



TOWN OF HARDISTY LAND USE BYLAW

JULY 14, 2020

BYLAW 1252-20

SHOWING HARDISTY, ALTA. 1 MILE AWAY.

Table of Contents

PART A GENERAL ADMINISTRATIVE PROCEDURES & REGULATIONS	1
1 GENERAL ADMINISTRATIVE PROCEDURES	1
PART B INTERPRETATION	2
1 DEFINITIONS	2
2 DEFINITIONS NOT PROVIDED	32
PART C AGENCIES	33
1 DEVELOPMENT AUTHORITY	33
2 DEVELOPMENT AUTHORITY OFFICER	33
3 MUNICIPAL PLANNING COMMISSION	33
4 SUBDIVISION AUTHORITY	33
5 SUBDIVISION AUTHORITY OFFICER	33
6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD	33
7 COUNCIL	33
PART D SUBDIVISION AND DEVELOPMENT APPLICATION PROCESS	34
1 CONTROL OF DEVELOPMENT	34
2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	34
3 NON-CONFORMING BUILDINGS AND USES	35
4 APPLICATION FOR DEVELOPMENT	35
5 COMPLETED APPLICATION	40
6 DEVELOPMENT PERMIT APPROVAL REQUIREMENTS	40
7 REFERRAL OF APPLICATIONS	40
8 DECISION PROCESS	41
9 DEVELOPMENT PERMITS AND NOTICES	42
10 SUBDIVISION OF LAND	43
PART E DEVELOPMENT APPEAL PROCESS	47
1 APPEAL PROCEDURE	47
2 APPEAL HEARING PROCEDURE	47
3 DECISION	48
PART F BYLAW AMENDMENT PROCESS	49
1 APPLICATION TO AMEND THE LAND USE BYLAW	49
PART G ENFORCEMENT	50
1 CONTRAVENTION	50
2 PENALTIES	50
PART H GENERAL PROVISIONS	52
1 ACCESS, OFF STREET PARKING, & LOADING	52
2 ACCESSORY BUILDINGS IN DISTRICTS OTHER THAN RESIDENTIAL DISTRICTS	54
3 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS	54
4 ACCESSORY USE REGULATIONS	56
5 AMENITY AREAS	56
6 CORNER AND DOUBLE FRONTING LOTS	57
7 CORNER SITES AND SITE LINE PROTECTION	58
8 DESIGN, CHARACTER, AND APPEARANCE OF BUILDINGS	58
9 DEVELOPER'S RESPONSIBILITY	59
10 ENVIRONMENTAL SCREENING	59
11 EXISTING UNDERSIZED LOTS	59

12	FENCES, WALLS, AND HEDGES	59
13	HIGHWAYS AND MUNICIPAL ROADS	60
14	LANDSCAPING	61
15	LIGHTING	61
16	NOISE	61
17	NUISANCE	61
18	OBJECTS PROHIBITED OR RESTRICTED IN YARDS	61
19	ON-SITE AND OFF-SITE IMPROVEMENTS	63
20	PIPELINE & OTHER UTILITY CORRIDOR SETBACKS	63
21	PROJECTIONS INTO YARDS	63
22	RELOCATION OF BUILDINGS	64
23	SITE CIRCULATION	64
24	SITE CONDITIONS AND BUFFERING	65
25	SITE GRADING, DRAINAGE, AND SEDIMENT CONTROL	66
26	SITE PROTECTION FROM EXPOSURE HAZARDS	66
27	SOUR GAS FACILITIES	67
28	SUBDIVISION OF LAND	67
29	TOPSOIL REMOVAL	67
30	WATERBODIES & FLOODPLAINS	67
31	WATER SUPPLY, SANITARY FACILITIES AND NATURAL GAS	68

PART I | SPECIAL PROVISIONS **69**

1	ALCOHOL RETAIL SALES ESTABLISHMENTS & DRINKING ESTABLISHMENTS	69
2	ANIMAL AND LIVESTOCK REGULATIONS	69
3	APIARIES	70
4	BED AND BREAKFAST ESTABLISHMENTS	71
5	CAR WASHES	71
6	COMMERCIAL DEVELOPMENT	71
7	CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN	71
8	DAY USE AND PICNIC AREAS	71
9	DRIVE-IN BUSINESSES	72
10	GROUP HOMES, DAY HOMES, AND CHILD CARE FACILITIES	72
11	HOME OCCUPATIONS	73
12	HOSPITAL HELIPAD VICINITY	74
13	LICENSED CANNABIS PRODUCTION AND DISTRIBUTION FACILITIES	74
14	LICENSED CANNABIS RETAIL SALES ESTABLISHMENTS	75
15	LICENSED INDUSTRIAL HEMP PRODUCTION AND DISTRIBUTION FACILITY	76
16	INDUSTRIAL DEVELOPMENT	77
17	MANUFACTURED HOMES	77
18	MANUFACTURED HOME PARKS	78
19	MANUFACTURED HOME SUBDIVISIONS	78
20	MOTELS AND HOTELS	79
21	MULTIPLE DWELLING DEVELOPMENTS (EXCLUDING RV PARKS & WORKCAMPS)	79
22	NATURAL RESOURCE EXTRACTION INDUSTRIES	80
23	NEIGHBOURHOOD COMMERCIAL DEVELOPMENTS	80
24	PLACES OF WORSHIP	81
25	PRIVATE SWIMMING POOLS AND HOT TUBS	81
26	RECREATIONAL USES	81
27	RECREATIONAL VEHICLES	82
28	RECREATIONAL VEHICLE & TIMESHARE CAMPGROUNDS	83
29	RECREATIONAL VEHICLE CAMPGROUNDS, WORKCAMPS	84
30	RECREATIONAL VEHICLES LOCATED IN RV CAMPGROUNDS, TIMESHARE CAMPGROUNDS, AND RV WORKCAMPS	85
31	RESIDENTIAL DEVELOPMENT	86
32	SEA CANS/SHIPPING CONTAINERS	86

33	SERVICE STATIONS AND GAS BARS	87
34	SHOW HOMES	88
35	SIDEWALK PATIO	88
36	SIGN REGULATIONS (GENERAL)	91
37	SIGNS IN THE C1, C2, M1 & M2 DISTRICTS	92
38	SIGNS IN RESIDENTIAL DISTRICTS	93
39	SIGNS RELATED TO INSTITUTIONAL USES	94
40	SIGNS FOR ADULT EXCLUSIVE AND ADULT ENTERTAINMENT BUSINESSES	94
41	SIGNS (FREE STANDING PORTABLE) IN OTHER DISTRICTS	94
42	SMALL ANIMAL BREEDING AND/OR BOARDING FACILITIES	94
43	SMALL RADIO COMMUNICATIONS TOWERS	95
44	SOLAR ENERGY COLLECTION SYSTEMS	95
45	SUITE, GARAGE	96
46	SUITE, GARDEN	97
47	SUITE, IN-LAW	97
48	SUITE, SECONDARY	98
49	SUITE, SURVEILLANCE	98
50	WIND ENERGY CONVERSION SYSTEMS, MICRO	99
51	WIND ENERGY CONVERSION SYSTEMS, SMALL	99
52	WIRELESS COMMUNICATIONS FACILITIES	100
53	WORK CAMPS	101

