the selling, leasing, renting, servicing, and repairing of recreational vehicles and may include the sale of parts and accessories;



“Recreational vehicle storage” means a development where recreational vehicles are stored when they are not in use, and does not include sales, leasing, renting, servicing or repair. This use does not accommodate the storage of any dilapidated vehicles and does not involve the production, display or sale of vehicles;



“Religious institution” means a development where people assemble for religious or spiritual purpose that may have a Child Care Facility within the building, may have office space(s), a food preparation area, rehearsal space, kitchen and seating area available for the users of the use. This may also include ancillary dwelling unit for the user;



“Restricted livestock grazing” means the keeping and rearing of livestock where the number of grazing livestock that may be kept on the site shall be limited based on Animal Units (as outlined in Section 4.1.21);



“Retail cannabis store” means a retail store, licensed by the Province of Alberta to sell cannabis and cannabis accessories. Offices and instructional classes accessory to the principal use may be permitted. This use does not include cannabis production and distribution facilities or cannabis consumption establishments;



“Retail food store” means the use of a building or a portion thereof with a gross floor area in excess of 465 square metres, for the sale of foodstuffs for consumption off premises and includes a supermarket, but does not include a convenience store;



“Retail store” means a use where goods, wares or merchandise are stored, offered or kept for sale or rental and includes storage on or about the store premises of limited quantities of such goods, wares, or merchandise sufficient only to service such store but does not include any retail outlet otherwise listed or defined in this Bylaw. This use includes, but is not limited to, second hand shops, liquidation stores, food stores, drug stores, clothing stores, sporting goods stores, and other similar uses. This use does not include retail cannabis stores;



“Retail store, liquor” means a development which sells alcoholic beverages for consumption off-site and that has been licensed by the Alberta Gaming and Liquor Commission;





2.18 S

"Salvage yard" means land or development where vehicles, tires and vehicle components are disassembled, repaired, stored or wrecked, primarily for parts or scrap metal re-sale;

"School" means a structured learning environment through which an education program is offered to a student by:

- a) A board;
- b) An operator of a private school;
- c) An early childhood services program private operator;
- d) A parent giving a home education program; or
- e) The Minister of Alberta Education;

"Schools or colleges, commercial" means a development used for training and instruction in a specific trade, skill, service or artistic endeavor. This use does not include separate or public schools. Typical examples include secretarial, business, hairdressing, beauty culture, dancing or music schools;

"Screening" means a fence, earth berm or hedge used to visually separate areas or functions, which in the opinion of the Development Authority, detract from the urban street or neighbouring land uses;

"Secondary suite" means a self-contained dwelling unit on a site that is within, or accessory to, the principal dwelling unit on the site. A secondary suite has a kitchen, living, sleeping and sanitary facilities that are separate from those of the principal dwelling. A secondary suite also has a separate entrance from the entrance of the principal dwelling, either from a common indoor landing or directly from the exterior of the dwelling. A secondary suite can be located in:

- a) A basement suite or upper floor suite;
- b) A garden suite (at grade, single-storey secondary suite, accessory to the primary building);
- c) An attached garage suite; or
- d) An above detached garage suite;

"Service station" means an establishment for the sale of fuel, lubricating oils and associated automotive fluids, and may also include an accessory service and repair facility, sales of automotive parts, a car wash for the washing and cleaning of no more than one vehicle at a time, a towing service or a convenience store;



"Shipping container" means a prefabricated metal container or box designed to facilitate the transport of goods and materials by a variety of modes of transport, such as rail, ship, or truck. These containers are commonly referred to as a cargo or freight container, ISO container, sea or ocean container, sea van or Conex box, intermodal container, sea can, or c-can. A shipping container may only be used for storage of goods and materials accessory to the principal use of a site;

"Sign" means anything that serves to indicate the presence or the existence of something, including but not limited to, a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to identify, to advertise or to give direction;

- a) **"Sign, advertising"** means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed. This may include, but is not limited to, billboards, banners, balloons, and sandwich boards;
- b) **"Sign, awning and canopy"** means a sign which is attached to, or constructed in, or on the face of, an awning or canopy. This may include a retractable, cloth like, or lightweight metal shelter, projecting from a building;
- c) **"Balloon"** means an inflated, three- dimensional device that is affixed or anchored to the ground or a structure;
- d) **"Sign, banner"** means a sign of lightweight, flexible fabric or material mounted to a pole, structure or building and does not include national, provincial or municipal flags;
- e) **"Sign, billboard"** means a sign where advertising matter is set in view and which advertising does not apply to the premises upon the site that the sign is maintained. The advertisement copy is pasted, glued, painted or otherwise fastened to permit its periodic replacement;
- f) **"Sign, changeable message"** means any sign type that has a changeable message whether the message is changed electronically or manually, which typically include, but are not limited to, signs with mechanically controlled time and temperature displays;
- g) **"Sign, fascia"** means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached but does not include an advertising sign;
- h) **"Sign, freestanding"** means every sign supported independently of a building, wall or structure, but does not include a temporary sign. It is supported by one or more columns, uprights or braces in or upon grade;
- i) **"Sign, projecting"** means a sign other than a canopy or awning sign which projects from a structure or a building face or wall;
- j) **"Sign, roof"** means any sign erected upon, against, or above a roof or a parapet of a building;
- k) **"Sign, sandwich"** means a self-supporting A-Shaped sign which is set upon the ground;
- l) **"Sign, temporary"** means a portable sign intended only to be used on a temporary basis for a period of time not to exceed three (3) months, including advertising signs;
- m) **"Sign, window"** means and includes any sign painted on, attached to, or placed inside a window for the purposes of viewing from outside the premises;



"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 and purpose to a use listed as a permitted or discretionary use in the district in which such use is proposed and where this Bylaw has expressly authorized the Development Authority to consider applications for "similar uses";

"Single detached" means a development consisting of a building containing only one (1) dwelling, which is separate from any other dwelling or building;

"Site" means an area of land on which a building or use exists or for which an application for a development permit is made;

- a) **"Site area"** means the total horizontal area of a site;
- b) **"Site, corner"** means a site when the front and a side property line abut one or more street(s);
- c) **"Site, depth"** means the horizontal distance between the midpoints of the front and rear property lines of a site;
- d) **"Site plan"** means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;
- e) **"Site, width"** means the average horizontal distance between the side property boundaries;

"Sour gas" means gas containing hydrogen sulphide in concentrations of 10 or more moles per kilomole;

"Sour gas facility" means:

- a) Any of the following, if it emits, or on failure or on being damaged may emit, sour gas:
- b) A gas well as defined in the Oil and Gas Conservation Regulations (Alta. Reg. 151/71);
- c) A processing plant as defined in the (Oil and Gas Conservation Act);
- d) A pipeline as defined in the (Pipeline Act);

"Special event" means an organized public activity that is temporary in nature and where, in the opinion of the Development Authority, it is in keeping with the purpose and intent of the land use district within which it is located and poses no risk to adjacent buildings and or surrounding land uses resulting from scale, traffic, or interface. Examples of this use may include organized sporting events, community festivals, trade shows, ceremonies, and outdoor faith services;

"Specialty food store" a use, building, or part of a building that specializes in a specific type or class of food production, processing or packaging such as a butcher shop, delicatessen, bakery, fish monger, and similar foods, and where live animals are not involved in the processing of the food. The food products associated with the use may be sold on the premises;

"Storage yard" means a site on which the principal use is the outside storage of parts, materials, equipment, vehicles and other like items;





"Storey, first" means the storey with its floor closest to grade and having its ceiling more than 2 m (6.56 ft.) above finished grade;

"Storey, second" means the storey located immediately above the first storey;

"Street" means a public thoroughfare with a right-of-way width of not less than 15 m (49.21 ft.) which provides a primary means of access to a site or sites;

"Street, collector" means a public thoroughfare with a right-of-way width of 19.5 m (63.98 ft.) or greater;

"Subdivision and development appeal board" means a Subdivision and Development Appeal Board appointed pursuant to the Municipal Government Act (MGA) and amendments thereto;

"Subdivision Authority" means the subdivision approving body appointed by Council and pursuant to the Municipal Government Act (MGA) and the Subdivision and Development Regulation;



2.19 T

"Temporary" means a period of time up to one year;

"Temporary camping" means a stay of no more than fourteen (14) days on private property with a permanent residence that involves one recreational vehicle.

"Telecommunication antenna structures" means the development of a communication facility regulated by Industry Canada for the purposes of transmitting information, including radio towers, television, microwave and cell towers and associated accessory structures;

"Theater" means a facility with fixed seating designed to show movies, plays, musicals or other similar entertainment activities;

"Tourist campsites" means development of lands 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;

"Truck terminal" means a development used for the purpose of storing and dispatching trucks and tractor trailers for transporting goods;

2.20 U

"Utility" means any one or more of the following:

- a) Systems for the distribution of gas, whether artificial or natural;
- b) Facilities for the storage, transmission, treatment, distribution or supply of water;
- c) Facilities for the collection, treatment, movement or disposal of sanitary sewage;
- d) Storm sewer drainage facilities;



- e) Any other things that may be prescribed by the Lieutenant Governor in Council by regulation;

"Utility services, major" 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" 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.



2.21 V



"Veterinary clinic" means a facility for the medical care and treatment of small animals, for example, cats, dogs, rabbits and includes provisions for their overnight accommodation but does not include kennels, runs or enclosures;



"Veterinary clinic - large animals" means a facility for the medical care and treatment of large animals for example horses, cattle, goats and includes provision for their overnight accommodation in indoor facilities on site.



2.22 W



"Warehouse" means a development used for the indoor storage of materials, products, goods or merchandise and where areas of the site are used for the movement of transportation trucks on and off and within the parcel. Limited product display, retail sales and offices accessory to the principal use may be permitted in this use class provided the cumulative area of the accessory uses does not exceed 15% of the gross floor area. This use does not include cannabis production and distribution facilities or retail cannabis stores;



"Woodworking" means an establishment for the sale, fabrication and construction of products made from wood and shall include an on-site sales and/or display area. This does not include sawmills or lumber yards.



"Workshop" means a building where manufacturing is performed by skilled tradesmen and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, welder's shop, or similar uses.



2.23 Y



"Yard" means an open space onsite, unoccupied and unobstructed;

- a) **"Yard, front"** means the yard which extends in width between the side property lines of a site and in depth from the front property line of the site to the front yard setback as prescribed in the district and is determined by the majority of sites fronting on a street;



- b) "**Yard, rear**" means the yard which extends in width between the side property line of a site and in depth from the rear property line to the rear setback as prescribed in the district;
- c) "**Yard, side**" means the yard which extends in depth from the front property line to the rear property line and in width from the side property line to the side yard setback as prescribed in the district.





PART 3

ADMINISTRATIVE REQUIREMENTS & AUTHORITY

GENERAL ADMINISTRATION



DEFINITIONS



ADMINISTRATIVE REQUIREMENTS & AUTHORITY



GENERAL LAND USE REGULATIONS & PROVISIONS



ESTABLISHMENT OF LAND USE DISTRICTS



RESIDENTIAL DISTRICTS



COMMERCIAL DISTRICTS



INDUSTRIAL DISTRICTS



OPEN SPACE DISTRICTS



DIRECT CONTROL DISTRICTS



PARKING REGULATIONS



SIGNAGE CONTROL



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3.0 ADMINISTRATIVE REQUIREMENTS & AUTHORITY



3.1 DEVELOPMENT PERMITS



3.1.1 DEVELOPMENTS REQUIRING A DEVELOPMENT PERMIT



- 3.1.1.1 Except as provided in Section 3.1.2 of this Bylaw, no person shall undertake any development unless:
- A development permit has first been issued pursuant to this Bylaw;
 - The development is proceeded with in accordance with the terms and conditions of a development permit issued in respect of the development; and
 - A building permit has been obtained when a building so requires.



3.1.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT



- 3.1.2.1 A development permit is not required in respect of the following developments but they shall otherwise comply with the provisions of this Bylaw and must be carried out or performed in accordance with all other applicable legislation, regulations and bylaws:



- Works of maintenance, repair or alteration, on a structure, either internally or externally, if in the opinion of the Development Officer, such work does not include structural alterations or change the use or intensity of the use of the structure;
- Additions to the principal building, these additions may include steps, porches, balconies, that are less than 80 m² (861 sq. ft.) when they comply with the provisions of this Bylaw;
- The erection or demolition of accessory buildings having an area less than 10 m² (107.6 sq ft.)
- The completion of a building which was lawfully approved or under construction at the date this Bylaw comes into full force and effect, provided that:
 - The building is completed in accordance with the terms of any permit granted by the Municipality, subject to the conditions of that permit; and
 - 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;
- The use of any building referred to in Section 3.1.2.1 (d) for the purpose for which construction was commenced;
- The erection, construction, or the maintenance of gates, fences, walls or other means of enclosure less than 2 m (6.56 ft.) in height provided that the erection of such fence, wall or gate does not contravene any other provision of this Bylaw;



- g) The erection or installation of machinery needed in connection with construction of a building for which a development permit has been issued, for the period of construction;
- h) The construction and maintenance of that part of a public utility placed in or upon a public thoroughfare or public utility easement but not to include a public utility building;
- i) The use by the Municipality of land of which the Municipality is the legal or equitable owner for a purpose approved by a simple majority vote of Council in connection with any public utility carried out by the Municipality;
- j) The use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election referendum or plebiscite;
- k) The construction, maintenance and repair of retaining walls 0.3 m (1.00 ft.) or less in height, private walkways, private pathways, private driveways, and similar works;
- l) The stripping or stockpiling of soil, the construction of Municipal streets and lanes, the installation of utilities and the grading of the site when the site is subject of an approved land subdivision for which a development agreement has been duly executed, or Council has authorized the undertaking of street and land construction;
- m) Subject to application for business license and health regulations food peddlers shall be permitted in commercial districts;
- n) A maximum of one (1) special event hosted in a residential district per calendar year, where each event is held for a maximum of three (3) consecutive days, or less. The event must be taken down and removed from the location immediately once the maximum number of days have been reached. Time required for set up and take down are not considered part of the event.
- o) A maximum of eight (8) special events hosted in a non-residential district per calendar year, where each event is held for a maximum of four (4) consecutive days, or less. The event must be taken down and removed from the location immediately once the maximum number of days have been reached. Time required for set up and take down are not considered part of the event.
- p) The erection of a shipping container that is temporary, and for construction purposes only, in any zone if a valid building permit has been issued. The removal of the shipping container is required once construction is completed.
- q) The erection of the following types of signage or actions pertaining to existing signage on a property:
 - i) As a condition of a development agreement, one temporary free standing sign shall be permitted which is intended only for the sale of parcels and/or buildings within a comprehensively designed subdivision;
 - ii) One (1) temporary sandwich sign erected only during the open hours of operation of a business, agency, or organization. These signs shall not be erected outside of open hours;
 - iii) An official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;



- iv) Revisions to existing signage for which a development permit has been previously issued to reflect a change in business name;
- v) One (1) temporary, onsite freestanding or fascia sign which does not exceed 0.6 m² (6.45 sq. ft.) in area and 1.2 m (3.94 ft) in height in the Residential districts and 1.5 m² (16.14 sq. ft.) in area and 1.2 m (3.94 ft) in height in all other districts and is intended for:
 - Advertising the sale or lease of a building or property; or
 - Identifying a construction or demolition project for which a development permit has been issued for such a project; or
 - Identifying a political campaign: such a sign may be displayed for thirty (30) days prior to an election or referendum and must be moved within seven (7) days following the election or referendum; or
 - 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; or
 - Advertising of a home occupation business;
- vi) To identify municipal buildings, control traffic, or indicate street names;
- vii) Signs to regulate on-site traffic circulation and parking;
- viii) One (1) non-illuminated fascia sign that states the name, address, and number of a building and does not exceed 0.6 m² (6.45 sq. ft.) in area and 1.2 m (3.94 ft) in height in the R-1, RR, R-2 and 1.5 m² (16.15 sq. ft.) in area and 1.2 m (3.94 ft) in height in all other districts;

3.1.3 DEVELOPMENT AGREEMENT

The Development Authority or the Subdivision and Development Appeal Board may require, as a condition of issuing a development permit, that the developer enter into a Developer's Agreement with Council. In accordance with the MGA, the agreement may be caveatied against the title of the affected parcel(s) and must be discharged when the agreement has been complied with.

3.2 APPLICATION FOR DEVELOPMENT PERMIT

3.2.1 INFORMATION REQUIRED FOR A DEVELOPMENT APPLICATION

Where applicable, an application for a development permit shall be made by the owner or authorized agent of the site. The application form must be signed by both the owner and authorized agent and submitted to the Development Officer. The following information shall accompany the prescribed form;

- a) Site plans, drawn to scale showing:
 - i) Legal description of the site;
 - ii) Dimensions of the site;
 - iii) Floor plans, elevations, and exterior finishing material;
 - iv) Utilities, site drainage, existing and proposed site grades, the grades of the streets and sewer servicing the property including the elevations of top of curb or sidewalk and site corners;



- v) The height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls greater than 0.3 m (1.00 ft.) in height, trees, landscaping, curbs, gutters, sidewalks and other physical features;

On applications for comprehensive residential development, apartments, rowhouse dwellings, commercial, industrial, recreational and institutional uses:



- b) Applications for dwellings and public facilities may be required to identify sour gas facilities that are located within 1.5 km (0.93 mi.) of the proposed development;
- c) Loading and parking provisions and access locations to and from the site;
- d) Garbage and storage areas and the fencing and screening proposed for same;
- e) Location and approximate dimensions of all existing and proposed trees, shrubs, play structures, and other private amenities;
- f) Information describing any noxious, toxic, radioactive, flammable or explosive materials proposed:
 - i) Where applicable, the location of existing and proposed wells, septic tanks, disposal fields, culverts and crossings;
 - ii) Where applicable, the cutting down or removal of trees;
- g) On applications for signs, a replica of the proposed sign drawn to scale;
- h) A statement of ownership of the land and intent of the applicant therein;
- i) The estimated commencement and completion dates;
- j) Development permit fee as prescribed by Resolution of Council;
- k) Parking spaces for applications on single detached dwellings or duplex dwellings;
- l) Such additional information as the Development Officer may deem necessary;
- m) The Development Officer may require additional copies of the application or of plans and specifications.



3.2.2 DEVELOPMENT APPLICATIONS DEEMED COMPLETE

- 3.2.2.1 The application shall not be deemed complete until all required details have been submitted to the satisfaction of the Development Authority.
- 3.2.2.2 The Development Authority shall consider an application for a development permit and deem it complete within twenty (20) days from the date of submission, in accordance with the MGA.
- 3.2.2.3 If the Development Authority does not identify which items are required in order to deem the application complete within the twenty (20) day period, the application will be deemed complete.
- 3.2.2.4 Notwithstanding 3.2.1, the Development Authority may request additional information it considers necessary during the decision making process.



3.2.3 DEVELOPMENT APPLICATIONS DEEMED INCOMPLETE

- 3.2.3.1 If the application is deemed incomplete, the applicant may provide the outstanding information as identified by the Development Authority to complete the application.
- 3.2.3.2 If the required information is not provided as requested by the Development Authority, the application will be deemed incomplete.



3.3 DECISION PROCESS



3.3.1 DECISIONS ON PERMITTED & DISCRETIONARY USES

- 3.3.1.1 A development permit does not come into effect until twenty one (21) days after the date the approval is publicized as described in Section 3.3.3.
- 3.3.1.2 In making decisions on development permit applications for "Permitted Use" the Development Officer shall approve an application for a development permit, with or without conditions, where:
 - a) The proposed use of the site is a permitted use in the district for which the site is designated; and
 - b) The proposed development conforms in every respect to the regulations of the district and this Bylaw, or within the variance provisions as described in Section 3.3.2;
 - c) And thereafter shall provide notice in accordance with Section 3.3.3.2.
- 3.3.1.3 In making a decision on an application for a development permit for a "Discretionary Use" or a variance to a regulation the Development Authority may:
 - a) Approve the application; or
 - b) Approve the application subject to conditions and restrictions considered appropriate or necessary; or
 - c) Refuse the application;
 - d) And thereafter shall provide notice in accordance with Section 3.3.3.2. The Development Authority may make additional notification for decisions on Discretionary Uses as described in Section 3.3.3.3.
- 3.3.1.4 The Development Authority shall refuse an application for a development permit which does not meet the requirements of this Bylaw, unless a variance is granted subject to Section 3.3.2.
- 3.3.1.5 When the Development Authority refuses an application for a development permit, the decision shall outline the specific reasons for the refusal, and the time periods in which the applicant can make an appeal and to whom.
- 3.3.1.6 Where an appeal is made pursuant to Section 3.4 of this Bylaw, a development permit which has been granted shall not come into effect unless a decision has been made on the appeal by the Subdivision and Development Appeal Board.



- 3.3.1.7 The Development Authority shall not issue a permit for a development which is to be serviced by private sewer and water system until the systems have been approved by the appropriate Municipal and Provincial departments.
- 3.3.1.8 The Development Authority shall consider and decide on applications for development permits, and issue a Notice of Decision, within forty (40) days of the receipt of the application in its complete and final form.
- 3.3.2 **VARIANCES**
- 3.3.2.1 Unless a specific provision of this Bylaw provides otherwise, the Development Authority may allow a variance as a condition of a development permit if:
- The development does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring properties;
 - The development conforms with the use prescribed for that land or building in the Land Use Bylaw;
 - The variance is a result of an error in the situating of a building or structure, and the rectifying of the error would create unnecessary hardship to the property owner;
 - The variance is expressed to be a condition of development permit approval and is specifically mentioned in public notices of the Development Permit approval;
 - The variance would not cause hardship to bring the subject building(s) or structures(s) into compliance with the requirements of the Safety Codes Act, the Alberta Building Code and the Alberta Fire Code; and
 - That notice is given as per Section 3.3.3.
- 3.3.2.2 The Development Officer may allow a minor variance of up to 10% or less without advertising, posting or notification to the adjacent/affected landowners to any or all of the following requirements when considering development permit applications and request for compliance certificates where in the Development Authority's discretion, such variance does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring properties:
- The front yard setback;
 - The side yard setback;
 - The rear yard setback; and
 - The height of building requirement.
- Variances greater than 10% are to be reviewed by the Municipal Planning Commission and may be allowed in accordance with Section 3.3.2.1.
- 3.3.2.3 The Development Officer may issue a Compliance Certificate, granting a variance to a maximum of 10% in accordance with Section 3.3.2.2 provided that:
- The terms and conditions of any permit relating to the land and development have been met to the satisfaction of the Development Officer;
 - The development does not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring properties;



- c) The development conforms with the use prescribed for that land or building in the Land Use Bylaw; and
- d) That notice is given as per Section 3.3.3.