PART J | LAND USE DISTRICTS **103**

1	ESTABLISHMENT OF LAND USE DISTRICTS	103
2	SINGLE DETACHED RESIDENTIAL (R1) DISTRICT	104
3	SINGLE DETACHED LAKE LOT RESIDENTIAL (R1A) DISTRICT	107
4	INNOVATIVE DESIGN RESIDENTIAL (R1B) DISTRICT	110
5	LARGE LOT RESIDENTIAL (R1C) DISTRICT	114
6	ESTATE RESIDENTIAL (R1D) DISTRICT	116
7	MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT	119
8	HIGH DENSITY RESIDENTIAL (R3) DISTRICT	123
9	RESIDENTIAL MANUFACTURED HOME SUBDIVISION (RMHS) DISTRICT	126
10	RESIDENTIAL MANUFACTURED HOME PARK (RMHP) DISTRICT	129
11	PRIMARY COMMERCIAL (C1) DISTRICT	132
12	GENERAL COMMERCIAL (C2) DISTRICT	135
13	INDUSTRIAL (M1) DISTRICT	138
14	INSTITUTIONAL (I) DISTRICT	141
15	PARKS AND RECREATIONAL (P) DISTRICT	142
16	DIRECT CONTROL PARK (DCP) DISTRICT	143
17	URBAN RESERVE (UR) DISTRICT	144

PART K | OVERLAYS **145**

1	TOWN CENTRE OVERLAY	145
2	ENVIRONMENTALLY SENSITIVE AREAS OVERLAY	145
3	HISTORICALLY SIGNIFICANT AREAS OVERLAY	145

PART L | COMING INTO FORCE **147**

1	REPEALING EXISTING CONTROLS	147
2	COMING INTO FORCE	147

PART M | LAND USE DISTRICT MAPS **148**

1	LAND USE DISTRICT MAP	149
2	OVERLAY MAP	150

Table of Figures

FIGURE 1: ADJACENT LAND	2
FIGURE 2: BUILDING HEIGHT	5
FIGURE 3: CORNER SITE EXAMPLE	8
FIGURE 4: EXAMPLES OF DWELLINGS	10
FIGURE 5: ESTABLISHED GRADE	12
FIGURE 6: GLASSLINE	13
FIGURE 7: LOT DEFINITIONS	18
FIGURE 8: PARK MODEL RECREATIONAL UNIT	21
FIGURE 9: PARK MODEL TRAILER	21
FIGURE 10: SETBACK EXAMPLE FOR REGULAR SHAPED LOTS	24
FIGURE 11: SETBACK EXAMPLE FOR IRREGULAR SHAPED LOTS	25
FIGURE 12: SHIPPING CONTAINER OR SEACAN	25
FIGURE 13: SIDEWALK PATIO EXAMPLES	26
FIGURE 14: SIGN AREA EXAMPLES	26
FIGURE 15: EXAMPLES OF SIGNS	27
FIGURE 16: EXAMPLES OF SUITES	29
FIGURE 17: DIAGRAM OF YARDS ON A SITE	31
FIGURE 18: MAXIMUM DRIVEWAY WIDTH	54
FIGURE 19: SITING OF ACCESSORY BUILDINGS	55
FIGURE 20: FEATURES IN SIDE YARDS	57
FIGURE 21: CORNER SITE PROTECTION	58
FIGURE 22: AER SETBACKS	67
FIGURE 23: RESERVES NEAR WATER BODIES	68
FIGURE 24: EXAMPLE OF A NEIGHBOURHOOD COMMERCIAL DEVELOPMENT	81
FIGURE 25: RECREATIONAL VEHICLES IN A FRONT YARD	82
FIGURE 26: SIDEWALK PATIO DIMENSIONS	91
FIGURE 27: MAXIMUM GARAGE SUITE HEIGHT	96

Town of Hardisty Land Use Bylaw | A User's Guide

The Land Use Bylaw establishes the regulations for how land can be developed within the Town of Hardisty. Regulations vary depending on the location and types of development. **A development permit must be obtained prior to any new construction, structural renovations, opening a new business and/or changing the use of existing buildings.** Development permits provide municipal approval for the use of land, as well as the size and location of any buildings or structures. Other Bylaws or regulations of the Town, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how the Bylaw should be interpreted. First, the Land Use Bylaw maps divide the Town into various Land Use Districts. Second, the text of the Land Use Bylaw details the uses that are allowed in each District. Third, the text provides additional regulations that apply to certain uses and/or within the Districts.

The following steps may assist the user:

1. **Locate** the subject property on the Land Use District maps. These maps divide the Town into various Land Use Districts. Each land use district has a name such as “Single Detached Residential (R1) District” or “General Commercial (C2) District”. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an Area Structure Plan which may modify some of the uses and regulations that apply to the property or impose additional regulations.
PLEASE NOTE: Land Use Districts are commonly referred to as Zones or Zoning. In order to conform to the language of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, this document uses the terms District and Districting.
2. **Check** the table of contents and locate the Land Use District you are interested in. All of the Land Use Districts are listed in **PART J**. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. These uses and regulations identify how and what can be developed in any given Land Use District. There are definitions in **PART B** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.
3. **Review** the table of contents to see if there are any general regulations that apply to the use or situation in question. For example, **PART G** describes the Enforcement Procedure. **PART H** contains general regulations about matters such as Access, Off Street Parking & Loading, and **PART I** contains special regulations about specific uses such as Manufactured Home Parks, Car Washes, and Motels.
4. **Discuss** your proposal/concern with Planning and Development staff. Town staff are well trained and eager to assist you with your development/subdivision or general inquiry and to explain procedures. They can also assist with other situations such as enforcement or how to apply for a Land Use Bylaw amendment.

PLEASE NOTE: This page is intended only to assist users, and does not form part of the Town of Hardisty Land Use Bylaw.

PART A | General Administrative Procedures & Regulations

1 GENERAL ADMINISTRATIVE PROCEDURES

TITLE

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

PURPOSE

2. The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other matters:
 - a. To divide the municipality into districts;
 - b. To prescribe and regulate for each district the purposes for which land and buildings may be used unless the district is designated as a direct control district pursuant to section 641 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - c. To establish a decision making method for development permits applications and the issuance of development permits;
 - d. To provide the manner in which notice of the issuance of a development permit is to be given;
 - e. To establish the number of dwelling units allowed on a parcel of land; and
 - f. To follow adopted statutory plans, the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, the *Subdivision and Development Regulation*, AR43/2002, as amended, and the Provincial Land Use Policies or, where applicable, a regional plan adopted under the *Alberta Land Stewardship Act*, S.A 2009, c. A-26.8, as amended.

APPLICATION

3. The provisions of this Bylaw apply to all land and buildings within the boundaries of the Town of Hardisty.

CONFORMITY WITH BYLAW

4. No person shall commence any development unless it is in accordance with the terms and conditions of this Bylaw.

METRIC AND IMPERIAL MEASUREMENTS

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

COMPLIANCE WITH OTHER LEGISLATION

6. Compliance with the requirements of this bylaw does not exempt a person from:
 - a. The requirements of any federal, provincial, or municipal legislation; and
 - b. Complying with any easement, covenant, agreement, or contract affecting the development.

SEVERABILITY PROVISION

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

EFFECTIVE DATE

8. This Bylaw comes into effect upon the date of its third reading by Council and signing by the Chief Administrative Officer.

PART B | Interpretation

1 DEFINITIONS

In this bylaw:

1. ABATTOIR means the use of land or buildings as a facility for the slaughtering of animals and the processing of meat products;
2. ABUT OR ABUTTING means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
3. ACCESSORY BUILDING means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same parcel of land. Detached open carports, pergolas, gazebos and similar buildings are examples of accessory buildings;
4. ACCESSORY USE means a use customarily incidental and subordinate to the principle use or building and is located in the same parcel of land with such main use or building;
5. ACT means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
6. ADJACENT LAND means land that is contiguous to a particular parcel of land and includes:
 - a. land that would be contiguous if not for a highway, road, river or stream, and
 - b. any other land identified in this Bylaw as adjacent for the purpose of satisfying **Part D.9.5** of this Bylaw (See **Figure 1**);

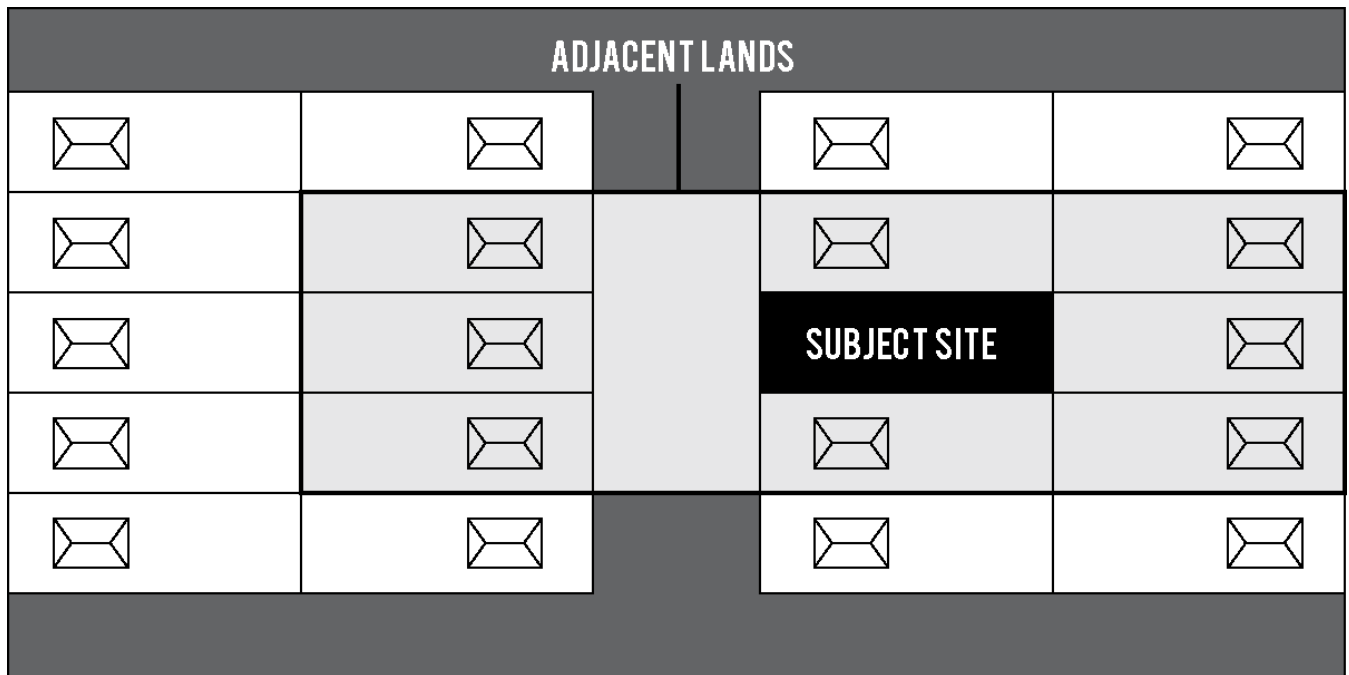


FIGURE 1: ADJACENT LAND

7. ADULT ENTERTAINMENT means an establishment which provides live entertainment for its patrons, which includes the display of nudity;
8. ADULT USE means any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 18.6 m² (200.0 ft.²), whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement;

9. AGRICULTURE, EXTENSIVE means the use of land or buildings, including the first dwelling or manufactured home, an agricultural operation which require large tracts of land (usually in the order of 80 ac. (32.4 ha.) or more), but not including intensive agriculture, confined feeding operations, a licensed cannabis production and distribution facility, or a licensed industrial hemp production facility;
10. AGRICULTURE, INTENSIVE means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes greenhouses, silviculture and sod farms, but does not include confined feeding operations a licensed cannabis production and distribution facility, or a licensed industrial hemp production facility;
11. AGRICULTURAL INDUSTRY means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, a licensed cannabis production and distribution facility, a licensed industrial hemp production facility, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;
12. AGRICULTURAL OPERATION means an agricultural operation as defined in the *Agricultural Operations Practices Act*, R.S.A. 2000, c. A-7, as amended;
13. ALCOHOL RETAIL SALES means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include, as well as the sale of alcohol, the retail sales of related products such as soft drinks and snack foods. This does not include licensed cannabis retail sales establishments;
14. AMENITY AREA means an area which shall be provided subject to the regulations of this bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;
15. AMENITY AREA, COMMUNAL means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of all occupants of a building. Such area must be for communal use and accessible by all occupants of a building it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;
16. AMENITY AREA, PRIVATE OUTDOOR means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;
17. AMUSEMENT ESTABLISHMENT, INDOOR means an indoor development providing recreational facilities with table games and/or electronic games played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys;
18. AMUSEMENT ESTABLISHMENT, OUTDOOR means a development providing outdoor recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
19. ANIMAL HOSPITAL means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalization for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics, and do not include small animal breeding and boarding establishments;
20. APARTMENT see DWELLING, APARTMENT;
21. AREA STRUCTURE PLAN means a statutory plan adopted by Council, by bylaw, pursuant to the Municipal Government Act;
22. ARTERIAL ROAD means a road used primarily for through traffic;

23. APIARY means a place where bee colonies (beehives) are kept on a site. For the purposes of this Bylaw the location of the apiary will be determined by the location of the beehives rather than the legal boundaries of the parcel of land accommodating the hives;
24. AUCTIONEERING ESTABLISHMENT means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
25. AUTOMOTIVE AND RECREATIONAL VEHICLE SALES/RENTALS ESTABLISHMENT, MAJOR means a development where new or used trucks with a gross vehicle weight rating of 4000.0 kg (8818.5 lbs) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000.0 kg (13,227.7 lbs) or greater or a length greater than 6.7 m (22.0 ft.) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refueling and/or washing facilities as an integral part of the operation;
26. AUTOMOTIVE AND RECREATIONAL VEHICLE SALES/RENTALS ESTABLISHMENT, MINOR means a development where new or used trucks with a gross vehicle weight rating of 4,000.0 kg (8,818.5 lbs) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000.0 kg (13,227.7 lbs) or less or a length less than 6.7 m (22.0 ft.) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refueling and/or washing facilities as an integral part of the operation;
27. AUTOMOTIVE WRECKING ESTABLISHMENT means a parcel used for storing, junking, dismantling or wrecking three (3) or more motor vehicles and parts thereof and may include subsequent sales of such parts;
28. BAND SHELL AND GAZEBO means a freestanding accessory building which may be roofed, open on all sides, and sometimes octagonal; intended to provide shade, shelter, or a place to rest, and may be large enough to serve as a bandstand or band shell;
29. BARELAND CONDOMINIUM see CONDOMINIUM, BARELAND;
30. BASEMENT means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;
31. BEEHIVE means any structure related to the raising and keeping of bees for recreational or commercial purposes;
32. BEEKEEPER means a person who owns and possesses bees or beekeeping equipment or both;
33. BEEKEEPING EQUIPMENT means hives, parts of hives and bee containers, that are capable of transmitting bee diseases;
34. BED AND BREAKFAST ESTABLISHMENT means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public;
35. BOARDING AND LODGING HOUSE means a building, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public. Boarding and lodging houses may include student co-operative housing, and lodges for senior citizens, but not group homes;
36. BODY SHOP OR PAINT SHOP see VEHICLE BODY REPAIR AND PAINT SHOP;
37. BUILDING includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
38. BUILDING AREA means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;