3.3.2.4 In all districts the parking and loading requirements for a site may be varied by the Development Officer where the potential amount of parking and loading on the site has been maximized, and/or proof has demonstrated through completion of a parking study by a qualified professional that fulfillment of the requirements outlined in **Table 1, Part 11** of this bylaw are not necessary, to the satisfaction of the Development Authority.

3.3.2.5 The Development Authority may not vary the separation distances set out in Section 4.1.18.

3.3.3 ISSUANCE & NOTIFICATION OF DEVELOPMENT PERMIT

- 3.3.3.1 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.
- 3.3.3.2 When an application for a development permit is approved for a permitted or discretionary use with or without conditions, the Notice of Decision shall be sent by ordinary mail to the applicant and a notice shall be posted where highly visible on the property for which the application has been made.
- 3.3.3.3 In addition to Section 3.3.3.2 and at the discretion of the Development Authority a Notice of Decision may be:
 - a) Sent by ordinary mail to all owners of land on record at the municipal office within 60 m (196.85 ft.) of the site.
 - b) Published in a newspaper circulating in the Municipality. Such notice shall indicate the legal description, municipal address, the nature of the development, the right of appeal and to whom appeal should be served.
- 3.3.3.4 When an application for a development permit is refused, the Notice of Decision shall be sent by ordinary mail to the applicant.
- 3.3.3.5 For purposes of this Bylaw, Notice of Decision of the Development Authority 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 refusal on an application for a development permit, the date that Notice of Decision is sent by ordinary mail to the applicant;
 - b) All other cases, when the Notice of Decision is posted on the property for which the application has been made.
- 3.3.3.6 A development permit shall not be issued until twenty one (21) days after the Notice of Decision has been given pursuant to Section 3.3.3.2.



- 3.3.3.7 When an appeal is made pursuant to the MGA, a development permit which has been approved shall not be issued unless and until the decision of the Development Authority is upheld by the Subdivision and Development Appeal Board.

3.3.4 DEVELOPMENT PERMIT RE-APPLICATION

- 3.3.4.1 When an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal pursuant to the MGA, the submission of another application for development permit on the same site for the same or for a similar use of the land by the same or any other applicant may or may not be accepted at the discretion of the Development Authority for at least six (6) months after the date of refusal.



3.3.5 EXPIRY OF A DEVELOPMENT PERMIT

- 3.3.5.1 If the development authorized by a development permit is not commenced within twelve (12) months from the date of its issue, and completed (see definition for completed) within twenty four months of issuance of the permit, the permit is deemed to be void unless the time for commencement or completion of the development is extended by the agency that made the decision. In the event that a permit is deemed void, the Municipality may take enforcement action in accordance with the MGA and this Bylaw to remedy any non-compliance with this Bylaw.
- 3.3.5.2 If all or portions of a development authorized by a development permit are not completed in accordance with the approval granted, the permit is deemed void. In the event that a permit is not completed in accordance with the approval granted, the Municipality may take enforcement action in accordance with the MGA and this Bylaw to remedy any non-compliance with this Bylaw and the approval granted.



3.4 APPEALING A DECISION

3.4.1 PERMIT DEEMED REFUSED

- 3.4.1.1 As pursuant to the MGA an application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereof is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Authority, unless the applicant has entered into an agreement with the Development Authority to extend the forty day (40) period, and the applicant may appeal in writing as provided in the MGA as though the applicant had received a decision of refusal.

3.4.2 RIGHT OF APPEAL

- 3.4.2.1 The person applying for the permit or affected by an order under the MGA may appeal to the Subdivision and Development Appeal Board, if a Development Authority:
- Refuses or fails to make a decision on a development permit within forty (40) days of receipt of a completed application;
 - Issues a development permit subject to conditions, or



- c) Issues a stop work order pursuant to the MGA.

3.4.2.2 Notwithstanding 3.4.2.1, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw are relaxed, varied or misinterpreted pursuant to the MGA.

3.4.2.3 The person who receives a written order to remedy pursuant to the MGA may request council to review the order by written notice within fourteen (14) days of the date the order is received.

3.4.2.4 Pursuant to the MGA, if a decision on a Direct Control permit is made by a Council, there is no appeal to the Subdivision and Development Appeal Board.

3.4.3

APPEAL PROCESS

3.4.3.1 An appeal by an applicant may be commenced by filing a notice of the appeal containing specific reasons, with the Secretary of the Subdivision and Development Appeal Board within twenty one (21) days after:

- a) Notification of the issuance of the development permit in writing by the Development Authority, or
- b) The forty (40) day period has expired.

3.4.3.2 An appeal by an affected person may be commenced by filing a notice of the appeal containing reasons, with the Secretary of the Subdivision and Development Appeal Board, within twenty one (21) days after the date on which the notice of issuance of the permit was posted in accordance with 5.3.2.

3.4.4

PUBLIC HEARING

3.4.4.1 Pursuant to the MGA, the Subdivision and Development Appeal Board must hold an appeal hearing within thirty (30) days of the receipt of a notice of appeal.

3.4.4.2 The Subdivision and Development Appeal Board must give at least five (5) days notice in writing of the hearing:

- a) To the appellant;
- b) To the applicant(s);
- c) To the Development Authority whose order, decision or development permit is the subject of the appeal; and
- d) To those owner(s) required to be notified under this Bylaw and any other person that the Subdivision and Development Appeal Board considers to be affected by the appeal and should be notified.
- e) Any other person or persons that the Board considers to be affected by the appeal.

3.4.4.3 The Subdivision and Development Appeal Board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including:

- a) The application for the development permit, the decision rendered by the Subdivision or Development Authority and the notice of appeal; or
- b) A stop work order(s) and or order(s) to remedy according to the MGA.

- 3.4.4.4 In 6.4.2 owner(s) refers to the person(s) shown as the registered owner of the land on the assessment roll.
- 3.4.4.5 At the hearing, the Subdivision and Development Appeal Board must hear:
- Appellant or any person acting on behalf of the appellant;
 - The Development Authority from whose order, decision or development permit the appeal is made, or the person acting on his/her behalf,
 - Any other person who claims to be affected and that the Subdivision and Development Appeal Board agrees to hear or someone acting on that persons behalf.
- 3.4.4.6 In determining an appeal, the Subdivision and Development Appeal Board:
- Must comply with the provincial land use policies, statutory plans and Section 3.4.4.6 c);
 - May confirm, revoke or vary the order, decision or development permit or any condition attached to it or may make or substitute an order, decision or permit of its own.
 - May make an order or decision or issue or confirm the issuance of a development permit even though the proposed development does not comply with this Bylaw if, in its opinion:
 - The proposed development would not:
 - Unduly interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - Interfere with or affect the use, enjoyment or value of neighbouring properties,
 - The proposed development conforms with the prescribed use for the land or building as defined in this Bylaw.
- 3.4.4.7 The Subdivision and Development Appeal Board must give its decision in writing together with reasons for the decision within fifteen (15) days of concluding the hearing.
- 3.4.5 COURT OF APPEAL**
- 3.4.5.1 Pursuant to the MGA, an appeal lies to the Court of Appeal on a question of jurisdiction or law with respect to:
- Decision of the Subdivision and Development Appeal Board, or
 - The Municipal Government Board on a decision of an appeal under Section 619 of the MGA, an inter-municipal dispute under Division 11 of the MGA or a subdivision appeal.
- 3.4.5.2 An application for leave to appeal pursuant to 3.4.5.1 must be made to a judge of the Court of Appeal within thirty (30) days after the issue of the decision sought to be appealed, and notice of the application must be given to:
- The Municipal Government Board or the Subdivision and Development Appeal Board, and
 - Any other person(s) that the judge directs.



3.5 APPLICATION FOR SUBDIVISION

3.5.1 REQUIREMENTS

- 3.5.1.1 A subdivision application shall include the following information:
 - a) A completed Subdivision Application form signed by the registered landowner;
 - b) A current copy of the Certificate of Title, to be no more than two weeks old;
 - c) The Plan of Subdivision or other instrument of subdivision;
 - d) Fee plus any additional fees for each lot being created.
- 3.5.1.2 The Subdivision Authority will not accept an incomplete subdivision application.
- 3.5.1.3 The Subdivision Authority may impose conditions of approval, including development agreements, as referred to in the MGA.
- 3.5.1.4 Subject to the provisions of the MGA, the Subdivision Authority may require land or cash in lieu for roads, public utilities, and municipal and school reserve.
- 3.5.1.5 A Subdivision Authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of:
 - a) A swamp, gully, ravine, coulee or natural drainage course;
 - b) That is subject to flooding or is, in the opinion of the Subdivision Authority, unstable, or
 - c) A strip of land, not less than 6 m (metres) in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of:
 - i) Preventing pollution, or
 - ii) Providing public access to and beside the bed and shore.
- 3.5.1.6 If the owner of a parcel of land that is the subject of a proposed subdivision and the Municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement, a caveat may be registered against the land in favour of the Municipality at a Land Titles Office.
- 3.5.1.7 The environmental reserve easement must:
 - a) Identify which part of the parcel of land the easement applies to, and
 - b) That land that is subject to the easement remain in a natural state as if it were owned by the Municipality.
- 3.5.1.8 The Plan of Subdivision shall:
 - a) Indicate the location, dimensions and boundaries of the land to be subdivided;
 - b) Clearly outline the land which the applicant wishes to register in a Land Titles Office;
 - c) Show the location, dimensions and boundaries of:
 - i) Each new lot to be created;

- ii) The reserve land, if any;
 - iii) The right-of-way of each public utility; other right-of-ways; and
 - iv) Building envelopes for each lot based in the applicable district;
- d) Show the location and dimensions of buildings on the land that is the subject of the application and specify whether the buildings are proposed to be demolished or moved, if any;
 - e) The location of any exiting or proposed railway lines or spur tracks.
- 3.5.1.9 The application may be made by means of an instrument other than Plan of Subdivision if:
- a) A parcel is to be subdivided into not more than two lots;
 - b) No public roadway or reserve land is required to be provided;
 - c) The Land Titles Registrar does not require a Plan of Subdivision.
- 3.5.1.10 Applications made by means of an instrument other than a proposed Plan of Subdivision shall include a sketch showing:
- a) The location, dimensions and boundaries of the land to be subdivided;
 - b) , And boundaries of each new lot to be created;
 - c) Location and dimensions of buildings on land that is the subject of the application and specify which buildings are proposed to be demolished or moved, if any.
- 3.5.1.11 The Subdivision Authority may also require an applicant to submit any or all of the following:
- a) A map of the land that is to be subdivided and shows topographic contours at not greater than 1.5 m intervals and related to the geodetic datum, where practicable;
 - b) If the proposed subdivision is not to be served by a water distribution system, the provision, availability and suitability of potable water on the land to be subdivided shall be demonstrated by an engineering assessment;
 - c) An assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table and suitability for any proposed onsite sewage disposal system;
- d) If the land that is the subject of an application is located in a potential flood plain and flood plain mapping is available, a map showing the 1:100 year flood zones;
 - e) If a proposed subdivision is not to be served by a wastewater collection system, the intended method of providing sewage disposal facilities to each lot in the proposed subdivision shall be demonstrated through an engineering assessment;
 - f) Information respecting the land use and land surface characteristics of land within 0.8 kilometres of the land proposed to be subdivided;
 - g) Any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 kilometres of a sour gas facility, a map showing the location of the sour gas facility;
 - h) Conceptual scheme that related the application to future subdivision and development of adjacent area.



3.6 DECISION ON SUBDIVISION APPLICATIONS

3.6.1 PROCESSING

Once a subdivision application has been received, Section 5(3) of the Subdivision and Development Regulations specifies which agencies an application must be referred to. They may be circulated to the following:

- a) The school authority having jurisdiction over the land to be subdivided;
- b) Deputy Minister of the Department of Environmental Protection;
- c) Any public utility which services the land of the area being subdivided;
- d) Deputy Minister of Transportation and Utilities;
- e) Deputy Minister of the Minister responsible for administration of the (Public Lands Act);
- f) The Alberta Energy Regulator (AER) and Utilities Board;
- g) The Deputy Minister of the Minister charged with the administration of the (Historical Resources Act);
- h) If the land is situated within an irrigation district, the Board of Directors of the district;
- i) The Municipality within which the land is proposed to be subdivided if the Council or a designated officer is not a Subdivision Authority for that Municipality;
- j) Each municipality that has a boundary adjacent to land that is subject to the application for subdivision unless otherwise provided for in the applicable inter-municipal development plan;
- k) Any other person and local authorities that the Subdivision Authority considers necessary.

3.6.2 NOTICE

A notice of the subdivision application is mailed, by regular mail, to owners of the land adjacent to the land that is the subject of the application. The notice shall describe the nature of the application, the method of obtaining further information about the application, a map of the subdivision, the manner and time within which written submissions may be made to the Subdivision Authority, and the time and date a decision on the application will be made, per Section 653 of the MGA.

The Subdivision Authority shall consider the comments of those persons to whom an application for subdivision approval is referred, but is not bound by them.

3.6.3 TIMEFRAME

Upon receiving a completed subdivision application, the Municipality must issue a decision within sixty (60) days of the date received.

If a decision cannot be issued within the prescribed time, the MGA allows the Municipality to enter into a Time Extension Agreement with the applicant. If the applicant chooses not to enter into a Time Extension Agreement, they may file an appeal according to Section 8 of this policy, on the basis of a deemed refusal.



3.6.4

DECISIONS

Once a decision has been made on an application, the decision must be issued to the applicant. The decision is issued on a Decision Form along with an attached sketch. The notice of decision may be approved and may contain conditions of approval, or it may be refused and must provide reasons for the refusal. The decision is not considered valid until it is issued to the applicant in writing. The decision is valid for one (1) year from the date of decision.



3.6.5

ENDORSEMENT & CONDITIONS MET

Prior to registration of the subdivision at the Land Titles Office, the applicant must obtain the endorsement of their registerable instrument from the Subdivision Authority.



The Municipality is responsible to ensure that the final plan submitted complies with what was approved by the Subdivision Authority and that the applicant has met all the conditions of approval.



The applicant shall be required to notify the Municipality once conditions of subdivision approval have been met. The Municipality shall verify that conditions have been met and upon confirmation shall authorize the endorsement of the registerable instrument.



3.6.6

REGISTRATION

Upon receipt of an endorsed registerable instrument the applicant is responsible for submitting the document to the Land Titles Office for registration. The applicant has one (1) year from the date of endorsement to register the subdivision.



If for some reason the applicant cannot finalize their subdivision within one (1) year, the applicant may apply to Council for an extension period of one year.

**3.7****APPEALS ON SUBDIVISION DECISIONS**

The subdivision process allows for an appeal against a decision of the Subdivision Authority. Appeals are filed with either the Subdivision and Development Appeal Board or the Municipal Government Board in Edmonton, pursuant to the MGA.



3.7.1

THE MGA SPECIFIES WHO MAY FILE AN APPEAL:

- The applicant for subdivision;
- The local Municipality;
- The school authority, with respect to reserves.



An appeal filed by the applicant, Municipality, or school authority must be filed within thirty (30) days of receipt of the written decision.



The relevant appeal board may approve, conditionally approve, or refuse the application and is not bound by the subdivision and development regulation.



3.8 DUTIES & RESPONSIBILITIES OF ADMINISTRATIVE AGENCIES

3.8.1 DEVELOPMENT OFFICER

3.8.1.1 The Development Officer:

- a) Shall 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;
- b) Shall keep a register of all applications for development, including the decisions thereon and the reasons therefore, and all orders for a minimum period of seven (7) years;
- c) Shall receive, consider and may decide on applications for a development permit;
- d) May refer development permit applications to the Municipal Planning Commission for a decision;
- e) Shall advise the applicant of an application for a use which is not listed as a "Permitted Use" or "Discretionary Use" in the district in which the building or land is situated, of his option of applying to Council for an amendment to this Bylaw;
- f) Shall sign and issue all approved development permits; and issue all decisions and notices;
- g) Shall carry out duties as prescribed in the MGA with regard to appeals or designate a person to do the same;
- h) Shall perform such duties as established by Council to enforce this Bylaw in conformance with the MGA;
- i) May initiate lawful action as described in Section 3.10 of this Bylaw necessary to ensure compliance with or prevent violation of this Bylaw;
- j) May in accordance with Division 4 of the MGA, enter onto the land or into a building for the purpose of ensuring compliance with this Bylaw.

3.8.2 MUNICIPAL PLANNING COMMISSION

3.8.2.1 The Municipal Planning Commission shall:

- a) Decide upon all development permit applications for discretionary uses referred to it by the Development Officer;
- b) Consider and decide on requests for a time extension to a development permit;
- c) Not allow the permanent use of land or a building not listed as a "Permitted Use" in the district in which the building or land is situated. May consider uses similar in character and purpose to those listed under "Discretionary Use";
- d) Perform such other duties as described or implied in this Bylaw or as may be assigned by Council.

3.8.3 SUBDIVISION & DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board is hereby established and shall hear all appeals in respect of decisions made pursuant to the MGA on development permits and applications for subdivision. Any decision of the Development Authority may be appealed to the Subdivision and Development Appeal Board in accordance with



Section 3.4 of this Bylaw and any decision of the Subdivision and Development Appeal Board may be appealed to the Court of Appeal on a question of law or jurisdiction in accordance with the MGA.

3.8.4 DEVELOPMENT REFERRALS

- 3.8.4.1 The Development Authority shall refer to any adjacent municipality for consideration and recommendation on any matter or any application for a development permit that if in their opinion, it is:
 - a) In the interest of an adjacent municipality;
 - b) Subject to any inter-municipal agreements or plans.
- 3.8.4.2 The Development Authority may refer for comment any matter or any application for a development permit to any authority it deems necessary.
- 3.8.4.3 Having received a reply on a matter referred to any adjacent municipality, or any authority, the Development Authority shall give due consideration to the aforesaid recommendations.
- 3.8.4.4 After thirty (30) days from the date of referral, the application may be dealt with by the Development Authority whether or not comments have been received.



3.9 FORMS, NOTICES & FEES

For the purpose of administering the provisions of this Bylaw, Council may by resolution authorize the use of such forms and notices and the imposition of such fees as in its discretion it may deem necessary or desirable.

The forms, notices or 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 duties.

3.10 ENFORCEMENT

3.10.1 RIGHT OF ENTRY

- 3.10.1.1 Pursuant to the MGA, an authorized person may enter into or upon any land or building within the municipal boundary for the purpose of ensuring compliance with the MGA, this Bylaw and approvals granted under this Bylaw.
- 3.10.1.2 The Development Officer and the Bylaw Enforcement Officer are designated as the "authorized persons" for purpose of Section 3.10.1.1.

3.10.2 CONTRAVENTION

- 3.10.2.1 Any owner, lessee or occupant of land, or a building or a structure thereon, who contravenes any provisions of this Bylaw commits an offence.



- 3.10.2.2 Any contractor, worker or other person who undertakes development for which a development permit is required but has not been issued or is not subsisting under this Bylaw, or is in contravention of a condition of a development permit issued under this Bylaw, commits an offence.
- 3.10.2.3 Where the Council or a person appointed by it carried out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll and that amount shall be collected in the same manner as taxes on land.
- 3.10.2.4 When it appears to the Development Officer that a development permit has been obtained by fraud or misrepresentation, the Development Officer may suspend or cancel the development permit.

3.10.3

OFFENSES & PENALTIES

- 3.10.3.1 A person who contravenes this Bylaw or obstructs or hinders any person in performance of these powers or duties under this Bylaw, is guilty of an offence and is liable to a fine and if no fine is specified, to a fine of not more than ten thousand dollars (\$10,000.00) in accordance with the Act.
- 3.10.3.2 The Development Authority Officer or any other person identified as a designated officer by the Council for the purposes of this Section shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- 3.10.3.3 A violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within twenty one (21) days from the date of issue of the violation ticket, of a fine to the Town.
- 3.10.3.4 Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- 3.10.3.5 If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- 3.10.3.6 If the person who was served with a violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, a fine shall be imposed for each offense.

3.11**BYLAW AMENDMENT PROCESS**

3.11.1

APPLICATION AMENDMENT PROCESS

- 3.11.1.1 Any amendment of this Bylaw shall be made by an amending by-law pursuant to the MGA, following a public hearing in accordance with the MGA. If the proposed amendment is at variance with adopted statutory plans, the Development Authority shall advise the applicant that the amendment must be made to the statutory plans prior to or concurrently with the amendment to this Bylaw.



- 3.11.1.2 An application for amendment may be made by an owner of a property, or his authorized agent or other person(s) having a legal interest in the property and shall be made to the Development Authority for processing and referred to the Council.
 - 3.11.1.3 Council may initiate an amendment to this Bylaw by directing the Development Authority to prepare an application form.
 - 3.11.1.4 An applicant may be required to submit an Area Structure Plan for approval by Council prior to redistricting the land.
 - 3.11.1.5 Where an amendment to change this Bylaw is refused another application with respect to the same site, for a change in land use designation may not be submitted until at least six (6) months after the date of refusal, unless otherwise directed by Council pursuant to the MGA.
 - 3.11.1.6 The cost of advertising for the public hearing on the matter shall be borne by the applicant.
 - 3.11.1.7 As required by the MGA, Council must include in the notice of amending bylaw, which is advertised in a newspaper circulating in the Municipality:
 - a) The municipal address, if any, and legal address of the parcel of land; and
 - b) A map showing the location of a parcel of land.
- 3.11.2 **PLANS & INFORMATION REQUIREMENTS**
- 3.11.2.1 A statement of the reasons for the request to amend the Bylaw;
 - 3.11.2.2 A properly dimensioned map of an appropriate scale indicating the property to be amended, its relationship to existing land uses within a 1 km (0.62 mi.) Radius of the boundaries of the property and any prominent geographic or natural features;
 - 3.11.2.3 The appropriate fee as amended from time to time by Council Resolution; and
 - 3.11.2.4 Where the applicant is an agent acting for the owner, a letter from the owner(s) verifying the agent's authority to make the application.