39. **BUILDING HEIGHT** means the vertical distance measured from the average grade level at the subject building to the higher of the highest point of a flat roof, or the average level between the eaves of the subject building and the top ridge of a pitched roof on the subject building. This dimension shall be exclusive of any accessory roof construction such as a chimney, steeple or antenna; means the vertical distance measured from the grade immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device (See **Figure 2**);

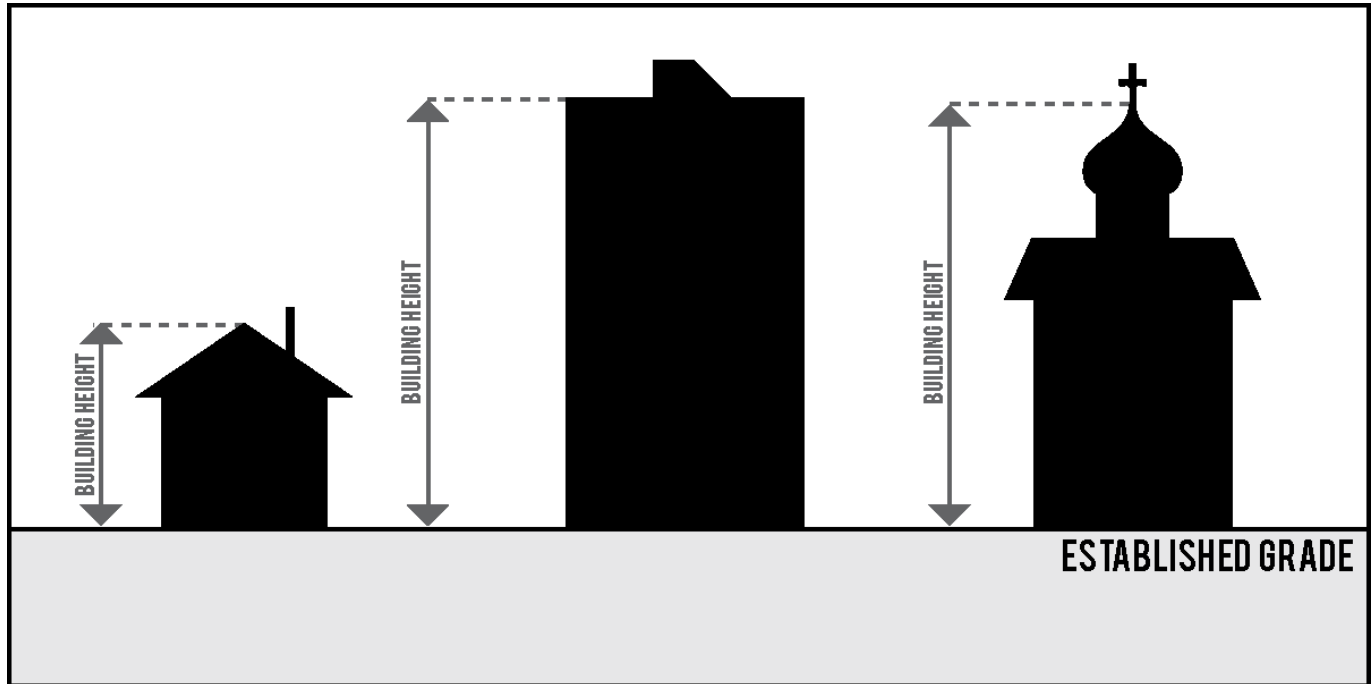


FIGURE 2: BUILDING HEIGHT

40. **BUILDING SEPARATION** means the minimum distance between two buildings as regulated by the Alberta Building Code Regulation and all amendments or replacements thereto;
41. **BULK FUEL STATION** means a development for handling petroleum products in bulk quantities, and includes supplementary tanker vehicle storage. Key-lock and card-lock pumps and retail fuel sales may be incorporated as an accessory use;
42. **BUS DEPOT** means a terminal that serves bus passengers. Bus depots may provide an area for boarding and de-boarding of passengers, ticket sales, or display of schedules. Bus depots are not intended as regular storage of buses, and shall not mean fleet services;
43. **BUSINESS** means the use of land and any buildings or improvements used for a business, trade, profession, industry, occupation, employment or calling and the providing of goods or services;
44. **BUSINESS FRONTAGE** means any side of a lot or building which abuts a road, or in the case of individual business or tenants within a building, any business which has separate access to a road;
45. **BUSINESS SUPPORT SERVICES ESTABLISHMENT** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;
46. **BUTCHER SHOP** means a development which specializes in the preparation and retail sale of meat. A butcher shop typically prepares primal cuts of meat into smaller portions for retail sale, but does not include an abattoir;

47. CABIN means a seasonal dwelling which contains facilities for sleeping, cooking, eating and sanitation, not intended for year round habitation. A cabin has a floor area not less than 46.5 m² (500.0 ft.²), and has direct connections to potable water, electricity, and sewage disposal;
48. CAMPGROUND means a recreational vehicle campground, recreational vehicle campground (seasonal, recreational vehicle campground (workcamp), and/or timeshare campground, as defined in this bylaw;
49. CAMPGROUND, RECREATIONAL VEHICLE means a development which has been planned and improved to be used and maintained for a seasonal short-term period for campers consisting of stalls or sites which provide, for payment of a fee, a site for the locating of a tent or recreation vehicle for overnight accommodation and may include facilities or amenities subordinate to temporary overnight accommodation. For the purposes of this definition, *short-term* means for a period not to exceed twenty (20) days in a single calendar year;
50. CAMPGROUND, RECREATIONAL VEHICLE (SEASONAL) means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, normally for no longer than an entire season operating between April to October;
51. CAMPGROUND, RECREATIONAL VEHICLE (WORKCAMP) means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, used to house camp workers by various contracting firms on a temporary basis, which may operate year round. The units may be dismantled and removed from the site from time to time;
52. CAMPGROUND, TIMESHARE means any parcel of land or part thereof which provides a permanent or temporary site to locate a tent or recreation vehicle and whose primary clientele are contractual customers with no ownership interest in the subject parcel of land or site but who have the right to return annually for a fixed period of time and may include facilities or amenities subordinate to temporary overnight accommodation;
53. CANNABIS means cannabis as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended, or replaced.
 - a. Cannabis includes:
 - i. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - ii. Any substance or mixture of substances that contains or has on it any part of such a plant; and
 - iii. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained
 - b. Cannabis does not include:
 - i. A non-viable seed of a cannabis plant;
 - ii. A mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
 - iii. fibre derived from a mature cannabis stalk as referred to above;
 - iv. the root or any part of the root of a cannabis plant;
 - v. industrial hemp;
54. CANNABIS, MEDICAL means cannabis that is obtained for medical purposes in accordance with applicable federal law;
55. 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 and vaporizers;
56. CANOPY means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
57. CARPORT means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
58. CARWASH means a facility used for the cleaning of motor vehicles, such as passenger cars, trucks and motorcycles. A heavy vehicle wash is a separate use;
59. CARWASH, HEAVY means a facility design and used for the cleaning of heavy vehicles (e.g. recreational vehicles, transport vehicles, oilfield service vehicles, construction vehicles, etc.;