PART 4

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GENERAL ADMINISTRATION



DEFINITIONS

ADMINISTRATIVE
REQUIREMENTS & AUTHORITYGENERAL LAND USE
REGULATIONS & PROVISIONSESTABLISHMENT OF LAND USE
DISTRICTS

RESIDENTIAL DISTRICTS



COMMERCIAL DISTRICTS



INDUSTRIAL DISTRICTS



OPEN SPACE DISTRICTS



DIRECT CONTROL DISTRICTS



PARKING REGULATIONS



SIGNAGE CONTROL





4.0 GENERAL LAND USE REGULATIONS & PROVISIONS



4.1 GENERAL LAND USE REGULATIONS

4.1.1 SITE DIMENSIONS

- 4.1.1.1 No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located. A site of separate record in the Land Titles Office containing less than the required minimum area or width may be used subject to the discretion of the Development Authority if all other requirements of this Bylaw and amendments hereto are observed.
- 4.1.1.2 Area, width and depth requirements specified in the districts do not apply to a municipal or an environmental reserve site or a site to be used for public utility purposes.

4.1.2 SPECIAL SETBACK REQUIREMENTS

- 4.1.2.1 Sites other than corner sites which have frontages on two streets are recognized as having two front yards and the development shall comply with the setbacks for the respective district.
- 4.1.2.2 For discretionary uses, yards in excess of the minimum requirements may be required when deemed necessary by the Development Authority.
- 4.1.2.3 A freestanding sign must be located so as to comply with the front yard setback requirements applicable to the principal building unless otherwise provided.
- 4.1.2.4 The minimum distances required for yards do not apply to:
- Construction wholly beneath the surface of the ground;
 - Unenclosed patios, decks, sidewalks when any portion does not rise above the finished ground elevation and are wholly within the site;
 - Eaves which project onto a yard, a distance not exceeding 0.61 m (2.00 ft);
 - Balconies, fireplaces, sills, canopies, and cornices which project onto:
 - A front yard a distance not exceeding 0.61 m (2.00 ft);
 - A rear yard a distance not exceeding 1.5 m (4.92 ft); and
 - Only one of two required 1.22 m (4.00 ft.) side yards a distance not exceeding 0.61 m (2.00 ft.); and
 - Either required 1.5 m (4.92 ft) side yards a distance not exceeding 0.61 m (2.00 ft.)
 - Steps which may encroach 1 m (3.28 ft.) into a side yard setback except into the unobstructed side yard of a laneless subdivision.
 - When the site is to be developed for duplex dwellings and multi-unit housing, the following exceptions apply:



- i) Where each half of a duplex dwelling, no side yard shall be required on the side of the dwelling unit which abuts the adjacent dwelling unit by means of a fire separation; and
- ii) Where the dwelling units of a row house building, no side yard shall be required on either side in the case of an internal dwelling unit and no side yard shall be required on the interior side of the end dwelling unit.

4.1.3 SETBACK & DEVELOPMENT ON LANDS SUBJECT TO FLOODING OR NEAR SLOPES

4.1.3.1 Lands Subject to Floods:

- a) All proposed buildings or structures shall be sited a distance of 30 m (98.42 ft) from the Flood Risk Area for the 1:100 year design flood, of the Sheep River, as established by the Government of Alberta as part of the *Flood Hazard Identification Program*. The approximate location of the Floodway and Flood Fringe areas in the Municipality are hereby established as shown in **Figure 1**.
- b) Notwithstanding 4.1.3.1 a) development in the 30 m setback area as established above and/or the Flood Fringe area of the Sheep River may be permitted provided that adequate protection from flood damage is provided. Applicants must demonstrate to the satisfaction of the Development Authority that preventive engineering and construction measures can be instituted to make the site suitable for proposed development.
- c) It is the responsibility of the developer to provide adequate protection against flooding, settlement and slumping, and to engage such professional assistance as shall be necessary to protect the development.
- d) Subject to approvals from the province as required, no development or use other than those listed below may be permitted in the Floodway of the Sheep River:
 - i) Temporary structures for agricultural use;
 - ii) Public parks;
 - iii) Roads and parking (parking limited to parking associated with public parks);
 - iv) Bike and ski trails;
 - v) Flood control structures;
 - vi) Natural areas;
 - vii) Boat and canoe launch areas;
 - viii) Extensive agriculture;
- e) Additions or enlargements made to existing buildings in the Flood Fringe area require flood proofing measures.
- f) No inside or outside storage of hazardous materials, such as chemicals, explosives, flammable liquids, toxic or waste materials that cannot be readily removed in the event of flood shall be allowed in the flood risk area.



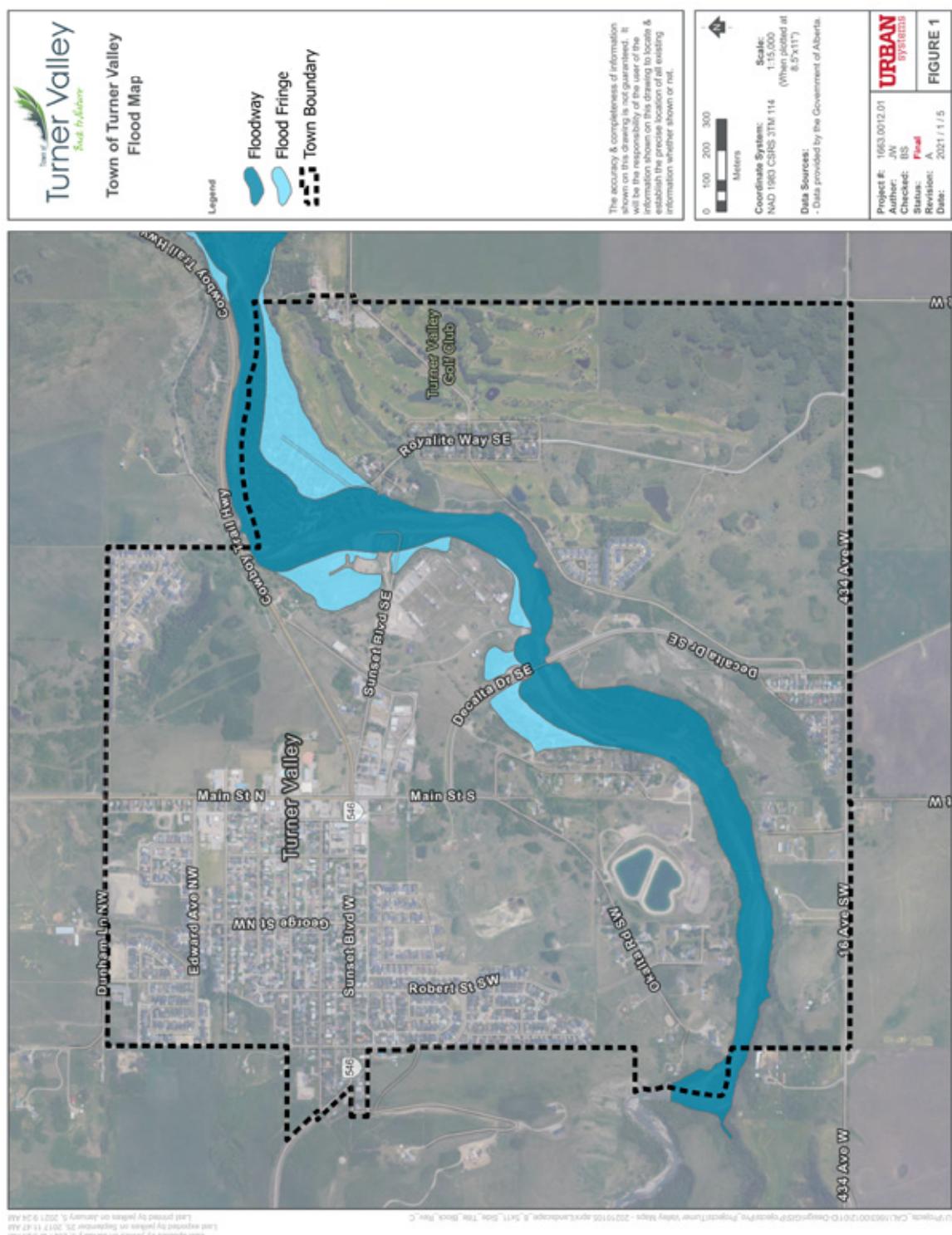


Figure 1. Floodway & Flood Fringe Areas



4.1.3.2 Lands Adjacent to Slopes:

- a) All proposed buildings or structures adjacent to an escarpment or a slope where the grade exceeds 15% shall be sited:
 - i) At least 30 m (98.42 ft) from the top of the escarpment or slope as determined by Council; and
 - ii) At least 30 m (98.42 ft) from the toe of the escarpment or slope as determined by Council.
- b) Notwithstanding the district regulations, no development shall be permitted 30 m (98.42 ft) from the top or toe of an escarpment bank or from any steep slope where the grade exceeds 15% unless the proposed development is proven to be safe through engineering studies. The Development Authority may at their discretion reduce the setback requirements if the applicant provides satisfactory study of bank stability, or approvals from the province as required.



4.1.4

DEVELOPMENT IN THE VICINITY OF PRIMARY & SECONDARY HIGHWAYS

4.1.5

UTILITIES

- 4.1.5.1 Each dwelling unit in a duplex dwelling or rowhouse dwelling complex shall be serviced individually and directly connected to the sewer, water and gas utility lines located within the public right-of-way.

4.1.6

ACCESSORY BUILDINGS

- 4.1.6.1 All accessory buildings shall be located at least 1.8 m (5.90 ft.) from any principal building.
- 4.1.6.2 Notwithstanding Section 4.1.6.1 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 1.8 m (5.90 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.
- 4.1.6.3 For the purpose of calculating yard setbacks and site coverage requirements as provided in this Bylaw, an accessory building shall be deemed to be part of the principal building if it is attached in accordance with Section 4.1.6.2.
- 4.1.6.4 When a site abuts a lane 6 m (19.68 ft.) or less in width, the Development Authority may require a rear yard setback for accessory buildings greater than the prescribed minimum.
- 4.1.6.5 Drainage of water from an accessory building must be managed and maintained within the property, and shall not be drained into adjoining properties.



4.1.6.6 In residential districts, accessory buildings less than 10 m² (107.6 sq ft.)" may occupy yards to a maximum cumulative area of 20 m² (215 sq ft). These structure(s) shall not have a permanent foundation, shall not be located in the front yard, shall not have eaves encroaching into an adjacent property, shall not exceed 3 m. (9.84 ft) in height or cause an obstruction for emergency access to the rear yard. These structures may project over or onto a required minimum rear or side yard with no limit.

4.1.7 LANDSCAPING, RETAINING WALLS & FENCING

4.1.7.1 Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof which enhance the appearance of the site and which complement the development thereon.

4.1.7.2 Where a development permit is granted, and landscaping is part of the development approval, the required landscaping must be completed within twenty four (24) months of issuance of the permit. The Development Authority may require the applicant to provide a letter of credit or post a bond of such amount to ensure completion of any landscaping.

4.1.7.3 A person shall not construct a fence in a residential or commercial district which is higher than:

- a) 1 metre (3.28 feet) in the front yard or in the case of a site in the Central Business District, within 3 metres of the front yard property line, or
- b) 2 metres (6.56 feet) in a side or rear yard.

4.1.7.4 The height of a fence in an industrial or urban reserve shall be determined by the Development Authority.

4.1.7.5 With the exception of the Urban Reserve District no fence shall be of barbed wire construction below a height of 2 m (6.56 ft.).

4.1.7.6 Electric fences shall be prohibited within the municipal boundaries.

4.1.7.7 Retaining walls greater than 1 m (3.28 ft.) in height require an Engineers stamp of approval to the satisfaction of the Development Authority

4.1.8 OUTSIDE STORAGE & GARAGE STORAGE

4.1.8.1 Garbage shall be:

- a) Stored in weatherproof and animal proof containers;
- b) Managed in accordance with the Town of Turner Valley Refuse Bylaw;
- c) Screened from adjacent sites and public thoroughfares; and
- d) In a location easily accessible for pickup.

4.1.8.2 Outside Storage:

- a) Where permitted shall be screened from adjacent sites and thoroughfares to the satisfaction of the Development Authority;
- b) Outside storage of recreation vehicles will be allowed on properties where there is a permanent residence on the site in a residential or Urban Reserve District to a maximum of two.



4.1.9 TEMPORARY CAMPING

No camping will be allowed on any properties unless there is a permanent residence on the site or unless a development permit has been issued for a campground.

4.1.10 SPECIAL EVENTS

4.1.10.1 For all special events, the following standards shall apply:

- a) The location of the special event shall be in the side or rear yard of the parcel in which it is situated on, and poses no risk to adjacent buildings and or surrounding land uses resulting from scale, traffic, or interface;
- b) The special event shall be a temporary use of land and shall only include the use of temporary structures. The special event and temporary structure must be removed when the maximum number of days is complete;
- c) The special event must comply with all other applicable municipal regulations.



4.1.10.2 Special events requiring a development permit:

- a) For special events located in residential areas that exceed more than one (1) event per calendar year, and for special events in non-residential areas that exceed eight (8) events per calendar year, a development permit is required, and the following additional standards shall apply:
 - i) The special event shall be erected for a maximum of fifteen (15) consecutive days and thirty (30) cumulative days over a calendar year. Time required for set up and take down are not considered part of the event, or shall be at the discretion of the Development Authority;
 - ii) The special event operating hours shall comply with all applicable municipal bylaws and regulations, or may be determined at the discretion of the Development Authority.



4.1.11 TELECOMMUNICATION ANTENNA STRUCTURES

The Federal Government (Industry Canada) is responsible for regulating radio communication in Canada and for authorizing the location of radio communication facilities, including telecommunication antenna structures. Telecommunication antenna structures shall be permitted in all districts and developed in accordance with all applicable legislation, regulations, bylaws and associated approvals.

4.1.12 RELOCATION OF BUILDINGS

- 4.1.12.1 Where a development permit is to be approved for the relocation of a building either on the site or from another site, the Development Authority shall require the applicant to provide a performance bond or letter of credit in the minimum amount, as determined by the Development Authority to insure completion of any renovation set out as a condition of the approval of a permit and to cover costs in the event of any damages to public, quasi-public utilities as a result of a relocation.



- 4.1.12.2 All structural and exterior renovations to a relocated building are to be completed within one (1) year of the issuance of the development permit.
- 4.1.12.3 Whenever a 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.
- 4.1.12.4 In order to determine that the building would meet the requirements of this Bylaw, the Development Officer may travel to inspect the building which is proposed to be moved in, or may request another qualified person to do so and to report back. In either case the expenses of such an inspection shall be paid by the applicant before any development permit is issued.

4.1.13 NON-CONFORMING USES & BUILDINGS

- 4.1.13.1 A nonconforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered, except:
 - a) As may be necessary to make it a conforming building; or
 - b) As may be deemed necessary by the Development Officer for the routine maintenance of the building.
- 4.1.13.2 If a nonconforming building is damaged or destroyed by fire or other causes to an extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in conformity with the provisions of this Bylaw.
- 4.1.13.3 A nonconforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, a future use shall conform to the provisions of this Bylaw.
- 4.1.13.4 The use of land or of a building is not affected by reason of a change of ownership, tenancy or occupancy of the land or building.
- 4.1.13.5 A nonconforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- 4.1.13.6 A nonconforming use of part of a site shall not be extended or transferred in whole or in part to any other part of the site and no additional buildings shall be erected upon the site while the nonconforming use continues.
- 4.1.13.7 No existing building or structure shall be deemed a nonconforming building because of noncompliance with a metric equivalent used in this Bylaw where it conformed to the imperial measurement used in the Zoning Bylaw 386 at the date of its repeal or Bylaw 98-753 at the date of its repeal.
- 4.1.13.8 When a building is a nonconforming building solely by reason of its encroachment into a required front, side or rear yard or inadequate parking, the Development Authority 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 Bylaw.



- 4.1.13.9 When a building is a nonconforming or a noncomplying building on a site, a subdivision of the site may be allowed if the proposed new site to be created complies in all other respects to the provisions of the Bylaw.

4.1.14 **DRAINAGE**

- 4.1.14.1 Any area requiring landscaping or topographic reconstruction shall be landscaped and/or reconstructed so that the finished surface contours do not direct surface drainage onto an adjoining site.



4.1.15 **CONTROLLED APPEARANCE**

- 4.1.15.1 The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any district, must be acceptable to the Development 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.



4.1.16 **DEMOLITION OF BUILDINGS**

- 4.1.16.1 Where a development permit is to be approved for the demolition of a building the Development Authority may require the applicant to provide a performance bond or a letter of credit in the minimum amount as determined by the Development Authority to cover costs of reclamation and damage to public, quasi-public utilities.
- 4.1.16.2 Whenever a demolition 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 was commenced and that adequate measures shall be taken by way of fencing and screening to ensure the general public safety.
- 4.1.16.3 Whenever a development permit is issued for the demolition 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 condition.



4.1.17 **CHILD CARE FACILITIES**

- 4.1.17.1 In considering whether a Child Care Facility would be suitable for the location proposed, the Development Authority shall take into consideration:
- The design and intensity of the facility being proposed relative to the density of the district;
 - Potential vehicle and pedestrian traffic generation;
 - Proximity to parks or other open space areas;
 - The site's relationship to surrounding uses;
 - Buffering between surrounding uses if required;
 - The availability of the site to accommodate an outdoor play area, if required;
 - The distance from a retail cannabis store; and
 - The location of the facility within a building in accordance with the Alberta Building Code.



- 4.1.17.2 The number of children and employees (including paid employees and volunteers) allowed on site at any time, and all other relevant factors, such as the type of facility (day care, out of school, preschools) shall adhere to and comply with all applicable provincial regulations and approvals.

4.1.18 **CANNABIS RELATED USES**

4.1.18.1 Retail 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) A copy of the retail cannabis licence issued by the Alberta Gaming, Liquor and Cannabis Commission shall be provided as a condition of development permit approval prior to occupancy;
- c) May not have any part of an exterior wall that is located within 100 m (metres) of:
 - i) A parcel that contains a school;
 - ii) A parcel that is designated as school reserve or municipal and school reserve under the MGA; or
 - iii) Parcel that contains a provincial health care facility.
- d) The premises must operate separately from other businesses;
- e) The maximum operating hours shall be 10:00 a.m. to 12:00 a.m. (midnight) daily, excluding those dates of closure mandated by the Province of Alberta;
- f) The public entrance and exit to the premises must be direct to the outdoors and customer access to the premises is limited to a store front that is visible from the street;
- g) Advertising inside the premises shall not be visible from the outside;
- h) No outside storage of cannabis goods, materials or supplies shall be allowed on the site;
- i) Is subject to the sign control requirements as set out in Section 12.0; and
- j) The Development Authority shall take into consideration the distance from a child care facility

4.1.18.2 Cannabis Production & Distribution:

- a) Is a location where the production and distribution 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) Must possess a licence for all activities associated with cannabis growing, processing, packaging, testing, destruction, or storage as issued by Health Canada;
- c) All the processes and functions associated with the use shall be fully enclosed within a stand-alone building;
- d) 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;
- e) May have an ancillary building or structure used for security purposes located on the parcel containing the use;
- f) Garbage containers and waste material shall be contained within the building;



- g) 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, that may include details on:
 - i) Incineration of waste products and air borne emission, including smell;
 - ii) The quality and characteristics of liquid and waste material discharged by the facility;
 - iii) Method and location of collection and disposal of liquid and waste material;
 - iv) The mitigation of over strength sewage loading; and
 - v) Water conservation methods employed
- h) Is subject to the sign control requirements as set out in Section 12.0



4.1.19 SHIPPING CONTAINERS

- 4.1.19.1 Shipping containers shall be prohibited within parking spaces, drive aisles, driveways, and fire access routes.
- 4.1.19.2 Shipping containers shall adhere to all general requirements for accessory buildings as identified in Section 4.1.6, and all specific requirements as identified in the designated land use district in which they are listed.
- 4.1.19.3 Shipping containers shall be only located in the rear or side yard of a parcel, and shall match the general appearance of the principal building.
- 4.1.19.4 Shipping containers shall be used for storage of goods or materials that are accessory to the operation of a business or facility, or residence, on the parcel on which they are located.
- 4.1.19.5 The stacking of shipping containers is prohibited.



4.1.20 BREWERIES, DISTILLERIES, AND/OR WINERIES

- 4.1.20.1 The use area for operation of breweries, distilleries, and/or wineries shall not exceed 600 square meters in area.



4.1.21 RESTRICTED LIVESTOCK GRAZING

- 4.1.21.1 The keeping and rearing of livestock is restricted to not exceeding a grazing capacity of one animal unit per 1.2 ha (3 acres) of land, with the exception of three (3) animal units on parcels between three (3) and nine (9) acres;
- 4.1.21.2 Where one animal unit means;
 - a) One (1) mature cow, bull or horse,
 - b) Four (4) miniature horses,
 - c) One (1) mature cow, and five (5) calves (less than 500 lbs),
 - d) One (1) mature mare and foal,
 - e) Two (2) mature donkeys
 - f) One (1) mule
 - g) Two (2) yearlings, or
 - h) Five (5) sheep or goats



- i) Twelve (12) lambs
- j) Two (2) pigs
- k) Thirty (30) chickens
- l) Ten (10) geese or turkey
- m) Five (5) alpaca/llamas



4.1.21.3 Notwithstanding 4.1.21.2, the Approving Authority may determine the number of animals equivalent to one animal unit for any kind of animal not named above.



4.1.21.4 Notwithstanding 4.1.21.2, calves, foals, lambs, gilts, or kids at mothers' side (not weaned) are not considered to be Animal Units.



4.1.21.5 In all locations where livestock is kept for grazing purposes, the following standards shall apply:

- a) Pasture management shall be maintained to prevent overgrazing;
- b) Manure management shall be implemented to prevent runoff onto adjacent lands, and to reduce odour; and
- c) The development shall comply with all relevant provincial and federal policy and or regulation, including but not limited to the Agricultural Operation Practices Act.





PART 5

LAND USE DISTRICTS

GENERAL ADMINISTRATION



DEFINITIONS



ADMINISTRATIVE REQUIREMENTS & AUTHORITY



GENERAL LAND USE REGULATIONS & PROVISIONS



ESTABLISHMENT OF LAND USE DISTRICTS



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RESIDENTIAL DISTRICTS



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SIGNAGE CONTROL





5.0 ESTABLISHMENT OF LAND USE DISTRICTS

5.1 LAND USE DISTRICTS

For the purposes 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 5.2.

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 5.2.

5.2 DISTRICTS

- Residential Single Detached District (R1)
- Residential Two Dwelling District (R-2)
- Residential Multi-Unit Dwelling District (R-3)
- Residential Rural District (RR)
- Central Business District (CB)
- Highway Commercial District (CHWY)
- Light Industrial District (I-1)
- General Industrial District (I-2)
- Urban Reserve District (UR)
- Direct Control District (DC)
- Public Service District (PS)

5.3 LAND USE MAP

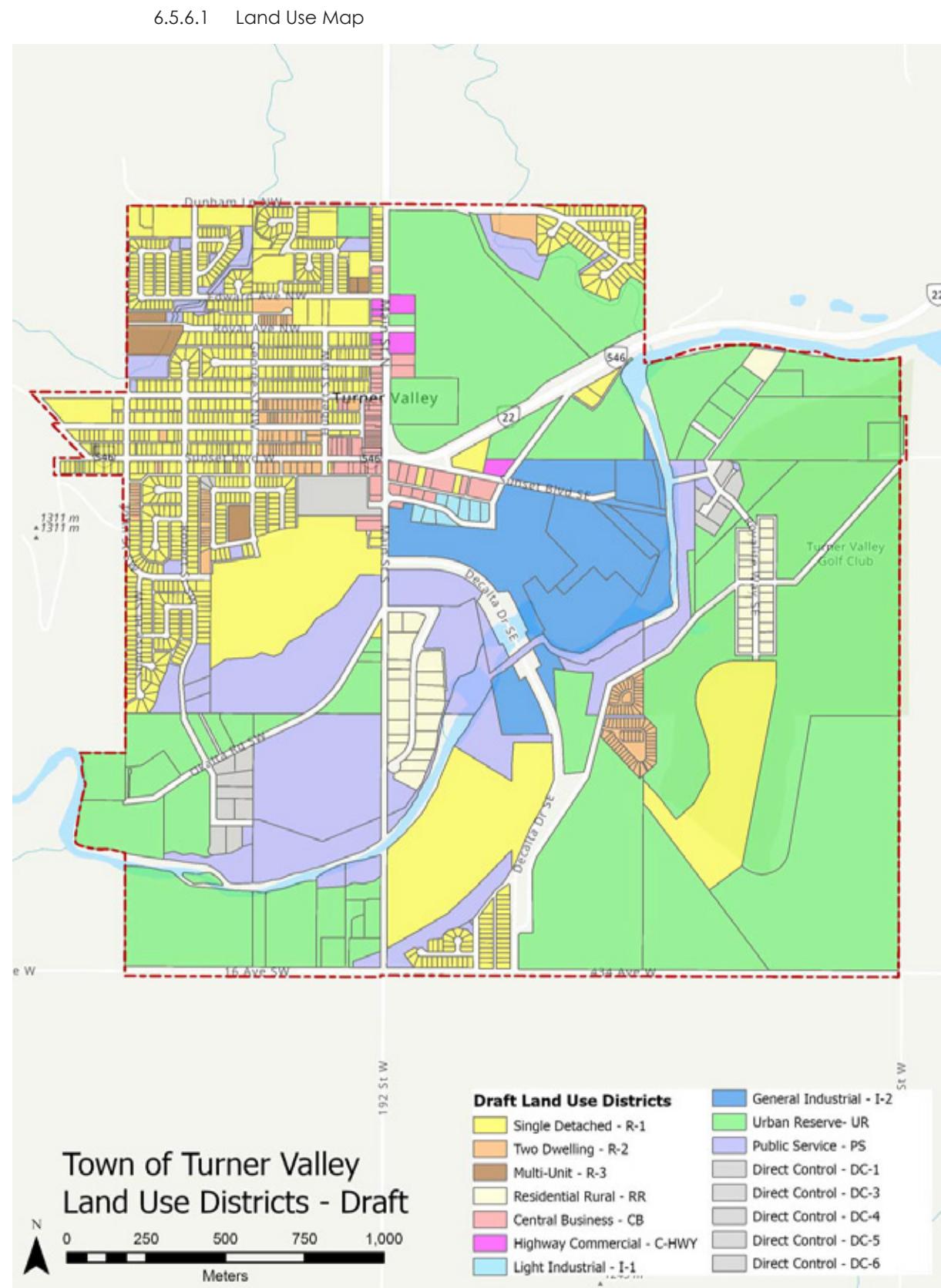
5.3.1 GENERAL

5.3.1.1 The Municipality is hereby divided into districts as provided in Section 5.2 and their boundaries are delineated on the map referred to in Figure 2 which may be known as the Land Use Map.

5.3.1.2 The Land Use Map, as may be amended or replaced by bylaw from time to time, is "2" attached to and forming part of this Bylaw and among other things, bearing the following identification:

- a) Land Use Map;
- b) Figure 2 of Bylaw;
- c) Adopted by Council this ____ day of ____, 2000 AD;
- d) Signatures of the Mayor and Chief Administrative Officer.

5.3.1.3 In the event that a dispute should arise over the precise location of a boundary of any district as shown on the Land Use Map, the Council shall decide thereon.





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PART 6

LAND USE DISTRICTS

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GENERAL ADMINISTRATION



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PARKING REGULATIONS



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6.0 RESIDENTIAL DISTRICTS

6.1 GENERAL RULES FOR RESIDENTIAL DISTRICTS

6.1.1 SPECIAL REQUIREMENTS

- 6.1.1.1 The Development Authority may specify such other requirement as deemed necessary or desirable having regard to the nature of the proposed development and the purpose of the district.

6.1.2 DWELLING UNITS ON SITE

Unless otherwise stipulated in this Bylaw only one single detached residential dwelling shall be allowed on a site.

6.1.3 COMPREHENSIVE RESIDENTIAL DEVELOPMENT REQUIREMENTS

- 6.1.3.1 Comprehensive residential developments must be based upon a comprehensively prepared concept which includes, but is not limited to, unit size, amenity areas, landscaping, transportation and pedestrian linkages, infrastructure and parking requirements, and such other information which may be required by the Development Authority.
- 6.1.3.2 The principal entry for every dwelling unit must be separated and be directly accessible to ground level.
- 6.1.3.3 The arrangement of the buildings in a comprehensive residential development is subject to approval of the Development Authority. Separate titles for individual dwelling units within a comprehensively planned building group may only be created by means of a bare land condominium plan.

The following are examples of Comprehensive Residential Developments shown in different potential lot and unit-type configurations.





6.1.4

HOME OCCUPATIONS

Home occupations are divided into two categories, major and minor and are guided by the following general provisions.

6.1.4.1 Minor Home Occupations:

- a) The minor home occupation is intended for the purpose of a business operated by the resident that includes business associated visitors to the residence;
- b) The minor home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located;
- c) The minor home occupation shall not employ any person who lives outside of the home;
- d) The minor home occupation shall have a maximum of fifteen (15) visits per week which includes but is not limited to drop-offs, pick-ups, deliveries, and visits from customers or consultants;
- e) Minor home occupations shall not generate traffic uncharacteristic to the residential area;
- f) The minor home occupation may not extend beyond the confines of the primary residential dwelling. There shall be no outside storage of materials, goods or equipment on the site;
- g) The minor home occupation shall be a maximum of 25% of the floor area of the principal dwelling or 50 sq. m., Whichever is greater;
- h) Maximum number of minor home occupations: Two (2) minor home occupation per dwelling unit (includes secondary suites).



6.1.4.2 Major Home Occupations:

- a) The major home occupation is intended for the purpose of a business operated by the resident that includes business associated visitors to the residence, with the addition of non-resident employees, use of accessory buildings, and use of one (1) commercial vehicle;
- b) The major home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located;
- c) The major home occupation may employ up to two (2) additional persons who do not live within the subject residence;
- d) The major home occupation shall have a maximum of fifteen (15) visits to the property, per day which includes but is not limited to drop-offs, pick-ups, deliveries, and visits from customers or consultants;
- e) Major home occupations may not generate traffic uncharacteristic to the area;
- f) One (1) onsite parking stall shall be provided for each employee and each vehicle used by the home occupation, plus those required for the residential use;
- g) The major home occupation may have one (1) commercial vehicle in conjunction with the business that has a gross vehicle weight rating of no more than 3500 kg. The vehicle must be parked on the property at all times when not in use. On-street parking is not permitted;
- h) There shall be no visible outside storage of materials, goods or equipment on the site, but the utilization of accessory buildings may be acceptable.



- i) The major home occupation shall be a maximum of 25% of the floor area of the principal dwelling or 100 sq. m., Whichever is greater;
- j) Maximum number of major home occupations: One (1) major home occupation per parcel (includes secondary suites);

6.1.4.3 General Regulations Governing Home Occupations:

- a) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference with radio or television reception;
- b) No commodity other than the product or service of the home occupation shall be sold on the premises;
- c) Any vehicles parked on-street or off-street as a result of the home occupation shall, in the opinion of the Development Authority, not be a source of inconvenience to adjacent landowners or tenants or exceed 5,500 kg (12,125.22 lbs.);
- d) The home occupation shall not, in the opinion of the Development 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;
- e) If at any time any of the requirements for a home occupation have not, in the opinion of the Development Authority, been complied with, the Development Authority may suspend or cancel the development permit for the home occupation, pursuant to the provisions under the MGA;
- f) One (1) sign is permitted in accordance with Section 3.1.2.

6.1.5 **BED & BREAKFAST ACCOMMODATION**

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, shall be restricted to the dwelling unit, and:

- a) Shall not require any alterations to the building and shall not change the principal character or external appearance of the dwelling involved;
- b) Bed and breakfast operations are limited to those uses which are approved by the Development Authority for the dwelling where they are carried on for a period not exceeding one (1) year at which time application may be made for the continuance of the use;
- c) Employees working in the occupation shall be limited to the residents of the dwelling unit; and
- d) One (1) parking stall shall be provided per rented room, plus the number required for the dwelling.

6.1.6 **OBJECTS PROHIBITED OR RESTRICTED IN A RESIDENTIAL DISTRICT**

6.1.6.1 No person shall be allowed to keep or maintain on a site or street:

- a) The parking of commercial vehicles with a gross vehicle weight (GVW) rating in excess of 5,500 kg (12,125 lbs.) each;
- b) An industrial or construction vehicle except when such a vehicle is required pursuant to a development or building permit for that site;



- c) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district;
- d) Mobile homes.

6.1.7 **SECONDARY SUITES**



Figure 2. Secondary Suite Types

6.1.7.1 As demonstrated in Figure 2. Secondary Suite Types, a secondary suite may be located in:

- a) A basement suite or upper floor suite;
- b) A garden suite (at grade, single-storey secondary suite, accessory to the primary building);
- c) An attached garage suite; or
- d) An above detached garage suite.

6.1.7.2 Secondary suites shall:

- a) Comply with all Alberta Building Code standards, fire regulations and all municipal and provincial regulations;
- b) Have minimal structural changes to the front outside of the building and shall appear as a single dwelling unit;
- c) Not exceed 40% of gross floor area of existing principal dwelling;
- d) Be a minimum of 30 m² (323 sq. ft.)
- e) Provide parking in accordance with Section 11.0 of this Bylaw, located where accessible for the user of the suite, on site with a rear laneway, the secondary suite should be located in the rear yard from the laneway. All parking spaces provided for the suite should at minimum be graded and graveled to the satisfaction of the Development Authority;
- f) Not exceed one (1) secondary suite per parcel of land;
- g) Not generate traffic uncharacteristic to the residential area;
- h) Not disturb the quiet enjoyment of the residential environment;

6.1.7.3 A secondary suite shall provide access to an outdoor amenity space, and may include a private amenity space to provide visual privacy, including patios and or courtyards, and balconies and or porches when the secondary suite is located in a separate structure to the principal dwelling.



6.1.8 GROUP HOMES

6.1.8.1 Group Homes shall be:

- a) Located on a collector road; and
- b) Located on a corner site and/or have access from a lane.

6.1.8.2 Authority shall take into consideration:

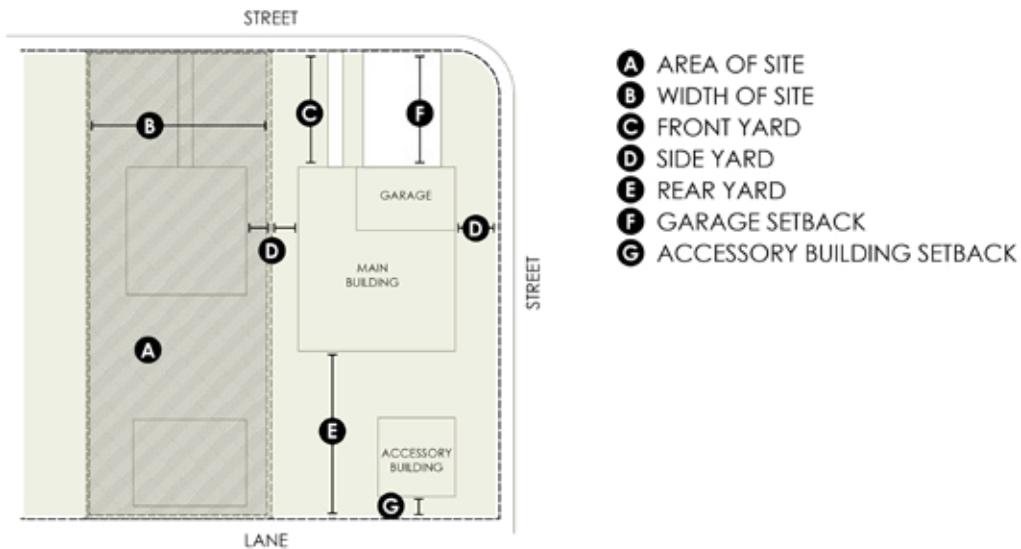
- a) The design and intensity of the facility being proposed relative to the density of the district;
- b) Potential vehicle and pedestrian traffic generation;
- c) Proximity to parks or other open space areas;
- d) The sites' relationship to surrounding residential lots; and
- e) Existing and proposed buffering to minimize impacts on surrounding residential properties.

6.1.8.3 The maximum number of residents and employees for the facility shall be in accordance with all applicable provincial regulations.





6.2 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) LAND USE



6.2.1 PURPOSE & INTENT

The purpose and intent of this District is to provide for low density residential neighbourhoods primarily accommodating single detached residential development.

6.2.2 PERMITTED & DISCRETIONARY USES

6.2.2.1 Permitted Uses:

- Accessory Buildings
- Home Occupations – Minor
- Public Parks
- Single Detached Dwellings
- Special Events

6.2.2.2 Discretionary Uses:

- Bed and Breakfast Accommodations
- Child Care Facilities
- Community Buildings and Facilities
- Group Home Lot 5, W Portion of Lot 4, Block 6, Plan 954GV (409 Sunset Blvd SW) ONLY
- Home Occupations - Major
- Private Swimming Pools
- Public and Quasi Public Installations and Facilities
- Religious Institutions
- Secondary Suites





6.2.3 GENERAL REQUIREMENTS

In addition to the general land use provisions contained in Sections 4.0, 6.1 and 11.0, the following provisions as contained within this section shall apply to every development in this District.



6.2.4 MINIMUM REQUIREMENTS



6.2.4.1 Area of Site:

- a) 405 m² (4360 sq. ft.)



6.2.4.2 Width of Site:

- a) 13.3 m (43.63 ft.), except for Lot 11, Block 16, Plan 3603 F.D. With a width of site of 13.71 m (45.00 ft.).



6.2.4.3 Front Yard:

- a) On sites fronting on a collector street: 6 m (19.68 ft.)
- b) All other sites: 5 m (16.40 ft.)



6.2.4.4 Side yards:

- a) Principal Buildings:
 - i) Street side of corner site: 3 m (9.84 ft.)
 - ii) Lane-less site without attached garage: One side 3 m (9.84 ft.) and the other 1.5 m (4.92 ft.)
 - iii) All other: 1.5 m (4.92 ft.)
- b) New Accessory Buildings containing a Secondary Suite:
 - i) Street side of corner site: 3 m (9.84 ft.)
 - ii) All other: 1.5 m (4.92 ft.)
- c) Other Accessory Buildings including conversions of existing garages to a Secondary Suite:
 - i) Street side of corner site: 3 m (9.84 ft.)
 - ii) All other: 0.61 m (2.00 ft.)



6.2.4.5 Rear Yard:



- a) Principal Buildings:

- i) Laned sites: 7.5 m (24.60 ft.)
- ii) Laneless sites: 6 m (19.68 ft.)



- b) Decks and Balconies:

- i) Laned sites: 3 m
- ii) Laneless sites: 4 m



- c) New Accessory Buildings containing a Secondary Suite:

- i) 1.5 m (4.92 ft.)





- d) Other Accessory Buildings including conversions of existing garages to a Secondary Suite:

- i) 1 m (3.28 ft.)

6.2.4.6 Garages:

- a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6 m (19.68 ft.)



6.2.4.7 Habitable Floor Area:

- a) Single Detached Dwellings: 89m² (958 sq. ft.)
- b) Two storey Single Detached Dwellings: 130m² (1,399 sq. ft.)



6.2.5 **MAXIMUM LIMITS**

6.2.5.1 Coverage of Site:

- a) All buildings together, including accessory buildings: 40% of site area
- b) All accessory buildings: 15% of site area



6.2.5.2 Height of Buildings:

- a) Principal Buildings: 10 m (32.80 ft.)
- b) Accessory buildings containing a Secondary Suite: 9 m (29.53 ft.)
- c) Other Accessory buildings: 6 m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building



6.2.5.3 Residential Buildings on Same Site:

- a) One (1) principal dwelling and one secondary suite



6.2.6 **EXCEPTIONS**

- a) To allow an Interfaith Food Bank to operate out of the building at Lots 25 and 26, Block 2, Plan 8054 EK (125 Royal Avenue NW).





6.3 RESIDENTIAL TWO DWELLING DISTRICT (R2) LAND USE RULES



6.3.1 PURPOSE & INTENT

6.3.1.1 The purpose and intent of this District is to provide for residential neighborhoods allowing up to four (4) dwelling units per parcel, primarily accommodating single detached dwellings and duplex dwellings.

6.3.2 PERMITTED & DISCRETIONARY USES

6.3.2.1 Permitted Uses:

- Accessory Buildings
- Duplex Dwellings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings
- Special Events

6.3.2.2 Discretionary Uses:

- Bed and Breakfast Accommodations
- Child Care Facilities
- Community Buildings and Facilities
- Four-plexes
- Home Occupations - Major
- Lodging Houses
- Private Swimming Pools
- Public and Quasi Public Installations and Facilities
- Religious Institutions
- Rowhouse Dwellings
- Secondary Suites



6.3.3

GENERAL REQUIREMENTS

In addition to the general land use provisions contained in Section 4.0, 6.1 and 11.0, the following provisions as contained within this section shall apply to every development in this District.

- 6.3.3.1 Comprehensive residential development shall comply with the Comprehensive Residential Development Requirements as outlined in Section 6.1.3.

6.3.4

MINIMUM REQUIREMENTS

- 6.3.4.1 Area of Site:

- a) Single Detached Dwellings: 464 m² (4,994 sq. ft.)
- b) Duplex Dwellings:
 - i) Each dwelling unit with a side yard abutting a street: 372 m² (4,004 sq. ft.)
 - ii) All other dwelling units: 326 m² (3,509 sq. ft.)
- c) Rowhouse Dwellings:
 - i) For each internal dwelling unit and end dwelling unit: 279 m² (3,003 sq. ft.)
 - ii) For each dwelling unit with a side yard abutting a street: 326 m² (3,509 sq. ft.)

- 6.3.4.2 Width of Site:

- a) Single Detached Dwellings: 13.3 m (43.63 ft.)
- b) Duplex Dwellings:
 - i) For each unit with side by side yard abutting a street: 10.5 m (34.45 ft.)
 - ii) All other dwelling units: 9 m (29.53 ft.)
- c) Rowhouse Dwellings:
 - i) For each internal and end dwelling unit: 9 m (29.53 ft.)
 - ii) For each end dwelling unit with a side yard abutting a street: 10.5 m (34.45 ft.)

- 6.3.4.3 Front Yard:

- a) On site fronting a collector street: 6 m (19.68 ft.)
- b) All other sites: 5 m (16.40 ft.)

- 6.3.4.4 Side Yards:

- a) Principal Buildings:
 - i) Street side or corner site: 3 m (9.84 ft.)
 - ii) Laneless site without attached garage: One side 3 m (9.84 ft.) and the other 1.5 m (4.92 ft.)
 - iii) All other: 1.5 m (4.92 ft.)



b) Accessory Buildings:

- i) Street side or corner site: 3 m (9.84 ft.)
- ii) All other: 0.61 m (2.00 ft.)

c) Other Accessory Buildings including conversions of existing garages to a Secondary Suite:

- i) Street side of corner site: 3m (9.84 ft.)
- ii) All other: 0.61m (2.00 ft.)