60. CEMETERY means a development for the entombment of the deceased, which may include the following accessory developments: crematorium, columbarium and mausoleums. Cemeteries may include memorial parks, burial grounds, chapels and gardens of remembrance;
61. CHATTEL means a movable item of personal property;
62. CHILD CARE FACILITY means a provincially licensed child care facility operated from a building or a portion thereof used for the provision of care, maintenance and supervision of seven (7) or more children under the age of fifteen (15) years, by persons normally unrelated to the children by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. For the purpose of this definition, a child care facility shall include day care centres, nurseries and after school or babysitting programs which satisfy this definition. However, this definition shall not include a day home, a family care facility, a group care facility or a school operated by a School Division;
63. CLUBHOUSE means the building, room or other facility used for the activities of a group organized for a common purpose, especially a group that meets regularly. A clubhouse may include change rooms, showers, lockers and a common area where food and non-alcoholic or alcoholic drinks are consumed. This use does not include licensed cannabis lounges;
64. CLUSTER DEVELOPMENT means a development technique that locates buildings in limited areas on a site to allow the remaining land to be used for a variety of open space purposes;
65. COLLECTOR ROAD means a road used primarily for collecting traffic from local roads and channelling it to arterial roads;
66. CO-LOCATION means locating more than one (1) facility on a site, tower and/or accessory building;
67. COMMERCIAL SCHOOL means a development where training and instruction in a specific trade, skill or service is provided. Commercial schools do not include schools operated by a School Division, but includes secretarial, business, hairdressing, beauty culture, dancing, or music schools;
68. COMMERCIAL STORAGE see SELF SERVICE STORAGE FACILITY;
69. COMMERCIAL USES means both general commercial uses and highway commercial uses;
70. COMMERCIAL COMMUNICATIONS (CC) FACILITY means a facility that provides communication service using radio frequency technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna de-icing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems;
71. COMMUNICATIONS FACILITY, SMALL RADIO means a development that is intended for transmitting or receiving radio communications signals from devices such as ham radios, fleet dispatch systems, or private communications systems. Typical small radio communications towers are short, usually no more than 3.0 m (9.8 ft.) taller than the adjacent buildings;
72. COMMUNITY RECREATION SERVICE means a development without fixed seats and with an occupancy capacity of less than five hundred (500) persons, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents' organization;
73. CONDOMINIUM means housing units administered under the *Condominium Property Act*, R.S.A. 2000, c. C-22, as amended, which allows for the division of a parcel into units and common elements, and the provision of an administrative framework through a condominium corporation which enables owners to manage the property;
74. CONDOMINIUM, BARELAND means housing units administered under the *Condominium Property Act*, R.S.A. 2000, c. C-22, as amended, which allows for the division of a parcel of land into lots and common property, and where "joint control" is applied to a parcel of land (as distinct from a building) in which there are a number of individually owned parcels of land (lots) with the joint control being applied to the entire parcel of land owned by those owning a "lot". Condominium title is conferred upon those owning individual lots with the Condominium Association being responsible for the common property;
75. CONDOMINIUM UNIT means in the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, wall and ceilings in a building; in the case other than that of a building, land that is situated within a lot described as a unit of condominium plan by reference to boundaries governed by monuments pursuant

to the provisions of the *Surveys Act*, R.S.A. 2000, c. S-26, and all regulations and amendments thereto respecting subdivision surveys;

- 76. CONFECTIONERY BOOTH means a development where sweets or confections are made or sold;
- 77. CONFINED FEEDING OPERATION means a confined feeding operation as defined in the *Agricultural Operation Practices Act*, R.S.A. 2000, c. A-7, as amended;
- 78. CONTRACTOR SERVICE, LIMITED means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- 79. CONTRACTOR SERVICE, GENERAL means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal use only;
- 80. CORNER LOT see LOT, CORNER;

81. CORNER SITE means a part of a lot adjacent to two separate roads, highways, or lanes, or any combination of them, or adjacent to a single road, highway, or lane that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road, highway, or lane right-of-way boundary lines and a straight line joining points on the road, highway, or lane right-of-way boundary line a certain specified distance from their intersection (See **Figure 3**);

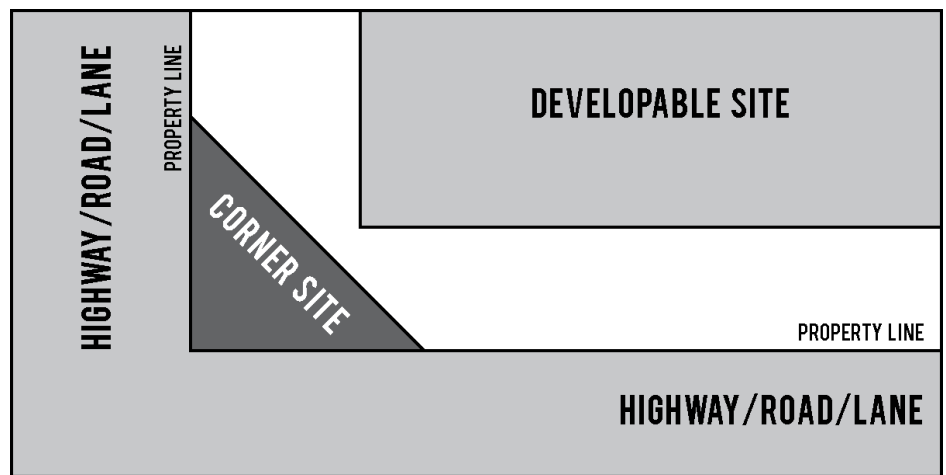


FIGURE 3: CORNER SITE EXAMPLE

- 82. CONSTRUCTION MANAGEMENT PLAN means a document outlining building task schedules and costs, with detailed information on how the construction work itself is to be accomplished. A Construction Management Plan addresses the impact of the construction project on the area around it, controls to limit noise or vibration, management of air, dust, stormwater, and sediment and other matters considered necessary by the Development Authority;
- 83. COUNCIL means the Council of the Town of Hardisty;
- 84. DAY CARE see CHILD CARE FACILITY;
- 85. DAY HOME means a child care facility operated from a dwelling providing supervision for a maximum of six (6) children under the age of eleven (11), including children that are residents of the dwelling;
- 86. DAY USE AREA means a portion of a park designated for daytime use and is not intended for overnight use;
- 87. DECK means any open structure attached to a building having a height greater than 0.61 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;
- 88. DECK, ENCLOSED means a structure intended for seasonal use that is attached to a building having a height greater than 0.6 m (2.0 ft.) above grade that has walls higher than 1.25 m (4.1 ft.). An enclosed deck shall not have a roof. If the structure has a roof, it shall be considered to be part of the principal building and not a deck;
- 89. DENSITY means a measure of the average number of persons or dwelling units per unit of area;