6.3.4.5 Rear Yard:

a) Principal Building:

- i) Laned sites: 7.5 m (24.60ft.)
- ii) Laneless sites: 6 m (19.68ft.)

b) Duplex Dwellings in a Comprehensive Residential Development- Laneless sites:

- i) When development is abutting Public Open Space: 5 m (16.40ft.)
- ii) When development is not abutting Public Open Space: 6 m (19.68ft.)

c) Decks and Balconies:

- i) Laned sites: 3 m
- ii) Laneless sites: 4 m

d) New Accessory Buildings containing a Secondary Suite: 1.5 m (4.92 ft.)

e) Other Accessory Buildings including conversions of existing garages to a Secondary Suite: 1 m (3.28 ft.)

6.3.4.6 Principal buildings within a Comprehensive Residential Development shall be separated by 3 m (9.84 ft.). All other setbacks are at the discretion of the Development Authority.

6.3.4.7 Garages:

The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6 m (19.68 ft.)

6.3.5 **MAXIMUM LIMITS**

6.3.5.1 Coverage of Site:

- a) All buildings including accessory buildings: 40% of site area
- b) All accessory buildings: 15% of site area
- c) Duplex Dwellings in a Comprehensive Residential Development: 45% of site area

6.3.5.2 Height of Buildings:

- a) Principal Buildings: 10 m (32.80 ft.)
- b) Accessory Buildings containing a Secondary Suite: 9 m (29.53 ft)
- c) Accessory buildings: 6 m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principal building.



6.3.6 SPECIAL REQUIREMENTS

- 6.3.6.1 A minimum area of 186m² (2,002 sq. ft.) shall be provided per dwelling unit in a duplex dwelling for landscaping and recreational purposes, and should be located in the rear or side yards, and may include balconies and recreational facilities within the building including patios, private swimming pools, and recreational areas for the free use of the residents.

6.3.7 EXCEPTIONS

- 6.3.7.1 Notwithstanding Section 6.1.8 the minimum habitable floor area per unit for Lot 3, Block 6, Plan 3138 FM shall be 60 m² (646 sq. ft.).





6.4 RESIDENTIAL MULTI-UNIT DISTRICT (R3) LAND USE RULES



6.4.1 PURPOSE & INTENT

- 6.4.1.1 The purpose and intent of this District is to provide for a mixture of housing forms primarily accommodating duplex dwellings, rowhouse dwellings, four-plexes, apartments and comprehensive residential development.

6.4.2 LIST OF PERMITTED & DISCRETIONARY USES

6.4.2.1 Permitted Uses:

- Accessory Buildings
- Apartments
- Four-plexes
- Home Occupations - Minor
- Public Parks
- Rowhouse Dwellings
- Special Events

6.4.2.2 Discretionary Uses:

- Bed and Breakfast Accommodations
- Duplex Dwellings
- Home Occupations - Major
- Lodging Houses
- Private Swimming Pools
- Public and Quasi Public Installations and Facilities
- Secondary Suite



6.4.3

GENERAL REQUIREMENTS

In addition to the general land use provisions contained in Sections 4.0, 6.1 and 11.0, the following provisions as contained within this section shall apply to every development in this District.

- 6.4.3.1 Comprehensive Residential Development shall comply with the Comprehensive Residential Development Requirements as outlined in Section 6.1.3.

6.4.4

MINIMUM REQUIREMENTS6.4.4.1 Area of Site:

- a) Apartment buildings (this includes unit, parking, recreation and landscaping):
 - i) Bachelor Unit: 100 m² (1,076 sq. ft.)
 - ii) 1 Bedroom Unit: 124 m² (1,334 sq. ft.)
 - iii) 2 Bedroom Unit: 179 m² (1,927 sq. ft.)
 - iv) 3 Bedroom Unit: 204 m² (2,196 sq. ft.)
 - v) 4 Bedroom Unit: 204 m² (2,196 sq. ft.)
- b) Rowhouse Dwellings:
 - i) For each internal dwelling unit: 279 m² (3,003 sq. ft.)
 - ii) For each end dwelling unit: 279 m² (3,003 sq. ft.)
 - iii) For each dwelling unit with a side yard abutting a street: 326 m² (3,509 sq. ft.)
- c) Duplex Dwellings:
 - i) Each dwelling unit with a side yard abutting a street: 372 m² (4,004 sq. ft.)
 - ii) All other dwelling units: 320m² (3,445 sq. ft.)
- d) Four-plexes: 186 m² (2,002 sq. ft.) for each dwelling unit
- e) All other uses: at the discretion of the Development Authority

6.4.4.2 Width of Site:

- a) Rowhouse Dwellings:
 - i) For each internal dwelling unit: 9 m (29.53 ft.)
 - ii) Each end dwelling unit: 9 m (29.53 ft.)
 - iii) Each end dwelling unit with a side yard abutting a street: 10.5 m (34.45 ft.)
- b) Duplex Dwellings:
 - i) For each dwelling unit; except as in (c) below: 9 m (29.53 ft.)
 - ii) Dwelling unit with a side yard abutting a street: 10.5 m (34.45 ft.)
- c) Duplex Dwellings: 15 m (49.21 ft.);
- d) Four-plexes: 24 m (78.74 ft.);
- e) All other uses: at the discretion of the Development Authority.



6.4.4.3 Front Yard:

- a) On sites fronting a collector street: 6 m (19.68 ft.)
- b) All other sites: 5 m (16.40 ft.)

6.4.4.4 Side Yards:

a) Principal Buildings:

- i) Street side of corner site: 3 m (9.84 ft.)
- ii) Laneless site without attached garage: One side 3 m (9.84 ft.) and the other 1.5 m (4.92 ft.)
- iii) All other: 1.5 m (4.92 ft.)

b) New Accessory Buildings containing a Secondary Suite:

- i) Street side of corner site: 3 m (9.84 ft.)
- ii) Other: 1.5 m (4.92 ft.)

c) Other Accessory Buildings including conversions of existing garages to a Secondary Suite:

- i) Street side of a corner site: 3 m (9.84 ft.)
- ii) All other: 0.61 m (2.00 ft.)

6.4.4.5 Rear Yard:

a) Principal Buildings: 7.5 m (24.60 ft.)

b) New Accessory Buildings containing a Secondary Suite: 1.5 m (4.92 ft.)

c) Other Accessory Buildings including conversions of existing garages to a Secondary Suite: 1 m (3.28 ft.)

6.4.4.6 Habitable Floor Area Per Unit:

a) Rowhouse Dwellings: 74 m² (797 sq. ft.)

b) Apartments: 46 m² (495 sq. ft.)

6.4.4.7 Principal buildings within a Comprehensive Residential Development shall be separated by 3 m (9.84 ft.). All other setbacks are at the discretion of the Development Authority.

6.4.5 **MAXIMUM LIMITS**

6.4.5.1 Height of Buildings:

- a) Principal Buildings: 10 m (32.80 ft.)
- b) Accessory Buildings containing a Secondary Suite: 9 m (29.53 ft.)
- c) Accessory buildings: 6 m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principal building

6.4.5.2 Coverage of Site:

- a) Principal Buildings: 45% of site area
- b) All Accessory Buildings: 15% of site area



6.4.6 LANDSCAPING REQUIREMENTS

- 6.4.6.1 Dwelling units must be landscaped, including screening in accordance with the plan approved by the Development Authority.



- 6.4.6.2 In determining the recreational amenity area, facilities such as balconies, patios, private swimming pools or games rooms shall be used. Landscaping shall not include walkways to and from the principal or accessory buildings.



6.4.7 CONTROLLED APPEARANCE

- 6.4.7.1 On sites developed for apartments, and Comprehensive Residential Developments, the facade of the building, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the Development Authority.
- 6.4.7.2 All development in this District must be designed to maximize the development potential and design in accordance with adopted Municipal Statutory Plans.
- 6.4.7.3 In examining any proposed use for this District, due regard shall be paid to the compatibility of the proposed use with existing uses on or adjacent to the site.
- 6.4.7.4 The facade of building in this District shall be maintained to the standards as shown on the site plan approved by the Development Authority.



6.4.8 OTHER REQUIREMENTS

- 6.4.8.1 The maximum density allowable on the land legally described as Ptn of Lot 2, Block 24, Plan 9210468, a Ptn of Road Plan 9311984 and a Ptn of SE 1/4 -12-20-3 W5M shall be 68 dwelling units comprised of no more than fifty (50) apartment units and eighteen (18) duplex units.



6.5 RESIDENTIAL RURAL DISTRICT (RR) LAND USE RULES



6.5.1 PURPOSE & INTENT

The purpose and intent of this District is to provide for single detached residential neighbourhoods having larger parcel sizes in a rural setting.

6.5.2 LIST OF PERMITTED & DISCRETIONARY USES

6.5.2.1 Permitted Uses:

- Accessory Buildings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings
- Special Events

6.5.2.2 Discretionary Uses:

- Bed and Breakfast Accommodations
- Home Occupations - Major
- Public and Quasi Public Installations and Facilities
- Secondary Suites
- Shipping Containers

6.5.3 GENERAL REQUIREMENTS

In addition to the general land use provisions contained in Section 4.1, 6.1 and 11.0, the following provisions as contained within this section shall apply to every development in this District.



6.5.4 **MINIMUM REQUIREMENTS**

6.5.4.1 Area of Site:

- a) 0.1 hectares (0.25 acre)

6.5.4.2 Width of Site:

- a) 22.86 m (75.00 ft.)

6.5.4.3 Front Yard:

- a) Adjacent to a Provincial Highway without an intervening service road: As required by Alberta Transportation
- b) On sites fronting on a collector: 6 m (19.68 ft.)
- c) All other sites: 5 m (16.40 ft.)

6.5.4.4 Side Yards:

- a) Principal Building:
 - i) Street side of corner site: 3 m (9.84 ft.)
 - ii) All other: 1.5 m (4.92 ft.)

- b) New Accessory Buildings containing a Secondary Suite:

- i) Side of corner site: 3 m (9.84 ft.)
 - ii) All other: 1.5 m (4.92 ft.)

- c) Other Accessory Buildings including conversions of existing garages to a Secondary Suite:

- i) Street side of corner site: 3 m (9.84 ft.)
 - ii) All other: 0.61 m (2.00 ft.)

6.5.4.5 Rear Yard:

- a) Adjacent to a Provincial Highway without an intervening service road:
 - i) As required by Alberta Transportation

- b) Principal Building:

- i) Laned sites: 7.5 m (24.60 ft.)
 - ii) Laneless sites: 6 m (19.68 ft.)

- c) Decks and Balconies:

- i) Laned sites: 3 m
 - ii) Laneless sites: 4 m

- d) New Accessory Buildings containing a Secondary Suite:

- i) 1.5 m (4.92 ft.)

- e) Other Accessory Buildings including conversions of existing garages to a Secondary Suite: 1 m (3.28 ft.)



6.5.4.6 Garages:

- a) The setback of a garage or carport from the edge of a street right of way, where the vehicle entrances faces the street shall be 6 m (19.68 ft.)

6.5.4.7 Habitable Floor Area:

- a) Single Detached Dwellings: 112 m² (1,205 sq. ft.)

6.5.5 **MAXIMUM LIMITS**

6.5.5.1 Coverage of Site:

- a) All buildings including accessory buildings: 40% of site area
- b) All accessory buildings: 15% of site area

6.5.5.2 Height of Buildings:

- a) Principal Buildings: 10 m (32.80 ft.)
- b) Accessory buildings containing Secondary Suites: 9 m (29.53 ft.)
- c) Other Accessory buildings: 6 m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principle building

6.5.5.3 Residential Buildings on Same Site:

- a) One principal dwelling and one Secondary Suite

6.5.6 **EXCEPTIONS**

- a) That Lot 19, Block 2, Plan 8910678 shall have a site width of approximately 27 m (88.58 ft.)
- b) That Lot 3S, Block C, Plan 7611163 shall have a site area of approximately 0.093 hectare (0.23 acres) and a site width of approximately 20.42 m (67 ft.)
- c) That Lot 3N, Block C, Plan 7611163 shall have a site area of approximately 0.073 hectare (0.18 acres) and a site width of approximately 16.15 m (53 ft.)
- d) That Lot 6, Block E, Plan 7611163 shall have a site area of approximately 0.093 hectare (0.23 acres)
- e) That Lot 7, Block E, Plan 7611163 shall have a site area of approximately 0.081 hectare (0.20 acres)
- f) That the following sites shall have a minimum site area of 0.4 hectares (1 acre), shall have a minimum side setback for principal buildings of 5 m (16.40 ft.), shall have a minimum side setback for other Accessory Buildings including conversions of existing garages to Secondary Suites of 2.4 m (7.87 ft.);
 - i) Lots 1,2,4,5,& 6, Block 2, Plan 8011291
 - ii) Lots 8, & 9, Block 2, Plan 9511646
 - iii) Lots 19, & 20 Block 2, Plan 8910678
 - iv) Lot 5, Plan 8610274



PART 7

LAND USE DISTRICTS

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GENERAL ADMINISTRATION



DEFINITIONS



ADMINISTRATIVE REQUIREMENTS & AUTHORITY



GENERAL LAND USE REGULATIONS & PROVISIONS



ESTABLISHMENT OF LAND USE DISTRICTS



RESIDENTIAL DISTRICTS



COMMERCIAL DISTRICTS



INDUSTRIAL DISTRICTS



OPEN SPACE DISTRICTS



DIRECT CONTROL DISTRICTS



PARKING REGULATIONS



SIGNAGE CONTROL





7.0 COMMERCIAL DISTRICTS

7.1 GENERAL RULES FOR COMMERCIAL DISTRICTS



7.1.1 CONTROLLED APPEARANCE

- 7.1.1.1 All development in commercial districts must be designed to maximize the development potential and design in accordance with the Municipal Development Plan adopted or under preparation and any other adopted Statutory Plan;
- 7.1.1.2 The exterior finishing materials of the proposed development must be those as shown on the approved plan;
- 7.1.1.3 In examining any proposed use for commercial districts, due regard shall be paid to the compatibility of the proposed use with existing uses on or adjacent to the site;
- 7.1.1.4 The facade of buildings in commercial districts shall be maintained to the standard as shown on the site plan approved by the Development Authority.
- 7.1.1.5 Notwithstanding any other provision of this Bylaw, the Development Authority may allow a building to be occupied by a combination of one or more of the permissible uses listed for commercial districts, and each use shall be considered as a separate use.
- 7.1.1.6 Where the site is part of a larger area, the whole of which may eventually be developed and for which no comprehensive plan has been prepared, the Development Authority may require the submission of a comprehensive plan for the whole area before dealing with the application and may require that the plan be prepared by an architect or planner.

7.1.2 PARKING

- 7.1.2.1 On-site parking provided shall be located at least 1.5 m (4.92 ft.) from the front property line;
- 7.1.2.2 Where a proposed development abuts an existing residential site, adequate screening and/or buffering of the parking area shall be provided to the satisfaction of the Development Authority.

7.1.3 SCREENING

- 7.1.3.1 All apparatus on the roof shall be screened to the satisfaction of the Development Authority.
- 7.1.3.2 All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.

7.1.4 UTILITIES

- 7.1.4.1 Onsite utilities services shall be underground.



7.1.5 **MIXED USE RESIDENTIAL COMMERCIAL**

- 7.1.5.1 Residential development shall not be located below the second storey.
- 7.1.5.2 Residential development shall have direct access to the outside street level.
- 7.1.5.3 A residential use shall not be located on the same floor as a commercial use.
- 7.1.5.4 A retail cannabis store shall not be located in a mixed use residential / commercial development.
- 7.1.5.5 Residential development shall provide parking in accordance with **Section 11.0** of this Bylaw.

7.1.6 **GAS BARS & S**

- 7.1.6.1 Minimum Area of Site: 929 m² (10,000 sq. ft.)
- 7.1.6.2 Minimum Width of Site: 30 m (98.42 ft)
- 7.1.6.3 Setback of Buildings and Structures:
 - a) The proposed location(s) and design of all fuel storage tanks shall fulfill the requirements and setback provisions of Provincial safety codes.
 - b) The ventilation tank pipes shall have a minimum height of 3.5 m from grade, and a minimum setback of 1.0 m from any property line. In cases where the ventilation tank pipes are adjacent to a building opening, the setback requirement shall be a minimum of 1.2 m.
 - c) The ventilation tank pipes shall have a minimum setback of 7.5 m from any fuel dispensing unit.

7.1.7 **OUTSIDE STORAGE**

- 7.1.7.1 Outside storage of material or equipment including vehicles used in the operation of the commercial activity may be permitted if such storage is screened from all public roadway excepting lanes to the satisfaction of the Development Authority.

7.1.8 **OTHER REQUIREMENTS**

- 7.1.8.1 The Development Authority may specify such other requirements as it deems necessary or desirable having regard to the nature of a proposed development and the purpose of the district.
- 7.1.8.2 The Development Authority may consider applications for uses similar in character and purpose to those listed under discretionary uses.
- 7.1.8.3 Accessory buildings shall be subject to the regulations of Section 4.1.6.

7.1.9 **DRIVE-THROUGH FACILITIES**

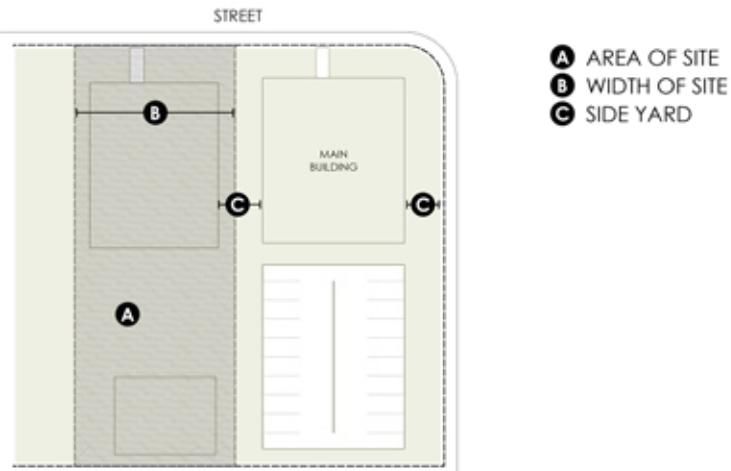
- 7.1.9.1 Drive-through facilities accessory to the principal use, shall be developed in accordance with the following standards;



- a) The drive-through facility shall not impede pedestrian movement on the subject site, to and from the principal use;
- b) The drive-through facility should not face into a public road or be located within a required minimum building or landscaping setback;
- c) Where possible, the drive-through facility should be delineated and separated from surrounding circulation areas by landscaping, curbs, changes in grade, or similar treatments to provide containment and direction for queuing;
- d) Drive-through facilities that are adjacent to a residential district shall not have a speaker or digital screen oriented towards the residential district;
- e) All drive-through queueing areas shall be screened with landscaping to the satisfaction of the Development Authority; and
- f) Drive-through facilities that are adjacent to a residential district shall be screened with a fence, landscaping, or other similar treatments to mitigate visual impacts on the surrounding neighbourhood to the satisfaction of the Development Authority.



7.2 CENTRAL BUSINESS DISTRICT (CB) LAND USE RULES



7.2.1 PURPOSE & INTENT

The purpose and intent of this District is to provide a concentrated primary area for retail and specialty retail development which serve residents and support and encourage tourism functions. The development and uses will be those that seek to promote the Downtown area as the civic, social, retail, professional and entertainment core of Turner Valley. Development in this district will have a high standard of appearance and performance.

7.2.2 LIST OF PERMITTED & DISCRETIONARY USES

7.2.2.1 Permitted Uses:

- Accessory Buildings
- Arts or Crafts Studios
- Bed and Breakfast Accommodations
- Business Support Services
- Child Care Facilities
- Convenience Stores
- Entertainment Establishments
- Financial Institutions
- Gas Bars
- Medical Clinics
- Offices
- Personal Service Shops
- Private Recreational Facilities
- Public and Quasi-Public Installations and Facilities
- Public Parks
- Public Recreational Facilities
- Religious Institutions





- Restaurants
- Retail Stores
- Retail Food Stores
- Special Event
- Specialty Food Stores



7.2.2.2 Discretionary Uses:

- Breweries, Distilleries, and/or Wineries
- Community Buildings and Facilities
- Crematorium
- Drinking Establishments
- Funeral Homes
- Hotels
- Markets
- Mixed Use Residential Commercial
- Motels
- Parking Lots
- Private Clubs and Lodges
- Retail Cannabis Store
- Retail Stores, Liquor
- Schools or Colleges, Commercial
- Service Stations
- Shipping Containers



GENERAL REQUIREMENTS

In addition to the general land use provisions contained in Sections 4.0, 7.0 and 11.0, the following provisions as contained within this section shall apply to every development in this district.

MINIMUM REQUIREMENTS

7.2.4.1 Area of Site:

- a) 140 m² (1,507 sq. ft.)

7.2.4.2 Width of Site:

- a) 4.5 m² (14.76 ft.)

7.2.4.3 Front Yard:

- a) None required

7.2.4.4 Rear Yard:

- b) None required



7.2.4.5 Side Yards:

- a) Side adjacent to a residential district: 3 m (9.84 ft.)
- b) All other locations: none required

7.2.5 **MAXIMUM LIMITS**

7.2.5.1 Height of Buildings:

- a) 10 m (32.80 ft.)



7.2.6 **LANDSCAPING**

7.2.6.1 The boulevard and a minimum of 7% of the site area shall be landscaped in accordance with the plan approved by the Development Authority;

7.2.6.2 A large proportion of the required landscaping shall be concentrated in the front yard of the site.

7.2.7 **EXCEPTIONS**

7.2.7.1 Lots 1, 2, P3, 6, 7, Block 3, Plan 7423 DQ shall be allowed to have outside storage of materials compatible with the lumber yard, provided that it is fenced and maintained to a standard as shown on the site plan as approved by the Development Authority.

7.2.7.2 Lot 4, Block 1, Plan 954 GV shall be allowed a discretionary use of a kennel in the existing building. Maximum number of dogs and cats allowed is fifteen (15); all animals are to be kept indoors at night.

7.2.7.3 Lots 29 and 30, Plan 2474 DN municipally known as 120 Sunset Blvd. NW, be allowed a discretionary use of motor vehicle detailing.

7.2.7.4 Lot 4, Block 1, Plan 954 GV shall be allowed a discretionary use of a veterinary clinic - large animals provided the maximum number of large animals allowed at one time shall not exceed five (5). All animals are to be kept indoors at all times.

7.2.7.5 To allow a discretionary use for the operation of a Bottling Return Depot on Lands 21 to 23, Plan 2474 DN (104 Sunset Blvd. NW).

7.2.7.6 To allow for the discretionary use of an automotive repair business to operate from the premises located at Lot 6, Block 1, Plan 954GV municipally known as 109 Sunset Boulevard SE and to continue to use the existing dwelling as a residence. There is to be no outside storage of materials or equipment.

7.2.7.7 To allow for the discretionary use of a craft distillery business to operate from the premises located at Lot 8-9, Plan 7211DR municipally known as 113 Sunset Boulevard SW.

7.2.7.8 To allow for the discretionary use of a craft distillery business to operate from the premises located at Lot 7-9, Plan 7211DR municipally known as 113 Sunset Boulevard SW and 111 Sunset Boulevard SW.



7.3 HIGHWAY COMMERCIAL DISTRICT (CHWY) LAND USE RULES



7.3.1 PURPOSE & INTENT

The purpose and intent of this District is to provide for a limited range of commercial uses adjacent to major roadways carrying larger volumes of traffic, oriented towards the traveling and touring public.

7.3.2 LIST OF PERMITTED & DISCRETIONARY USES

7.3.2.1 Permitted Uses:

- Accessory Buildings
- Automotive Sales and Rentals
- Automotive Services
- Car Washing Establishments
- Entertainment Establishments
- Gas Bars
- Convenience Stores
- Offices
- Parking Lots
- Personal Service Shop
- Private Clubs and Lodges
- Private Recreational Facilities
- Public and Quasi-Public Installations and Facilities
- Public Parks
- Restaurants
- Retail Food Stores
- Schools or Colleges, Commercial
- Special Event
- Specialty Food Stores



- Veterinary Clinics

7.3.2.2 Discretionary Uses:

- Bottle Depots
- Breweries, Distilleries, and/or Wineries
- Building Supply Centres
- Crematorium
- Drinking Establishments
- Drive-through Facilities
- Funeral Home
- Garden Centre
- Hotels
- Markets
- Mixed Use Residential Commercial
- Motels
- Retail Cannabis Store
- Retail Stores
- Retail Stores, Liquor
- Service Stations
- Shipping Containers
- Veterinary Clinic, large animals



7.3.3 **GENERAL REQUIREMENTS**

In addition to the general land use provisions contained in Sections 4.0, 7.0 and 11.0, the following provisions as contained within this section shall apply to every development in this District.



7.3.4 **MINIMUM REQUIREMENTS**

7.3.4.1 Area of Site:

- a) 464 m² (4,994 sq. ft.)

7.3.4.2 Front Yard:

- a) 6 m (19.68 ft.)

7.3.4.3 Side Yards:

- a) When it abuts a residential district: 6 m (19.68 ft.)
- b) Street side of corner site: 3 m (9.84 ft.)
- c) All other: none required

7.3.4.4 Width of Site:

- a) 15 m (49.21 ft.)



7.3.5 **MAXIMUM LIMITS**

7.3.5.1 Height of Buildings:

- a) 10 m (32.80 ft.)



7.3.6 **LANDSCAPING**

7.3.6.1 A minimum of 10% of the site area must be landscaped in accordance with the plan approved by the Development Authority;



7.3.6.2 A large portion of the required landscaping shall be concentrated in the front yard of the site.



7.3.6.3 Any trees or shrubs which die must be replaced during the next planting season.



7.3.7 **SETBACKS**



7.3.7.1 The front yard requirement shall not apply to gas pumps and signs.





 **PART 8**

LAND USE DISTRICTS

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8.0 INDUSTRIAL DISTRICTS

8.1 GENERAL RULES FOR INDUSTRIAL DISTRICTS

8.1.1 SPECIAL REQUIREMENTS

8.1.1.1 Appearance:

- a) The exterior finishing materials of the proposed development shall be those as shown on the approved plan.

8.1.1.2 Screening:

- a) All apparatus on the roof shall be screened to the satisfaction of the Development Authority;
- b) All sites abutting a residential district shall be screened from the view of the residential district to the satisfaction of the Development Authority.

8.1.2 VEHICLE STORAGE

- 8.1.2.1 Wrecked or damaged vehicles which might be located on the property shall be stored in an enclosure satisfactory to the Development Authority.

8.1.3 MINI-STORAGE WAREHOUSES

- 8.1.3.1 Limited to single storey structures;

- 8.1.3.2 The storage of goods which are explosive, highly flammable, or produce noxious odors shall be prohibited.

8.1.4 OTHER REQUIREMENTS

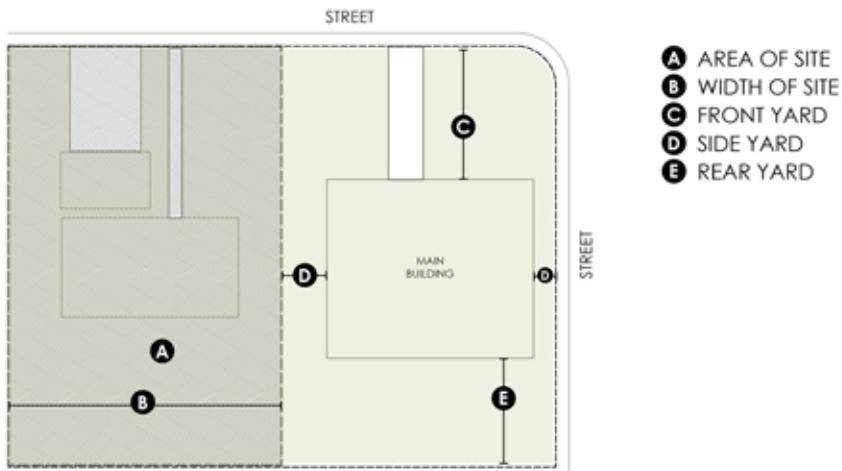
- 8.1.4.1 The Development Authority may specify such other requirements as it deems necessary or desirable having regard to the nature of the proposed development and the purpose of the district.

- 8.1.4.2 The Development Authority may consider applications for uses similar in character and purpose to those listed under discretionary uses.





8.2 LIGHT INDUSTRIAL DISTRICT (I1) LAND USE RULES



8.2.1 PURPOSE & INTENT

The purpose and intent of this District is to provide for light service industrial use with limited accessory outside storage.

8.2.2 LIST OF PERMITTED & DISCRETIONARY USES

8.2.2.1 Permitted Uses:

- Accessory Buildings
- Auctioning Services
- Automotive Sales and Rentals
- Automotive Services
- Bottle Depots
- Building Supply Centres
- Car Washing Establishments
- Financial Institutions
- Food Packaging and Processing
- Garden Centre
- Industrial Use, Minor
- Offices
- Public Parks
- Recreational Vehicle Sales and Services
- Restaurants
- Special Events
- Veterinary Clinics



8.2.2.2 Discretionary Uses:

- Breweries, Distilleries, and/or Wineries
- Cannabis Production and Distribution Facility
- Crematorium
- Personal Service Shops
- Recreational Vehicle Storage
- Retail Cannabis Store
- Retail Stores
- Service Stations
- Shipping Containers
- Veterinary Clinics, large animals



8.2.3 **GENERAL REQUIREMENTS**

In addition to the general land use provisions contained in Sections 4.0, 8.1 and 9.2, the following provisions as contained within this section shall apply to every development in this District.

8.2.4 **MINIMUM REQUIREMENTS**

8.2.4.1 Area of Site:

- a) 557 m² (5,996 sq. ft.)

8.2.4.2 Width of Site:

- a) 18 m (59.05 ft.)

8.2.4.3 Front Yard:

- a) 8 m (26.25 ft.)

8.2.4.4 Side Yards:

- a) Laneless sites: one (1) unobstructed side yard shall be a minimum of 6 m (19.68 ft.) excluding flankage sites with alternate rear access
- b) Adjacent to a residential district: 3 m (9.84 ft.)
- c) Street side of corner site: 3 m (9.84 ft.).
- d) All other: none required

8.2.4.5 Rear Yard:

- a) 6 m (19.68 ft.)

8.2.5 **MAXIMUM LIMITS**

8.2.5.1 Height of Buildings:

- a) 10 m (32.80 ft.)



8.2.6 LANDSCAPING

- 8.2.6.1 A minimum 10% of the site area must be landscaped in accordance with the plan approved by the Development Authority;
- 8.2.6.2 Any trees or shrubs which die must be replaced during the next planting season;
- 8.2.6.3 The majority of the landscaping shall be concentrated in the front yard.





8.3 GENERAL INDUSTRIAL DISTRICT (I2) LAND USE RULES



8.3.1 PURPOSE & INTENT

The purpose and intent of this District is to provide for an industrial district having a wide range of light to medium industrial uses.

8.3.2 LIST OF PERMITTED & DISCRETIONARY USES

8.3.2.1 Permitted Uses:

- Accessory Buildings
- Agricultural Related Business
- Auctioning Services
- Automotive Sales and Rentals
- Automotive Services
- Bottling Depots
- Building Supply Centres
- Car Washing Establishments
- Food Packaging and Processing
- Garden Centre
- Industrial Use, Minor
- Industrial Use, Major
- Parking Lots
- Public and Quasi-Public Installations and Facilities
- Public Parks
- Recreational Vehicle Sales and Services
- Special Events
- Truck Terminals
- Veterinary Clinics





- Veterinary Clinics, large animals

8.3.2.2 Discretionary Uses:

- Abattoirs
- Breweries, Distilleries, and/or Wineries
- Bulk Fuel Storage and Distribution Facilities
- Cannabis Production and Distribution Facility
- Lumber Yards
- Recreational Vehicle Storage
- Retail Cannabis Store
- Service Stations
- Shipping Containers
- Storage Yards



8.3.3 **GENERAL REQUIREMENTS**

In addition to the general land use provisions contained in Sections 4.0, 8.1 and 9.2, the following provisions as contained within this section shall apply to every development in this District.



8.3.4 **MINIMUM REQUIREMENTS**



8.3.4.1 Area of Site:

- a) 0.25 ha (0.62 acres)



8.3.4.2 Width of Site:

- a) 30 m (98.42 ft.)



8.3.4.3 Front Yard:

- a) 8 m (26.25 ft.)



8.3.4.4 Side Yards:

- a) Adjacent to a residential district: 3 m (9.84 ft.)
- b) Laneless Sites: One (1) unobstructed side yard of 6 m (19.68 ft.) excluding flankage sites with alternative rear access
- c) All other: none except as per 26.6.2



8.3.4.5 Rear Yard:

- a) 6 m (19.68 ft.)



8.3.5 **MAXIMUM LIMITS**

8.3.5.1 Height of Buildings:

- b) 10 m (32.80 ft.)



8.3.6 LANDSCAPING

- 8.3.6.1 A minimum of 5% of the site area must be landscaped in accordance with the plan approved by the Development Authority;
- 8.3.6.2 Any trees or shrubs which die must be replaced during the next planting season.





PART 9

LAND USE DISTRICTS

OPEN SPACE

GENERAL ADMINISTRATION

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9.0 OPEN SPACE DISTRICTS

9.1 URBAN RESERVE DISTRICT (UR) LAND USE RULES



9.1.1 PURPOSE & INTENT

The purpose and intent of this District is to provide for the continuation of existing rural pursuits having regard to the Municipal Development Plan, the essentially low density agricultural characteristics of lands designated UR as well as their proximity to the developed urban areas and intended future urban development.

9.1.2 LIST OF PERMITTED & DISCRETIONARY USES

9.1.2.1 Permitted Uses:

- Accessory Buildings
- Home Occupations - Minor
- Public Parks
- Single Detached Dwellings
- Special Events

9.1.2.2 Discretionary Uses:

- Bed and Breakfast Accommodations
- Home Occupations - Major
- Kennels
- Market Gardens
- Poultry Farms
- Private Recreational Facilities
- Public and Quasi-Public Installations and Facilities



- Restricted Livestock Grazing
- Secondary Suites
- Shipping Containers
- Tourist Campsites



9.1.3 GENERAL REQUIREMENTS



In addition to the general land use provisions contained in Sections 4.0, 8.1 and 11.0, the following provisions as contained within this section shall apply to every development in this District.



9.1.4 MINIMUM REQUIREMENTS



9.1.4.1 Area of Site:

- a) 8 ha (20 acres)



9.1.4.2 Front Yard:

- a) Adjacent to a Provincial Highway without an intervening service road: as required by Alberta Transportation
- b) All other sites: 7.5 m (24.61 ft.)



9.1.4.3 Side Yards:

- a) Principal Building: 5 m (16.40 ft.)
- b) Accessory Building: 2.4 m (7.87 ft.)



9.1.4.4 Rear Yard:

- a) Adjacent to a Provincial Highway without an intervening service road: as required by Alberta Transportation
- b) Principal Building: 7.5 m (24.61 ft.)
- c) Accessory Building: 2.4 m (7.87 ft.)



9.1.5 MAXIMUM LIMITS



9.1.5.1 Height of Buildings:

- a) 10 m (32.80 ft.)



9.1.6 EXCEPTIONS

- a) Lots 1 to 4, Plan 4332 GB shall have the following yards:
 - i) Front and rear yard: 7.5 m (24.61 ft.);
 - ii) Side yard: 4.5 m (14.76 ft.).
- b) That portion of the SE 1/4 of Section 7, Township 20, Range 2, West of the 5th Meridian, which lies south and east of the centre of the South branch of the Sheep River, as said river is shown as Township Plan approved at Ottawa 15 August 1906, containing 31.52 hectares (77.8 acres) more or less;

- i) EXCEPTING:
 - 01) FIRSTLY: that portion described in transfer 6635 A.H. containing 20.60 hectares (50.8 acres) more or less
 - 02) SECONDLY: Plan 4332 GB containing 2.89 hectares (7.15 acres) more or less
 - 03) THIRDLY: Plan 3814 JK, containing 3.117 hectares (7.7 acres) more or less
 - 04) FOURTHLY: The remainder of the SE ¼ of Section 7, Township 20, Range 2, West of the 5th Meridian lying north and east of Plan 4332 GB containing 3.91 hectares (9.65 acres) more or less
 - 05) FIFTHLY: plan 8610274 containing 1.49 hectares (3.68 acres) more or less which shall have a minimum area of site of 3.23 hectares (8.9 acres) more or less.
- c) Lots 2 and 3, Plan 4332 GB shall have the following minimum requirements:
 - i) Area of site 1.75 acres
 - ii) Width of site 250 feet.
- d) That portion of the NE ¼ of Section 6, in Township 20, Range 2, West of the 5th Meridian, which lies to the northwest of Block G, Plan 7611150 which shall have the following requirements:
 - i) Minimum Area of Site: 0.82 ha (2.03 acres); and
 - ii) Minimum Width of site: 40 m (131.23 ft.).
- e) "A portion of the SW ¼ Section 7, Township 20, Range 3, West of the 5th Meridian better known as the land owned by Gulf Canada Resources at the corner of the 4 way stop, shall be allowed a discretionary use of not more than two signs. One sign is for a site specific usage. The second sign is for community recreational information, as sponsored by the Municipality, and to allow all Urban Reserve land, with the exception of a portion of the SW ¼ Section 7, Township 20, Range 3 West of the 5th Meridian, better known as the land owned by Gulf Canada Resources at the corner of the 4 way stop, to have a discretionary use for signs".
- f) Lot 1 – Blk. 2 - Plan 9312616, which shall have a minimum site area of .59 ha (1.48 Acres) more or less.
 - i) Lot 2 – Blk. 2 - Plan 9312616, which shall have a minimum site area of .58 ha (1.45 acres) more or less.
 - ii) Blk. 1 - Plan 1351 JK, which shall have a minimum site area of 4.3 ha (10.6 Acres) more or less.
 - iii) Parcel Y - Plan 7022 ED, which shall have a minimum site area of 1.8 ha (4.6 Acres) more or less.
 - iv) Blk. 1 - Plan 9111448, which shall have a minimum site area of 3.3 ha (8.2 Acres) more or less.
 - v) Blk. 3 - Plan 9112618, which shall have a minimum site area of 1.5 ha (3.8 Acres) more or less.
 - vi) Sec 1, TWP RG W of 5, which shall have a minimum site area of .6 ha (1.5 Acres) more or less.
 - vii) Lot 2 – Blk. 2 - Plan 9310679, which shall have a minimum parcel size of .8 ha (2.0 Acres) more or less.
 - viii) Lot 3, 4, 5 - Plan 9, which shall have a minimum parcel size of .8 ha (2.0 Acres) more or less.



- ix) A portion of Blk. 7 - Plan 954 GV for the temporary use of peddler and food wagons.

9.1.7 SPECIAL REQUIREMENTS

- 9.1.7.1 Kennels and Poultry Farm Buildings shall not be located closer than 150 m (492.12 feet) to any other person's property line.





9.2 PUBLIC SERVICE DISTRICT (PS)

9.2.1 PURPOSE & INTENT

The purpose and intent of this district is to provide for public and privately owned cultural, educational, institutional, and recreational uses.

9.2.2 LIST OF PERMITTED & DISCRETIONARY USES

9.2.2.1 Permitted Uses:

- Public Parks
- Utility Services, Minor
- Special Events

9.2.2.2 Discretionary Uses:

- Assisted Living Homes
- Child Care Facilities
- Community Buildings and Facilities
- Cemeteries
- Public and Quasi-Public Buildings, Installations and Facilities
- Religious Institutions
- Utility Services, Major

9.2.3 GENERAL REQUIREMENTS

In addition to the general land use provisions contained in Section 4.0, the following provisions as contained within this Section shall apply to every development in this district.

9.2.4 MINIMUM REQUIREMENTS

9.2.4.1 All yards:

- a) 6 m (19.69 ft.)

9.2.5 LANDSCAPING

- a) The boulevard and 20% of the site

9.2.6 MAXIMUM LIMITS:

9.2.6.1 Height of Buildings:

- a) Principal Buildings: 10 m (32.80 ft.)
- b) Other Accessory buildings: 6 m (19.68 ft.) provided roof design and pitch is similar to roof design and pitch on the principal building



PART 10

LAND USE DISTRICTS

DIRECT CONTROL

GENERAL ADMINISTRATION



A



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10.0 DIRECT CONTROL DISTRICTS

10.1 DIRECT CONTROL DISTRICT (DC) LAND USE RULES

10.1.1 PURPOSE & INTENT

The purpose and intent of this District is to provide for the creation of site-specific regulations in respect of specific sites within the Municipality, where the circumstances relating to the development of the site, such as their unique characteristics or unusual site constraints, are such that regulation and control by means of other districts in this bylaw would be inappropriate.



10.1.2 LIST OF PERMITTED & DISCRETIONARY USES

Permitted and discretionary uses for a site-specific Direct Control designation shall be established by Council as a schedule to Section 10.1.5 of this District.



10.1.3 GENERAL REQUIREMENTS

In addition to the general land use provisions contained in Sections 4.0, 6.1, 7.0, 8.1, and 11.0, all developments in this district shall comply with any site-specific provisions established by Council for this district.



10.1.4 GENERAL PROCEDURES

10.1.4.1 Notwithstanding the procedure established for the issuance of development permits in Section 3.3, and unless otherwise specified within a particular Direct Control District, Council hereby delegates the authority to make decisions on Development Permit applications pertaining to lands within Direct Control Districts to the Development Officer and or the Municipal Planning Commission in accordance with their respective authority and duties as set out in Section 3.8 of this Bylaw.

10.1.4.2 There is no appeal to the Subdivision and Development Appeal Board from a decision on an application for a development permit in a Direct Control District.



10.1.5 LAND DESIGNATED DIRECT CONTROL

10.1.5.1 Development within a Direct Control District must comply with the standards as outlined in the corresponding Direct Control Bylaw's, adopted by Council, as attached in Schedule A.





PART 11

PARKING REGULATIONS

GENERAL ADMINISTRATION



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11.0 PARKING REGULATIONS

11.1 PARKING & LOADING FACILITIES

Parking and loading spaces shall be provided on site in accordance with the following Tables 1 and 2, and unless otherwise stated, shall be in accordance with the following:

- a) Where more than one (1) use exists on a site, the appropriate number of parking spaces shall be provided for each type of use;

11.1.1 PARKING REQUIREMENTS

Table 1. *Parking Requirements*

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES
Bed and Breakfast Accommodation	1 space per rented room plus the number required for the dwelling
Group Home	1 space/employee not residing in the home, plus the number required for the dwelling
Home Occupations - Minor	Only the number of spaces required for the dwelling
Home Occupations - Major	1 space per vehicle required for the occupation plus 1 space per employee plus the number required for the dwelling
Multi-Family Residential Uses (Apartments, Rowhouse Dwellings, Duplex Dwellings, Lodging Houses, and Four-plexes)	1.5 spaces per dwelling unit, plus 15% of total spaces required to be allocated for visitor parking
Single-Family Residential Uses (Single Detached Dwellings)	2 spaces per dwelling unit
Other Residential Uses (Secondary Suites)	1 space per dwelling unit
Assisted Living Home	1 space per 2 units

11.1.2 LOADING REQUIREMENTS

Table 2. *Loading Requirements*

USE OF BUILDING OR SITE	MINIMUM NUMBER OF LOADING SPACES
Arenas	2 spaces
Cannabis Production and Distribution Facility	1 space/1,858 m ² (20,000 sq. ft.) Minimum of 1 space.
Funeral Homes	1 space
Hospitals	1 space
Lumber Yards and Building Supply Centres	1 space/1,858 m ² (20,000 sq. ft.). Minimum of two spaces
Restaurants	1 space
Retail Cannabis Store	1 space per business



USE OF BUILDING OR SITE	MINIMUM NUMBER OF LOADING SPACES
Retail Stores and Service/Repair Shops	1 space per business or at the discretion of the Development Authority
All Industrial uses aside from those specified	1 space/1,858 m ² (20,000 sq. ft.). Minimum of two spaces.