90. DEVELOPER means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
91. DEVELOPMENT means:
- a. An excavation or stockpile and the creation of either of them; or
 - b. A building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land; or
 - c. A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
 - d. A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building
- and includes:
- e. Any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site; or
 - f. The placing of refuse or waste material on any land; or
 - g. The use of land for the storage or repair of motor vehicles or other machinery or equipment; or
 - h. The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
 - i. The demolition or removal of a building; or
 - j. The placement of an already constructed or a partially constructed building on a parcel of land; or
 - k. The use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way; or
 - l. The removal of topsoil.
92. DEVELOPMENT AUTHORITY means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
93. DEVELOPMENT AUTHORITY OFFICER means the Development Authority Officer established by the municipality's Development Authority Bylaw and appointed by Council;
94. DEVELOPMENT PERMIT means a document authorizing a development issued pursuant to this Bylaw;
95. DISCONTINUED means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;
96. DIRECT CONTROL DISTRICT means a district in the Land Use Bylaw which details guidelines established by Council which control the use and development of lands pursuant to the *Municipal Government Act*. Direct control districts are generally used if there are specific features of a site or a project that would require unique rules and regulations;
97. DISCRETIONARY USE means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
98. DISTRICT means Land Use District as per **PART J** of this Bylaw;
99. DOMESTIC PET see PET, DOMESTIC;
100. DOUBLE FRONTING LOT see LOT, DOUBLE FRONTING;
101. DRINKING ESTABLISHMENT means a development possessing a Class A Minors Prohibited liquor license where the sale and consumption of liquor on site are open to the public and where alcohol, rather than food, is the predominant item consumed. A drinking establishment does not include an entertainment establishment or licensed cannabis lounges;

102. DRIVE-IN BUSINESS means a development which serves customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
103. DRIVE-IN RESTAURANT means a development where patrons may purchase food and non-alcoholic beverages on site and normally consume the food and beverages off site. Drive-in restaurants may have one or more of the following features: car attendant services, drive through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle but shall not include alcohol retail sales;
104. DRIVEWAY means a vehicle access route between the carriageway of a public road, and a development on a site;
105. DUPLEX, SIDE-BY-SIDE see DWELLING, DUPLEX;
106. DUPLEX, UP-DOWN see DWELLING, DUPLEX;
107. DWELLING means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single detached dwellings, manufactured homes, duplexes, row housing and apartments;
108. DWELLING UNIT means a complete dwelling, a self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking, living and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit. This definition shall include single detached dwellings, multi dwelling developments, row housing, zero lot line dwellings, apartments, and manufactured homes;
109. DWELLING, APARTMENT means a dwelling containing three (3) or more dwelling units, but shall not mean row housing (See **Figure 4**);



FIGURE 4: EXAMPLES OF DWELLINGS

110. DWELLING, DUPLEX means a dwelling that abuts or shares one side lot wall with another dwelling on an adjoining lot and where the remaining sides of the dwelling are surrounded by open areas or street lines or a dwelling unit that shares a common wall with another dwelling unit, one above the other, with each dwelling unit having separate entrances (See **Figure 4**);
111. DWELLING, ROW HOUSING means an attached dwelling that abuts two (2) side lot lines and is one of a row of dwellings on adjoining lots. The end dwellings of a row of attached dwellings are considered semi-detached dwellings if they each have a side yard. Row housing is also referred to as ground oriented multi- dwelling developments (See **Figure 4**);

112. DWELLING, SINGLE DETACHED means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, with the pieces being transported to the site for assembly on-site. A single detached dwelling shall include a dwelling that would otherwise be considered to be a manufactured home unit if the roof pitch were less than 1:4, if the depth of eaves were less than 60.0 cm (24.0 in.), if the ratio of depth vs. width (or width vs. depth) were more than 2:1, or if it were not supported on a permanent foundation or base extending below grade. If the roof pitch is equal to or more than 1:4, if the eaves are more than 60.0 cm (24.0 in.), if the ratio noted above is less than 2:1, and if it is supported on a permanent foundation or base extending below grade, the dwelling shall be considered to be a single detached dwelling (See **Figure 4**);
113. DWELLING, ZERO LOT LINE is a dwelling that abuts one side lot line of a zoning lot and does not abut any other dwelling on an adjoining lot;
114. ENVIRONMENTAL RESERVE means an environmental reserve as determined in accordance with the Act which is land designated as environmental reserve on a plan of subdivision;
115. ENVIRONMENTAL RESERVE EASEMENT means an environmental reserve easement as determined in accordance with the Act;
116. EATING ESTABLISHMENT means a development where patrons may purchase and consume food on site. An eating establishment does not include an entertainment establishment;
117. EATING AND DRINKING ESTABLISHMENT means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, or at an accessory outdoor seating area on the site, or off the site, which is not a drive-in restaurant where food, rather than alcohol, is the predominant item consumed. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment or licensed cannabis lounge unless otherwise provided for in an approved development permit;
118. EAVELINE means the horizontal line that marks farthest projection of the roof overhang beyond the wall of the building;
119. ENTERTAINMENT ESTABLISHMENT means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit. An adult entertainment establishment shall not be considered an entertainment establishment for the purposes of this Bylaw;
120. ENVIRONMENTAL AUDIT means a comprehensive site analysis to determine if there are any hazardous substances above, on or below the surface of the subject property that may pose a threat to the environment and/or health of humans, wildlife and/or vegetation; if there are any breaches of federal, provincial and/or municipal environmental standards; the level of risk that a contaminated site poses to the environment and/or health of humans, wildlife and/or vegetation; and what remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level;
121. ENVIRONMENTAL IMPACT ASSESSMENT means a comprehensive site analysis to determine the potential impact of the proposed development on the site; the potential environmental impact of the proposed development upon adjacent properties or land uses; and the potential environmental impact of the proposed development upon the future land use potential of the property;
122. EQUIPMENT RENTAL ESTABLISHMENT means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;

123. ESTABLISHED GRADE means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both case of any artificial embankment or entrenchment "excavation" means any breaking of ground, except common household gardening and ground care (See **Figure 5**);

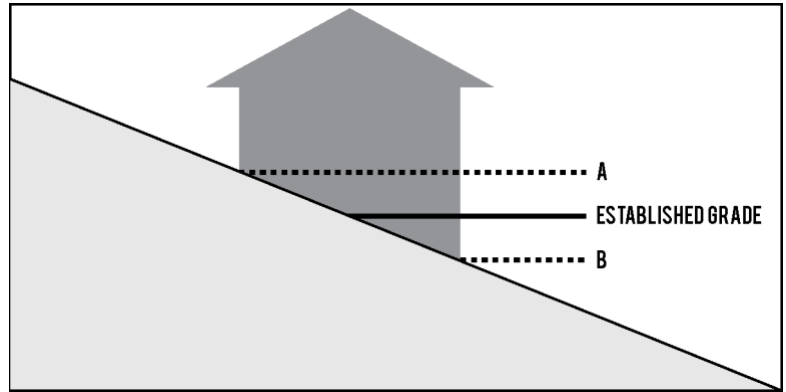


FIGURE 5: ESTABLISHED GRADE

124. EXCAVATION means any breaking of ground, except common household gardening and ground care;

125. exotic pet see pet, exotic;

126. EXTERIOR WALL means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.);

127. FACADE means the principal face of the building;

128. FAMILY CARE FACILITY means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled or in need of adult supervision and are provided service and supervision in accordance with their individual needs;

129. FENCE means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;

130. FERTILIZER AND OTHER AGRICULTURAL-ORIENTED STORAGE FACILITIES means facilities for the storage of fertilizer and other agricultural oriented materials for normal, on-site extensive agricultural use;

131. FLEET SERVICES means a development which administers a number of vehicles which deliver people, goods, or services and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, messenger and courier services, but do not include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3,000 kg (6,613.9 lbs.);

132. FLOOD means an overflow of water that submerges land that is usually dry;

133. FLOOD, 100-YEAR means a flood whose magnitude has a one percent chance of being equalled or exceeded in any year;

134. FLOOD ENCROACHMENT CONDITIONS means a scenario where the flood fringe is fully developed and flood flows are conveyed entirely within the floodway;

135. FLOOD FRINGE means the portion of the flood hazard area outside of the floodway where water during a flooding event is generally shallower and flows more slowly than in the floodway;

136. FLOOD HAZARD AREA means the area affected by a 100-year flood under encroachment conditions. The flood hazard area is typically divided into floodway and flood fringe zones, and may also include areas of overland flow;

137. FLOODWAY means the portion of a flood hazard area that conveys water during a flood event. In this area during flooding, water flows are deepest, fastest, and most destructive. This area typically includes the main channel of the body of water and a portion of the adjacent overbank area;

138. FLOOR AREA means the total area of all floors of a building excluding the area of a basement floor, EXCEPT THAT all basement suites and all dwelling units in apartment buildings shall be included in the calculation of floor area;

139. FLOOR AREA RATIO means the ratio or decimal resulting from dividing the floor area of a building by the total area of the lot on which the building is located;

140. FOUNDATION, PERMANENT means the lower portion of a building constructed of concrete, masonry, or pressure treated wood and is designed separately from the building to include the footings or piles which transfer the weight of any loads from a building to the ground. The connections are integrated with the building structure and are designed to prevent the building from being separated from the foundation;

141. FOUNDATION, TEMPORARY means the lower portion of a building constructed of concrete, masonry or pressure treated wood and is designed separately from the building and will serve to support the building for a short period of time. The connections are not integrated with the building structure and are designed to allow the building to be separated from the foundation;
142. FRAGMENTED PARCEL means a parcel of land that is separated from the balance of the parcel of land by a natural barrier such as a river, a permanent naturally-occurring water body, a railroad, or a road, but not an undeveloped road on a Road Plan, or a barrier to the crossing of cultivation equipment created by substantial topography, such as a ravine, gully or small, possibly intermittent, watercourse. The determination that such a topographic barrier is a fragmenting feature for the purpose of subdivision shall be at the discretion of the Subdivision Authority;
143. FRONT LINE means:
- The lot boundary line adjacent to a highway or road;
 - In the case of a Corner lot, the shorter of the two boundary lines lying adjacent to a highway or road; and
 - In the case of a Lot adjacent to a Reserve Lot or an Environmental Reserve Lot adjacent to Hardisty Lake, the boundary line adjacent to the Reserve Lot or Environmental Reserve Lot.
6. A lot may have more than one Front Line, in which case all of the regulations of this Bylaw respecting Front Lines and Front Yards shall apply to each and every Front Line of the Lot;
144. FRONT YARD see YARD, FRONT;
145. FRONTAGE means the length of the front line. On double fronting sites, all front lines shall be considered frontage;
146. FUNERAL SERVICES means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral services include funeral homes and undertaking establishments, and may include a small scale crematorium associated with the on-site funeral service;
147. GARAGE means an accessory building or that part of a main building which is designed and/or used primarily for the storage of motor vehicles and includes a carport;
148. GARAGE SUITE see SUITE, GARAGE;
149. GARDEN SUITE see SUITE, GARDEN;
150. GAS BAR means development used for the retail sale of gasoline, other petroleum products and incidental auto accessories. This use does not include service stations;
151. general contractor service see contractor service, general;
152. GENERAL RETAIL ESTABLISHMENT means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods and similar goods are bought, rented and/or sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments include convenience retail stores but does not include warehouse sales establishments, or developments where gasoline, new or used motor vehicles, alcohol, cannabis, cannabis accessories, heavy agricultural and/or industrial equipment are sold or rented;
153. GLASS LINE means the line created within the wall of a building measured from the center of the windowpane glass (see **Figure 6**);
154. GOVERNMENT SERVICES means a development where municipal, provincial or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services and public education facilities. Government

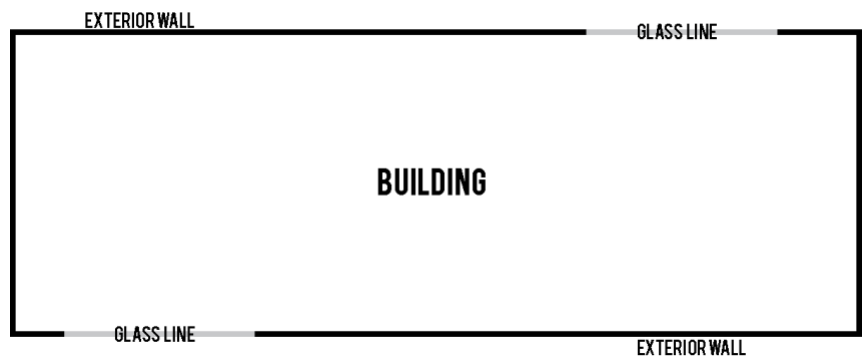


FIGURE 6: GLASSLINE

services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;

155. GRADE see ESTABLISHED GRADE;
156. GREENHOUSE AND PLANT NURSERY means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, fertilizers and garden care products. This use does not include licensed cannabis production and distribution facilities ,or a licensed industrial hemp production facility;
157. GROSS FLOOR AREA means the total area of all floors of all buildings including accessory buildings located on any parcel of land, excluding the area of basement floors, except that all dwelling units shall be included in the calculation of gross floor area;
158. GROSS FLOOR AREA RATIO means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total area of the parcel of land on which the buildings are located;
159. GROUND FLOOR AREA means the total area of a lot including accessory buildings which is covered by any building or structure;
160. GROUP CARE FACILITY means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and boarding homes;
161. GROUP HOME means a development consisting of the use of a dwelling as a facility which is authorized, licensed or certified by a public authority to provide room and board 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 or 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 use does not include drug or alcohol addiction treatment centres;
162. HABITABLE ROOM means any room in a dwelling other than a non-habitable room;
163. HALF STOREY means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;
164. HARD SURFACING means a durable ground surface constructed of cast-in-place concrete, brick, concrete paving blocks, turfstone, stone, asphalt or similar materials;
165. HEAD SHOP means a retail outlet which specializes in drug paraphernalia related to consumption of cannabis, other recreational drugs and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include a licensed cannabis retail sales or a licensed cannabis production and distribution facility;
166. HEALTH SERVICE means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Health services include medical, chiropractic, massage, acupuncture, holistic services and dental offices, health clinics, medical cannabis clinics and counselling services. Health services do not include adult uses;
167. HEDGE means a fence or boundary formed by closely growing bushes or shrubs;
168. HIGHWAY means a highway or proposed highway that is designated as a highway pursuant to the *Public Highways Development Act*;
169. HIGHWAY COMMERCIAL USE means a development serving the travelling public which relies on a highly visible location in proximity to a highway or a major traffic thoroughfare. Highway commercial uses include restaurants, services stations, gas bars, convenience retail stores, hotels and motels. This does not include a licensed cannabis retail sales establishment;
170. HOBBY FARM means a small farm that is maintained without expectation of being a primary source of income. Hobby farms may be intended as recreational land, include the keeping of horses, managed as working farms for sideline income or are run at an ongoing loss as a lifestyle choice.
171. HOME OCCUPATION, MAJOR means any business, occupation, trade, profession or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is

located or have any exterior evidence of secondary use other than a small sign as provided for in **PART I.12** of this Bylaw. A major home occupation does not include adult entertainment services, day homes, bed and breakfast establishments, licensed cannabis retail sales, licensed cannabis production and distribution facilities, dating or escort services or veterinary services;