11.1.3 GENERAL REQUIREMENTS

- 11.1.3.1 Accessible parking spaces for all uses permitted in this bylaw shall be provided in accordance with the requirements of the Alberta Building Code.
- 11.1.3.2 For all other uses not specified in Table 1, there shall be no minimum number of parking spaces required, rather, each Development shall consider the appropriate number of parking spaces required to support the proposed Development.
- 11.1.3.3 Notwithstanding 11.1.3.2, the Development Authority may require parking spaces to be provided for a Development if deemed necessary to limit undue impacts on the surrounding area.
- 11.1.3.4 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:
 - a) It is easily accessible to the vehicle intended to be accommodated there;
 - b) It can be properly maintained;
 - c) It is in conformity with the requirements as outlined in 29.1.1 and the stall width, angle, and depth, along with the aisle width conforms to 29.1.9 and are indicated on the site plan; and
 - d) It is satisfactory to the Development Authority in size, shape, location, grading and construction.
- 11.1.3.5 A loading space shall have an area of not less than 28 m² (301.40 sq. ft.), 3.5 m (11.48 ft.) in width, and 3.5 m (11.48 ft.) of overhead clearance.
- 11.1.3.6 Any parking space or any loading space shall be developed to Municipal standards.
- 11.1.3.7 When a building is enlarged, altered, or a change in the use occurs in such a manner as to cause a more intensive use of that building, provision shall be made for the additional parking spaces required as a result of the enlargement, alteration, or change in the use of the building, in addition to any parking spaces that may have been removed due to the enlargement or alteration.
- 11.1.3.8 Curbs, concrete bumpers or fences shall be provided to the satisfaction of the Development Authority.
- 11.1.3.9 The onsite 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 Development Authority.





11.1.3.10 Notwithstanding Section 11.2.1.2 and excluding residential districts should the Development Authority deem it advisable, it may:

- a) Accept a payment in lieu, on the number of onsite parking spaces deficient, which payment shall be based on the amount of money Council considers reasonable in lieu of the equivalent parking space to be provided by the Municipality elsewhere in the same district in which the development is proposed;
- b) Require the developer to provide the required off-street parking on land other than that to be developed provided that:
 - i) The alternate parking site is within 122 m (400.26 ft.) of the site where the principal building is located or where the approved use is carried on and within the same district in which the development is proposed;
 - ii) 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 shall be maintained and made available at all times in a like manner to onsite parking;
 - iii) The absolute control is established to the satisfaction of Council;
 - iv) Should the developer or their successor to the principal development seek the consent of the Municipality to discontinue the use of an approved alternate parking site, they shall provide a substitute parking site that conforms to the criteria required for an onsite parking space;
 - v) When the developer or their successor is authorized by the Municipality to provide one or more alternative parking sites, they shall enter into an agreement under seal with the Municipality depositing 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.

11.1.4 PARKING SPACE DIMENSIONS

11.1.4.1 Parking spaces shall be designed and provided in accordance with **Table 3**.

Table 3. *Parking Space Dimensions*

PARKING ANGLE (A)*	AISLE WIDTH (B)* M (FT.)	STALL DEPTH (C)* M (FT.)	STALL WIDTH (D)* M(FT.)
30°	3.5 m (11.48 ft.)	5.9 m (19.34 ft.)	2.7 m (8.8 ft.)
45°	3.5 m (11.48 ft.)	6.8 m (22.31 ft.)	2.7 m (8.8 ft.)
60°	5.5 m (18.04 ft.)	7.2 m (23.6 ft.)	2.7 m (8.8 ft.)
90°	7.0 m (22.97 ft.)	6.8 m (22.31 ft.)	2.7 m (8.8 ft.)

11.1.4.2 Parking and loading requirements for other similar uses as set out in Section 11.2.1.2 shall be provided as determined by the Development Authority.

11.1.4.3 In addition to the residential parking requirement, multi-unit developments with more than six (6) dwelling units shall provide clearly marked visitor parking at a minimum ratio of 0.15 parking spaces per dwelling unit.



 **PART 12**

SIGNAGE

GENERAL ADMINISTRATION



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12.0 SIGN CONTROL

- 12.1 GENERAL REQUIREMENTS
12.1.1 GENERAL REQUIREMENTS

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12.0 SIGN CONTROL

The signage types shown below are permitted in all Land Use Districts Unless otherwise specified.

SIGNAGE TYPE	EXAMPLE
Advertising and Temporary Signs	
Balloon	
Banner	





SIGNAGE TYPE	EXAMPLE
Billboard	
Sandwich	
All Other Signage Types	
Awning and Canopy	

SIGNAGE TYPE	EXAMPLE
Changeable Message	
Fascia	
Freestanding	





SIGNAGE TYPE	EXAMPLE
Projecting	
Roof	
Window	



12.1 GENERAL REQUIREMENTS

12.1.1 GENERAL REQUIREMENTS

Unless otherwise specified in section 3.2.1, a development permit is required for the erection of signage on a property.

- 12.1.1.1 In considering a development application for a sign, the Development Authority shall:
 - a) Have due regard to the amenities of the district in which the sign is located and the design of the proposed sign and ensure that the sign does not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings; and;
 - b) Not permit a sign to be erected which promotes intolerance, hate or ridicule of any race, religion or other segment of society.
- 12.1.1.2 Excepting traffic control signs and those temporary signs outlined in Section 3.1.2, all signs shall comply with the provisions set out for the district in which the sign is to be located.
 - a) All signage erected within the Downtown area must adhere to the signage guidelines outlined in section 3.4 of the *Downtown Design Guidelines*.
- 12.1.1.3 The following types of signage are prohibited:
 - a) Signs that obstruct free and clear vision of vehicular traffic, including those that may display a light intensity or color where it may interfere with, be confused with any authorized traffic sign, signal or device and in so doing create a traffic hazard or create a nuisance in a residential neighbourhood;
 - b) Signs within the commercial, highway commercial, and industrial districts projecting over any abutting public roadway or municipally-owned property or easement, unless Council grants such encroachment and the applicant or owner enters into an encroachment and a save-harmless agreement with the municipality;
 - c) Temporary signs related to a Retail Cannabis Store;
 - d) Flashing illuminated signs;
 - e) Canopy signs in residential districts;
 - f) Signs that rotate;
 - g) Continuous band signs.
- 12.1.1.4 Portable freestanding signs may be permitted at the discretion of the Development Authority.
 - a) Temporary signs in the form of sandwich signs shall be erected only during the open hours of operation of a business, agency, or organization. These signs shall not be erected outside of open hours.
 - b) Temporary signs shall not be displayed or erected on a property during open hours of operation for a business, agency, or organization for a period of longer than three (3) consecutive months.





12.1.1.5 Within a residential district, the only form of signage that shall be permitted on a property is one (1) identification sign in the form of a fascia or freestanding sign with the purpose of identifying the name and/or address of the premises may be permitted per property in accordance with the following:

- a) A non-illuminating sign which does not exceed 1,000 cm² (155 sq. in.) in area to identify a major or minor home occupation or a bed and breakfast accommodation use;
- b) A freestanding sign or fascia sign to identify an apartment building, mobile home community or other non-commercial use and which does not:
 - i) 1.5 m² (16.14 sq. ft.) in area; or
 - ii) Project within 0.61 m (2.00 ft.) from the property line; or
 - iii) 3.5 m (11.48 ft.) in height.

12.1.1.6 The message on a sign shall relate to the use of the parcel(s) on which the sign is located.

12.1.1.7 Within a commercial or industrial district, identification or directional signs in the form of fascia or freestanding signs with the purpose of identifying the name and/or address of the premises, or providing on-site wayfinding, may be permitted in accordance with the following :

- a) Freestanding signs provided that:
 - i) The maximum height shall not exceed 9 m (30.53 ft.);
 - ii) The total sign area for each face shall not exceed 9 m² (96.88 sq. ft.);
 - iii) A sign shall not project within 0.61 m (2.00 ft.) back from a property line;
- 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.
- c) Roof signs provided that they are erected without any visible means of support and are architecturally integrated with the building upon which they are located (to the satisfaction of the Development Authority). Such signs, or any part thereof, shall not rotate or employ any flashing or intermittent lights, or devices or means to create the impression of flashing lighting. Roof signs shall not exceed a total sign area for each face of 9 m² (96.88 sq. ft.). The height of sign and building shall not exceed 2 m (6.56 ft.) over the maximum building height limit of the district in which they are or are proposed to locate.

12.1.1.8 Within the Urban Reserve District, identification or directional signs in the form of fascia or freestanding signs with the purpose of identifying the name and/or address of the premises, or providing on-site wayfinding may be permitted in accordance with the following:

- a) One fascia sign per site which does not exceed 1,000 cm² (155 sq. in.) in area to identify a home occupation in residential districts;
- b) One freestanding directional sign per site which does not exceed 1 m² (10.76 sq. ft.) in area nor 3.5 m (11.48 ft.) in height;
- c) One freestanding or fascia sign per site which does not exceed 3.5 m² (37.67 sq. ft.) in area nor 6 m (19.68 ft.) in height to identify the permissible use in the district.

- 12.1.1.9 Within an industrial district, freestanding signs, with the exception of those discussed in Section 12.1.1.7, must be erected in accordance with the following:
- a) No more than two (2) separate freestanding signs per parcel shall be permitted and their combined total areas shall not exceed 9 m² (96.88 sq. ft.);
 - b) All freestanding signs shall not exceed 9 m (29.53 ft.) in height measured from site grade to the top of the sign, except where the applicant can show to the satisfaction of the Development Authority that a taller sign is required but must not, in any case, project above the height of the principal building;
- 12.1.1.10 A Retail Cannabis Store operator may erect up to two (2) signs for the sole purpose of business identification on the same parcel as the premises.
- 12.1.1.11 Signs shall not contain statements, words or images that are offensive, obscene, or racist, in the opinion of the Development Authority.



13.0 EXISTING CONTROLS & DATE OF COMMENCEMENT

Land Use Bylaw No. 03-869 and all amendments thereto are hereby rescinded.



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



READ A FIRST TIME ON THE 15TH DAY OF MARCH, 2021 AD



Original Signed:



, Mayor



Original Signed by:



, Chief Administration Officer



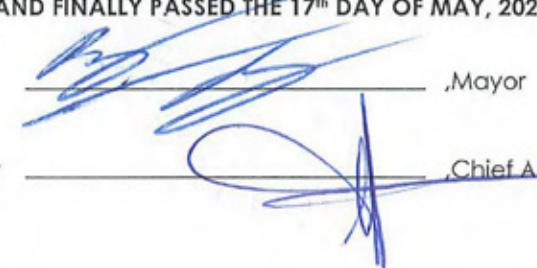
READ A SECOND TIME ON THE 17TH DAY OF MAY, 2021 AD



READ A THIRD TIME AND FINALLY PASSED THE 17TH DAY OF MAY, 2021 AD



Original Signed:



, Mayor



Original Signed by:



, Chief Administration Officer





SCHEDULE A: DIRECT CONTROL BYLAWS

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DC-4.....	134
DC-5.....	137
DC-6.....	140





DC-1

DC-1
W LUB# 97-753

fjs0198

Turner Valley LUB - Direct Control (DC) District

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27.0.0 DIRECT CONTROL DISTRICT (DC) LAND USE RULES

27.1.0 Purpose and Intent

27.1.1 The purpose and intent of this District is to provide for the creation of site specific regulations in respect of specific sites within the Municipality, where the circumstances relating to the development of the site are such that regulation and control by means of other districts in this by-law would be inappropriate.

27.2.0 List of Permitted and Discretionary Uses

27.2.1 Permitted and discretionary uses for a site specific Direct Control designation shall be established by Council as a schedule to Section 27.5.0 of this District.

27.3.0 General Requirements

27.3.1 In addition to the general land use provisions contained in Sections 11, 13, 20, 23, 28 and 29, all developments in this District shall comply with any site specific provisions established by Council for this District.

27.4.0 General Procedures

27.4.1 Notwithstanding the procedure established for the issuance of development permits in Section 5.0.0, Council shall decide on all applications for development permits within a Direct Control District. Council may approve an application, with or without conditions, or may refuse an application for a development permit.

27.4.2 There is no appeal to the Subdivision and Development Appeal Board from a decision on an application for a development permit in a Direct Control District.

27.5.0 Land Designated Direct Control

27.5.1 DC-1: That portion of the NE 14 Section 6, Township 20, Range 2, West of the 5th Meridian containing an area of approximately 6.76 acres (2.73 ha) is designated Direct Control (DC-1) for the purposes of developing residential, single dwelling lots.

a) List of Permitted and Discretionary Uses:

Same as those listed in Section 16.0.0, Residential - Restricted Single Detached District (RR-1) of this By-law.

b) Special Site Specific Requirements:





fjs0199

Turner Valley LUB - Direct Control (DC) District

Page 100

i) Guidelines for minimum requirements for front yard, side yard, rear yard and habitable floor area per unit and the maximum limits for coverage of site, height of buildings and residential buildings on the same site are set out in Section 16.0.0 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) of this By-law.

The 6.75 acre (2.73 ha) DC-1 site shall contain no more than six residential sites.





DC-3

DC - 3

BY-LAW NO. 627-619

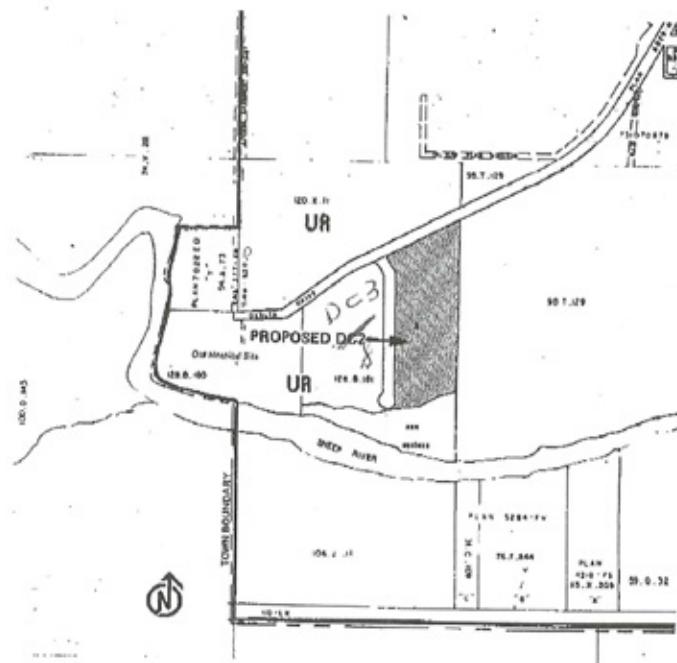
TOWN OF TURNER VALLEY

UNDER AUTHORITY of and pursuant to Section 68(1) of the Planning Act, being Chapter P9 of the Revised Statutes of Alberta, 1980, and amendments thereto; the Municipal Council of the Town of Turner Valley in the Province of Alberta, duly assembled, HEREBY ENACTS AS FOLLOWS:

1. Section 8.0.0 (ESTABLISHMENT OF DISTRICTS) is amended by redesignating from URBAN RESERVE DISTRICT (UR) to DIRECT CONTROL DISTRICT (DC3), the following described lands:

"Lot 2, Block 2, Plan 8910825 containing an area of approximately 3.54 ha (8.75 ac.)."

The subject lands are shown as the shaded area on the sketch map below.



FROM CALGARY REGIONAL

P. 3

By-law No. 619
Town of Turner Valley
In the Province of Alberta
Page 2

2. Section 19a.4.0 (LANDS DESIGNATED DIRECT CONTROL) be amended by inserting a new Subsection 19a.4.3 to read:

"19a.4.3 DC3: Lot 2, Block 2, Plan 8910825 containing an area of approximately 3.54 ha (8.75 ac.) is designated DIRECT CONTROL (DC3) for the purpose of creating eight (8) residential lots.

(a) List of Permitted and Discretionary Uses

(1) Permitted Uses:

Dwellings - Detached Single Family
Garages - Private
Greenhouses - Private

(ii) Discretionary Uses:

Antenna Structures
Bed and Breakfast Accommodation
Home Occupations
Signs
Public Utility Installations

(b) Special Site Development Requirements

(i) The siting of any buildings on a lot shall be at the discretion of Council, and determined at the time of approval of the development permit application. Council shall establish appropriate yard setbacks by considering such factors as aesthetics, impacts on potential resubdivision, private servicing requirements, and recommended distances from any pipelines and facilities.

(ii) The minimum site area for each lot shall be 0.80 acres.

(iii) The minimum site width for each lot shall be 100 feet.



FROM CALGARY REGIONAL

P. 4

By-law No. 619
Town of Turner Valley
In the Province of Alberta
Page 3

(iv) Private sewer and water systems
shall be provided as approved by
the appropriate provincial and
local approving authorities.

(v) Water for fire fighting purposes
shall be provided to the satisfac-
tion of Council."

3. This by-law comes into full force and effect upon the date
of third and final reading.

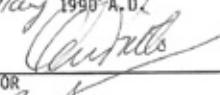
READ A FIRST TIME THIS 7TH day of MAY 1990 A.D.


MAYOR

TOWN MANAGER

READ A SECOND TIME this 22 day of MAY 1990 A.D.

READ A THIRD TIME this 22 day of May 1990 A.D.


MAYOR

TOWN MANAGER

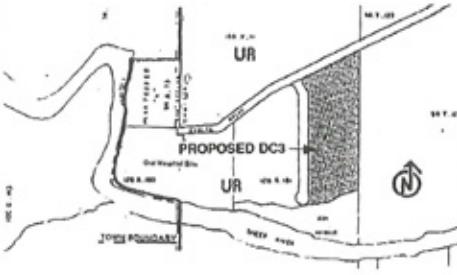
6419


**TOWN OF TURNER VALLEY
NOTICE OF
PUBLIC HEARING**

DATE: Monday, May 21, 1990
TIME: 6:30 p.m.
PLACE: Council Chambers, Town Office, Turner Valley

Pursuant to the provisions of the Planning Act, Chapter P-9 of the Revised Statutes of Alberta, 1980, it is the intention of the Council of the Town of Turner Valley to amend the Town's Land Use Bylaw No. 386.

Purpose: The purpose of the Amending Bylaw No. 619 is to redesignate the following lands from URBAN RESERVE DISTRICT (UR) to DIRECT CONTROL DISTRICT (DC3): "Lot 2, Block 2, Plan 8910825" containing an area of 3.54 ha. (8.75 acres) and located as shown on the map below.



The amending bylaw provides for uses and regulations applicable to the DC3 site. For information on the "Permitted" and "Discretionary" uses and regulations respecting the proposed Direct Control (DC3) site or copies of the proposed bylaw, please contact Barb Savage at the Town Office (933-4944).

Representation: Oral and written comments and suggestions are invited and shall be addressed to the point of the proposed bylaw. They may be made by any person or group of persons, or person acting on his or their behalf who claims to be affected by the proposed bylaw and from any other person whom at the hearing, the Council of the Town of Turner Valley agrees to hear.

Written submissions may be made by person(s) as above; should be written legibly and must be received at the Town Office by 4:00 p.m. on the date of the hearing. Oral presentations may be made at the hearing by person(s) as above whether or not they have submitted a written presentation. Oral presentations may be subject to a time limit.

Documentation: Copies of the proposed bylaw and Land Use Bylaw No. 386 as amended, are available for viewing at the Town Office during regular office hours.

This notice is given pursuant to the Planning Act, Chapter P-9, R.S.A. 1980.

First publication: May 9, 1990
Second publication: May 16, 1990

Barb Savage
Administrative Assistant

AMENDS 08-936

DC-4

BY-LAW NO. 08-945

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 03-869 OF THE TOWN OF TURNER VALLEY IN THE PROVINCE OF ALBERTA.

WHEREAS

Pursuant to the provisions of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 2000, Council of the Town of Turner Valley in the Province of Alberta (hereinafter called the "Council" has adopted Land Use Bylaw 03-869; and

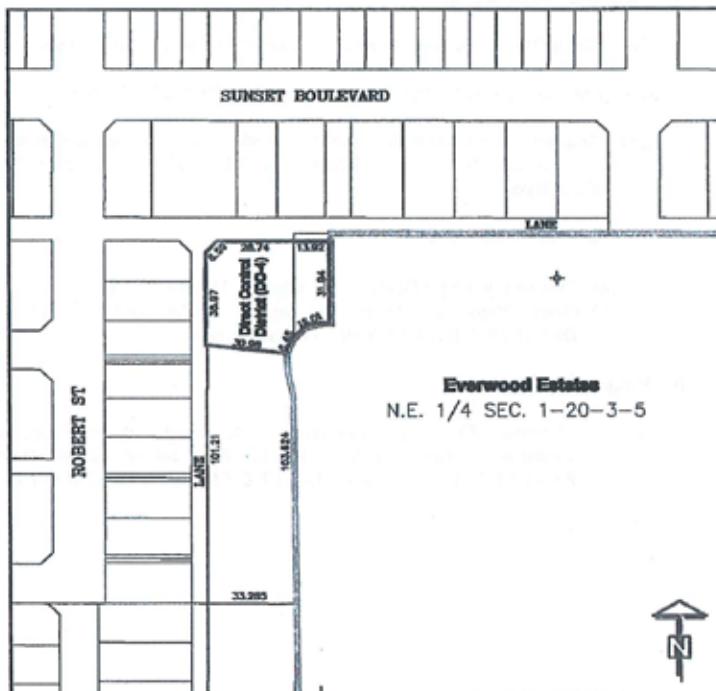
WHEREAS

The Council deems it desirable to amend Land Use Bylaw 03-869

NOW THEREFORE

The Council hereby enacts that Land Use Bylaw 03-869 be amended as follows:

1. Amending the Land Use Map of Land Use Bylaw 03-869 by re-designating lands described as Part Lot 10, Block 2, Plan 791 0635, containing +/- .138 hectares (+/- 0.341 ac.) and a portion of land described as Part NE 1/4 Section 1-20-3-W5M containing +/- 0.04 hectares (+/- 0.10 ac.) from Residential Single Detached District (R-1) and Residential General Single Detached District (R-1X) to **Direct Control District (DC-4)** as shown in map below.



2. Adding a new Section 27.5.4 to read:

"Section 27.5.4

DC-4: Lot 10, Block 2, Plan 791 0635 containing +/- 0.341 hectares. (0.138 ac) and a portion of land described as Part NE ¼ Section 1-20-3-W5M containing +/- 0.04 hectares (0.10 ac.) as shown in map below, is designated DIRECT CONTROL DISTRICT (DC-4) for the purposes of developing 3 single detached dwellings.

(a) List of Permitted and Discretionary Uses(i) Permitted and Discretionary Uses:

Same as those listed in Section 14.0.0 Residential Single Detached District (R-1) of this Bylaw.

(b) Special Site Development Requirements:

(i) The 0.178 hectare (0.441 ac.) DC-4 site shall contain no more than three residential sites.

(c) Minimum Requirements:

(i) The minimum site area for each lot shall be 483.94 m² (5,209.09 sq. ft.).

(ii) The minimum site width for each lot shall be 10.3 m (33.79 ft.).

(iii) Minimum requirements for front yard, side yard, rear yard and garages are set out in section 14.0.0 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) of this Bylaw.

(iv) Habitable Floor Area

(a) Two storey Single Detached Dwellings: 113 m² (1224 sq. ft.).

(b) Other: Same as set out in section 14.0.0 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) of this Bylaw.

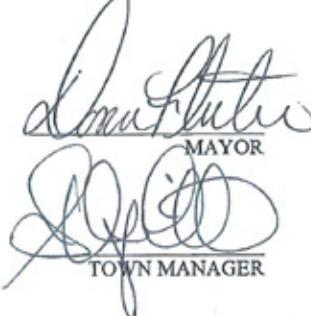
(d) Maximum Limits:

(i) Maximum limits for coverage of site, height of buildings, residential buildings on same site and habitable floor are set out in section 14.0.0 RESIDENTIAL SINGLE DETACHED DISTRICT (R-1) of this Bylaw."



3. THIS BYLAW comes into effect upon the date of its THIRD and FINAL READING.

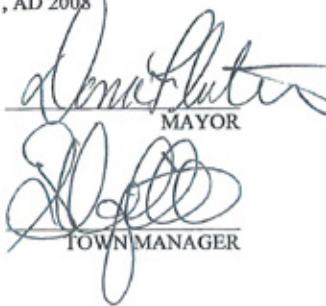
READ A FIRST TIME THIS 7 DAY OF MARCH, AD 2008



MAYOR

S. Blaauw
TOWN MANAGER

READ A SECOND AND THIRD TIME THIS 7th DAY OF MARCH, AD 2008



MAYOR

S. Blaauw
TOWN MANAGER

DC-5

TOWN OF TURNER VALLEY BYLAW #10-989

2. Adding a new Section 27.5.5 to read:

"Section 27.5.5

DC-5: Lot 18A, Block 4, Plan 921 2439, municipally known as 203 Windsor Avenue NW, containing +/- 556.86 square metres (+/- 5,994 square feet) designated **DIRECT CONTROL DISTRICT (DC-5)** for the purposes of developing two side by side dwelling units separated by a firewall.

The DC-5 rules shall be the same as the R-2X rules, except as otherwise noted below:

(a) List of Permitted and Discretionary Uses

(i) Permitted Uses:

Same as those listed in Section 18.2.1 Residential General District Detached District (R-2X) of this Bylaw.

(ii) Discretionary Uses:

Same as those listed in Section 18.2.1 Residential General District Detached District (R-2X) of this Bylaw, excepting out:

Attached houses
Bed and Breakfast Accommodations
Dwelling Group
Four-plexes
Lodging Houses

(b) Minimum Requirements:

Area of Site per Dwelling in Duplex: 278.43 square metres (2,996.99 square feet)

Width of Site per Dwelling in Duplex: 7.5 m (24.60 ft.)

(c) Special Requirements:

(i) Omitted

**TOWN OF TURNER VALLEY
BYLAW #10-989**

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 03-869 OF THE TOWN OF TURNER VALLEY IN THE PROVINCE OF ALBERTA.

WHEREAS

Pursuant to the provisions of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 2000, Council of the Town of Turner Valley in the Province of Alberta (hereinafter called the "Council" has adopted Land Use Bylaw 03-869; and

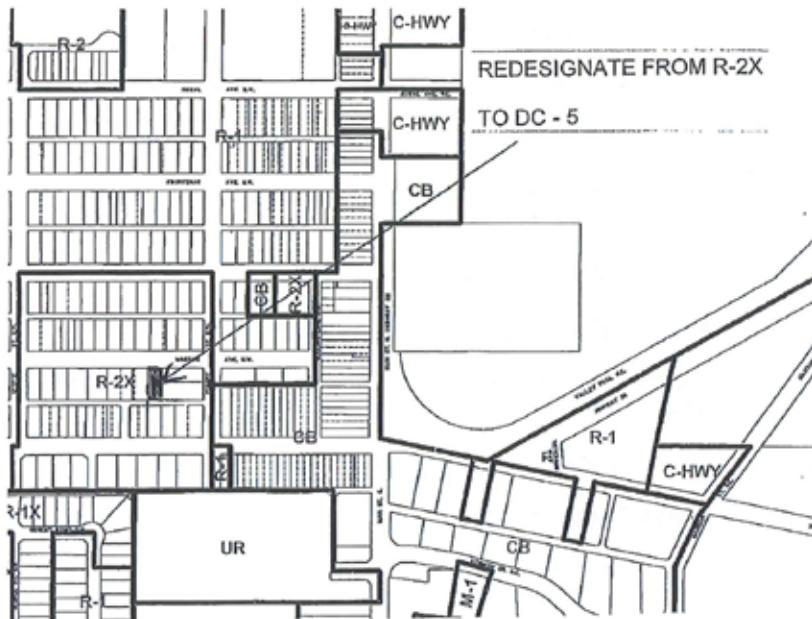
WHEREAS

The Council deems it desirable to amend Land Use Bylaw 03-869

NOW THEREFORE

The Council hereby enacts that Land Use Bylaw 03-869 be amended as follows:

1. Amending the Land Use Map of Land Use Bylaw 03-869 by re-designating lands described as Lot 18A, Block 4, Plan 921 2439, municipally known as 203 Windsor Avenue NW, containing +/- 556.86 square metres (+/- 5,994 square feet) from Residential – General District (R-2X) to Direct Control District (DC-5) as shown in map below:





**TOWN OF TURNER VALLEY
BYLAW #10-989**

3. THIS BYLAW comes into effect upon the date of its THIRD and FINAL READING.

READ A FIRST TIME this 17th Day of May A.D. 2010

Dona Plater
Mayor

Ed Sabine
Chief Administrative Officer

READ A SECOND TIME this 21st Day of June A.D. 2010

Dona Plater
Mayor

Ed Sabine
Chief Administrative Officer

READ A THIRD AND FINAL TIME this 21st Day of June A.D. 2010

Dona Plater
Mayor

Ed Sabine
Chief Administrative Officer





DC-6

TOWN OF TURNER VALLEY BYLAW 19-1096



BEING A BYLAW TO AMEND BYLAW 03-869 (LAND USE BYLAW) OF THE TOWN OF TURNER VALLEY, IN THE PROVINCE OF ALBERTA.



WHEREAS the provisions of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, Council of the Town of Turner Valley in the Province of Alberta (hereinafter called the "Council") has adopted Bylaw 03-869; and



WHEREAS the Council deems it desirable to amend Bylaw 03-869; and



WHEREAS the Council of the Town of Turner Valley has received an application to redesignate Lot 1, Block 2, Plan 954GV ("the Development Area") from Urban Reserve (UR) District to Direct Control (DC) District as shown on the attached Schedule 'A'; and



WHEREAS Council held a Public Hearing and has given consideration to the representations made to it in accordance with Section 692 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended.



NOW THEREFORE the Council of the Town of Turner Valley in the Province of Alberta, duly assembled, hereby enacts that Bylaw 03-869 be amended as follows:



1.0 PURPOSE AND INTENT



The purpose and intent of this Direct Control (DC) District is to provide for a mix of agricultural, commercial and industrial uses and establish design standards for the Development Area.



1.1 GENERAL REGULATIONS



- 1.1.1 The General Regulations contained within this Section are applicable to the entire Development Area.
- 1.1.2 The General Administration (Part 1), Definitions (Part 2), General Land Use, Regulations and Provisions (Part 11), General Rules for Commercial Districts (Part 20), Parking and Signage Regulations (Part 29), and Sign Control (Part 30) of the Land Use Bylaw (03-869) shall apply unless otherwise specified in this Bylaw.



- 1.1.3 As per Section 27.4.0 of Land Use Bylaw (03-869), Council shall decide on all applications for development permits within a Direct Control District.
- 1.1.4 There is no right of appeal to the Subdivision and Development Appeal Board on a decision of Council for a development permit application.
- 1.1.5 Development upon the Development Area shall be in accordance with all plans and specifications submitted pursuant to this Bylaw, and all licenses, permits, and approvals pertaining to the Development Area.

1.2 DISCRETIONARY USES

- Accessory Building
- Agricultural Support Services
- Agricultural, Specialty
- Art Centre
- Community Garden
- Conference Centre
- Cultural Facility
- Drinking Establishment
- Educational Centre
- Educational and Interpretative Use
- Food and Beverage Production
- Greenhouse
- Hotel
- Market Garden
- Motel
- Office
- Outdoor Cafe
- Outside Storage
- Parking Lots
- Public Market
- Restaurant
- Restricted Livestock Grazing





- Retail Store
- Retail Store, Liquor
- Sea Can Storage
- Special Event
- Storage, Liquor
- Visitor Centre
- Warehouse

1.3 LAND USE REGULATIONS

1.3.1 Minimum Land Use Requirements

- a) Minimum Yard Setbacks
 - i) Front Yard Setback to the property line: 1.5 m (4.9 ft.)
 - ii) Rear Yard Setback to the property line: 1.5 m (4.9 ft.)
 - iii) Side Yard Setback to the property line: 1.5 m (4.9 ft.)
 - The following minimum yard setbacks shall apply where the following uses are proposed adjacent to existing residential uses to the north and west and proposed residential uses to the south. Food and Beverage Production; Outside Storage, Storage, Liquor; and Warehouse: 15.0 m (49.2 ft.)
 - All other uses: 7.5 m (24.6 ft.)

1.3.2 Maximum Land Use Requirements

- a) Development Area: 2.80 ha (6.92 ac.)
- b) Building Height:
 - i) Principal building: 15.0 m (49.3 ft.), excluding additional architectural cupola features.
 - ii) Accessory buildings: 10.0 m (32.8 ft.).
- c) Site Coverage:
 - i) All buildings including accessory buildings: 75% of the development area.

1.3.3 Landscaping

- a) A minimum of 10% landscaping throughout the site area shall be landscaped abutting the front and side yard when abutting a local road, lane or an internal access road, in accordance with a Landscape Plan, to the satisfaction of Council.



- b) The quality of landscaping initially established on site shall be the minimum standard to be maintained for the life of the development. Adequate means of irrigating any soft landscaping and maintaining both hard and soft landscaping shall be detailed in the Landscape Plan.

1.3.4 Outside Storage

- a) Outside storage areas shall be screened from adjacent sites and public thoroughfares to the satisfaction of Council.

1.3.5 Parking / Loading

- a) A minimum number of parking and loading spaces shall be provided as declared in Table 1: Parking Requirements of the Land Use Bylaw (03-869), and as noted below in Table 1.3.5a Parking Requirements, and Table 1.3.5b Loading Requirements

TABLE 1.3.5a - PARKING REQUIREMENTS

Use of Building or Site	Minimum Number of Parking Spaces
Agricultural, Specialty	1 Space / 37 m ²
Agricultural Support Services	1 Space / 37 m ²
Art Centre	1 Space / 56 m ²
Community Garden	1 Space / 37 m ²
Conference Centre	Discretion of Council
Cultural Facility	1 Space / 37 m ²
Educational Centre	1 Space / 56 m ²
Educational and Interpretive Use	1 Space / 56 m ²
Food and Beverage Production	1 Space / 56 m ²
Greenhouse	1 Space / 56 m ²
Market Garden	1 Space / 37 m ²
Office	1 Space / 37 m ²
Outdoor Café	1 Space / 4 Seats
Public Market	1 Space / 37 m ²
Retail Store, Liquor	1 Space / 37 m ²
Sea Can Storage	None
Storage, Liquor	None
Visitor Centre	1 Space / 37 m ²
Warehouse	1 Space / 56 m ²



TABLE 1.3.5b - LOADING REQUIREMENTS	
Use of Building or Site	Minimum Number of Loading Spaces
Art Centre	1 Space
Conference Centre	1 Space
Cultural Facility	1 Space
Food and Beverage Production	1 Space
Liquor Storage	1 Space
Market Garden / Public Market	1 Space
Retail Store, Liquor	1 Space

- b) Consideration shall be given to applying relaxation of the total number of parking stalls required due to alternating peak parking demand times associated with multiple building uses at the discretion of Council

1.3.6 Sign Control

- a) Council shall approve all signage requests through the development permit process.
- b) Freestanding signs shall be permitted provided:
 - i) The maximum height of the sign does not exceed 9.0 m (30.5 ft.)
 - ii) The sign shall not project within 0.6 m (2.0 ft.) back from a property line
- c) Fascia signs shall be permitted provided that the total copy area of the sign(s) do not exceed 20% of the face of the building to which the sign is attached
- d) Roof signs shall be permitted provided that they are erected without any visible means of support and are architecturally integrated with the building upon which they are located, to the satisfaction of Council. Such signs, or any part thereof, shall not rotate or employ any flashing or intermittent lights, or devices or means to create impression of flashing lighting. Roof signs shall not exceed 2.0 m (6.6 ft.) over the maximum building height limit.
- e) Portable free-standing signs may be permitted at the discretion of Council.

1.3.7 Temporary Uses

- a) The Development Authority may conditionally approve a temporary use subject to the removal of such use in accordance with the terms and conditions affixed by the Development Authority.
- b) The Development Authority shall determine the appropriate length of time a development permit for a temporary use shall remain valid.
- c) The following uses can be considered temporary uses;
 - i) Sea Can Storage



- ii) Parking Lots
- iii) Outdoor Café
- d) No temporary use shall be serviced by the Town of Turner Valley sewage treatment system or water supply system.
- e) A temporary use shall be maintained to an appropriate physical standard at all times.
- f) Notwithstanding 1.3.3 (a) and (b), landscaping for temporary uses will not be required, or at the discretion of the Development Authority.





1.4 DEVELOPMENT REQUIREMENTS

- a) Notwithstanding any other provision of the Land Use Bylaw the Development Authority may issue a Development Permit for stripping and grading, provided the grading plan is to the satisfaction of the Development Authority.
- b) The Turner Valley Downtown Design Guidelines (2007) shall be considered and adhered to at each phase of development.
- c) Development applications shall include a Landscape Plan prepared by a Qualified Professional. All landscaping shall be in accordance with the landscaping section of the Land Use Bylaw or to the satisfaction of the Development Authority.
- d) Notwithstanding 1.4 (c), a Landscape Plan is not required for development applications for a temporary use, unless otherwise required by the Development Authority.
- e) The design, character and appearance of any buildings proposed to be erected or located in the Development Area must be acceptable to Council, having due regard to its effect on neighbouring developments and general amenities of the area.
- f) No use or operation at any location in the Development Area shall cause or create the emission or spread of offensive noise, vibration, smoke, dust, odour, heat, glare, or electrical/radio disturbance that unreasonably diminishes the use, enjoyment or value of neighbouring properties.
- g) Airborne particulate matter originating from storage areas, agricultural areas, yards, roads, or parking areas shall, within reason, be suppressed by application of approved dust-free treatments to the satisfaction of Council.
- h) Garbage and waste materials shall be stored in weatherproof and animal-proof containers. Such containers shall be located within buildings or adjacent to the building as set out in the above regulations and screened from view by all adjacent properties, to the satisfaction of Council.
- i) Council may require, as a condition of issuing a development permit, that the developer enter into a Development Agreement. In accordance with the Municipal Government Act, the agreement may be caveated against the title of the affected parcel(s) and must be discharged when the agreement has been complied with.

1.5 SPECIAL PROVISIONS

1.5.1 Safety and Fire Code Requirements

- a) Applicants shall be required to provide proof of compliance or the ability to become compliant with all Provincial Safety Code and Fire Code requirements as part of the development permit application for their development.



1.5.2 Special Events

- a) All applications for a special event shall include, but not be limited to, the following documents for each event, to the satisfaction of Council and relevant Provincial agencies:
 - i. Sufficient parking in designated areas for the event.
 - ii. Notwithstanding Section 1.3.5, Council may vary the parking requirements with a Parking Strategy. A Parking Strategy may include, but is not limited to, shuttle busses, off-site parking, parking fees and carpooling incentives.
 - iii. A Fire Protection Plan outlining on-site fire protection and suppression measures.
 - iv. A Solid Waste Management Plan.
 - v. The Applicant/Owner shall be responsible for preparing a plan to address crowd, parking and traffic control for the special events, and all associated costs during the events.
 - vi. An indemnity in favour of the Town, in a form and on terms and conditions satisfactory to Council, with respect to any liability resulting from the special event. Proof of insurance coverage, in an amount and form and on terms and conditions satisfactory to Council which may include the requirement that the Town be named as an additional insured.

1.5.3 Conditions of Development

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



- xii) Screening of facilities;
- xiii) Upgrades to any municipal roads.

1.6 DEFINITIONS

- 1.6.1 **Agricultural, Specialty** means the use of land to produce specialty products onsite for the purposes of demonstration. Such specialties may include permaculture gardens, barley, grazing areas, etc.
- 1.6.2 **Agricultural, Support Services** means developing products or offering services which are required in order to carry out the cultivation of plants and/or raising of domestic animals for the purpose of food production, or which are required to maintain or improve the agricultural industry.
- 1.6.3 **Art Centre** means a building, structure or landscape space used to facilitate art, heritage and/or nature themed usage available for the purposes of assembly, cultural instruction, art production and educational, social and recreational activities.
- 1.6.4 **Community Garden** means a place open to the public where people grow and maintain ornamental and edible plants.
- 1.6.5 **Conference Centre** means an establishment used for the holding of meetings, conventions, seminars, workshops, product and trade shows, or similar activities, and may include dining facilities for the use of participants, as well as compatible accessory facilities.
- 1.6.6 **Cultural Facilities** means development for the collection and storage of literary, artistic, musical and similar reference materials, or a building intended for live theatrical, musical, or dance performances.
- 1.6.7 **Education Centre** means structures and/or outdoor areas devoted to the principal use of educating the general public.
- 1.6.8 **Educational and Interpretive Use** means premises in which seasonal and occasional education, training or exhibit, based teaching is provided utilizing both natural environment and man-made physical elements such as building, structures, paths, etc.



- 1.6.9 **Food and Beverage Production** means a commercial facility in which food and/or beverage products are manufactured/produced/packaged or otherwise prepared for human consumption, but not consumed on the premises. This may include a retail component that is accessory to the principal use. Typical uses may include prepackaged foods, water bottling and catering facilities. This does not include a Restaurant or Drinking establishment.
- 1.6.10 **Greenhouse** means an enclosed structure constructed primarily of glass or other transparent material used for the purpose of cultivation of plants, whether or not the purpose is for food production and consumption but does not include cannabis cultivation or cannabis production facilities.
- 1.6.11 **Outdoor Café** means a facility where food or beverages are served or offered for sale for consumption on or within a portion or portions of such facility that are not necessarily contained within a fully enclosed building.
- 1.6.12 **Public Market** means the use of a building or structure for the purpose of selling any or all of produce, meat, fish, flowers, clothes, art and crafts, and may include retail stores and restaurants.
- 1.6.13 **Retail Store, Liquor** means a retail store licensed by the Province to sell alcoholic beverages to the public, for consumption elsewhere, but may include limited quantities of onsite consumption for the purposes of tasting and sampling by customers. Typical uses include liquor, wine and beer stores.
- 1.6.14 **Sea Can Storage**, means a sealed unit used for the land and sea transport of goods and materials which may also be used for storage and shall be considered a **Temporary Use** unless otherwise specified by the Development Authority. Also called a Shipping Container.
- 1.6.15 **Special Event** means an event, the duration of which is temporary in nature and which is limited to one or more of the following uses: an exhibition, a fair, a music festival, private event, or similar type of activity. For the purposes of this definition "temporary" shall mean that the 'combined total duration of all Special Events held on one property shall not exceed seven consecutive days in a calendar year.
- 1.6.16 **Storage, Liquor** means the storing of alcoholic, previously distilled beverages for the purpose of aging or future shipping, including barrel aging rooms, packaged bottle storage rooms, and other related uses; and
- 1.6.17 **Temporary Use** means a use for which a Development Permit has been issued for a limited time only. Timeframe for approval determined by Development Authority.



1.6.18 **Visitor Centre** means a building containing commercial uses and additional facilities including but not limited to eating establishments, drinking establishments, meeting rooms, presentation rooms and public convention rooms of which the purpose is to provide tourist information to visitors.



APPENDIX 'A'

Bylaw 19-1096



AMENDMENT

FROM: Urban Reserve

TO: Direct Control

LEGAL DESCRIPTION: Lot 1, Blk. 1, Plan 954GV

FILE: #2-18R