172. HOME OCCUPATION, MINOR means any business, occupation, trade, profession or craft that is carried on as a secondary use within a dwelling and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in **Part I.11** of this Bylaw. A minor home occupation does not include adult entertainment services, licensed cannabis retail sales, licensed cannabis production and distribution facilities or dating or escort services

173. HOTEL means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal services shops, general retail establishment, alcohol retail sales and entertainment establishments, but shall not include any general retail establishment larger than 24.0 m² (258.3 ft.²) or any entertainment establishment where there is a dance floor larger than 5.0 m² (53.8 ft.²) unless specifically approved by the Development Authority;

174. HOUSEHOLD means:

- a. A person; or
- b. Two (2) or more persons related by blood, marriage, a common law relationship or adoption; or
- c. A group of not more than five (5) persons who are not related by blood, marriage or adoption;

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers or up to four (4) foster children;

175. INDUSTRIAL USE, HEAVY means a development which would be considered to be a light or medium industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the medium industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants, alfalfa processing plants or large-scale outdoor storage that is unsightly or visually offensive, and may include large scale licensed cannabis production and distribution facilities, and licensed industrial hemp production facilities (licensed and operating pursuant to applicable provincial and federal legislation). Heavy industrial uses do not include heavy petro-chemical industrial uses;

176. INDUSTRIAL USE, HEAVY PETROCHEMICAL means activities involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use;

177. INDUSTRIAL USE, LIGHT means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industry is usually less capital intensive than heavy industry and is more consumer-oriented than business-oriented. Light industries require only a small amount of raw materials, area and power.

For further clarification it means where:

- a. Raw materials are processed; and/or
- b. Semi-finished or finished goods, products or equipment are manufactured and/or assembled; and/or
- c. Materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged and/or tested; and/or
- d. Goods and equipment associated with personal or household use are cleaned, serviced and/or repaired; and/or
- e. Materials, goods and equipment are stored and/or transshipped; and/or

- f. Materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers; and/or
- g. Cannabis is produced and/or distributed (licensed and operating pursuant to applicable provincial and federal legislation); and/or
- h. Licensed industrial hemp production facilities; and/or
- i. Personnel are trained in general industrial operations;

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products and which is compatible with other industrial and commercial uses in a concentrated setting. Light industrial uses include motor vehicle body and paint shops, but do not include the preparation of food and/or beverages for direct sale to the public;

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the general industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors;

- 178. INDUSTRIAL USE, MEDIUM means a development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which may emit noise, smoke, odour, dust or vibration beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. This use may include medium scale licensed cannabis production and distribution facilities or industrial hemp production facilities (licensed and operating pursuant to applicable provincial and federal legislation). A medium industrial use may also include the retail of goods and/or services to the general public (except in the case of a licensed cannabis production and distribution facilities or industrial hemp production facility), so long as any such retail component is secondary to the principal medium industrial use;
- 179. INDUSTRIAL VEHICLE AND EQUIPMENT SALES/RENTAL ESTABLISHMENT means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments;
- 180. IN-LAW SUITE see SUITE, IN-LAW;
- 181. INSTITUTIONAL USE means development for the purpose of education, health service or detention and correction. Uses include public and private schools, hospitals, nursing homes, senior citizen homes, detoxification centres, alcohol or drug addiction treatment centres, and remand and correction centres;
- 182. INTERNAL SITE see LOT, INTERIOR;
- 183. KENNEL means a development in which more than two (2) dogs are maintained, boarded, bred, trained, cared for or kept for purposes of sale or in which more than two (2) dogs not owned by the resident of the lot on which the kennel is located are kept or cared for;
- 184. LANDFILL means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or by a municipally-owned corporation;
- 185. LANDSCAPING means lawns, trees, shrubs, ornamental plantings, fences, walks or other structures and materials used in modern landscape architecture;
- 186. LANE means a right-of-way on which motorized vehicles are normally allowed to operate, which is 7.6 m (32.8 ft.) or less, and 6.0 m (19.7 ft.) or more in width or an alley as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-26, as amended;

187. LEADING WALL means the outermost part of a wall, including any bay window or cantilevered section of wall, the outer wall of a fireplace chase, etc.;
188. LIBRARIES AND CULTURAL EXHIBITS means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected and distributed for public use, viewing or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits include libraries, museums and art galleries;
189. LICENSED CANNABIS LOUNGE means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution facilities;
190. LICENSED CANNABIS PRODUCTION AND DISTRIBUTION FACILITY means a development used principally for one or more of the following activities relating to cannabis:
- a. The production, cultivation, and growth of cannabis;
 - b. The processing of raw materials;
 - c. The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
 - d. The storage or shipping of materials, goods, or products; or
 - e. The distribution and sales of materials, goods, and products to licensed cannabis retail sales establishments or to individual customers.
191. LICENSED CANNABIS RETAIL SALES ESTABLISHMENT means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the *Cannabis Act*, S.C. 2018, c. 16. This use does not include cannabis production and distribution facilities;
192. LICENSED INDUSTRIAL HEMP PRODUCTION FACILITY means the use of land, buildings or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, export and/or import industrial hemp, including indoor production and related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended, or replaced. This does not include licensed cannabis retail sales establishments or licensed cannabis production and distribution facility, or the outdoor cultivation of industrial hemp;
193. LIMITED CONTRACTOR SERVICE see CONTRACTOR SERVICE, LIMITED;
194. LIVESTOCK means livestock as defined in the *Agricultural Operation Practices Act*, R.S.A 2000, c. A-7, as amended. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison and fur-bearing animals;
195. LIVING AREA means the developed area within a dwelling often measured by exterior walls but does not include basement, garage or carport, patio or atrium;
196. LOADING SPACE means an off-street space, on the same site as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;
197. LOT means:
- a. A quarter section; or
 - b. A river or a settlement lot shown on an official plan referred to in the *Surveys Act* that is filed or lodged in a Land Titles Office; or
 - c. A part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision; or
 - d. A part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
198. LOT, CORNER means a lot with boundary lines on two (2) separate roads or highways, or with a boundary line on a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot (see **Figure 7**);

199. LOT, DOUBLE FRONTING means a lot which abuts two (2) roads (except alleys or lanes as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-26, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot(see **Figure 7**);
200. LOT, INTERIOR means a site which is bordered by only one (1) road (see **Figure 7**);
201. LOT, LAKE FRONT means a lot which is either adjacent to a body of water or a Reserve Lot which is adjacent to a body of water. On lake front lots the front line shall be the lot line that is closest to the body of water (see **Figure 7**);
202. LOT COVERAGE is a calculation of the ground floor area divided by the area of the lot;
203. LOT WIDTH means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the midpoint of the front line and the midpoint of the rear line, measured at a distance from the front line equal to the minimum required front yard;

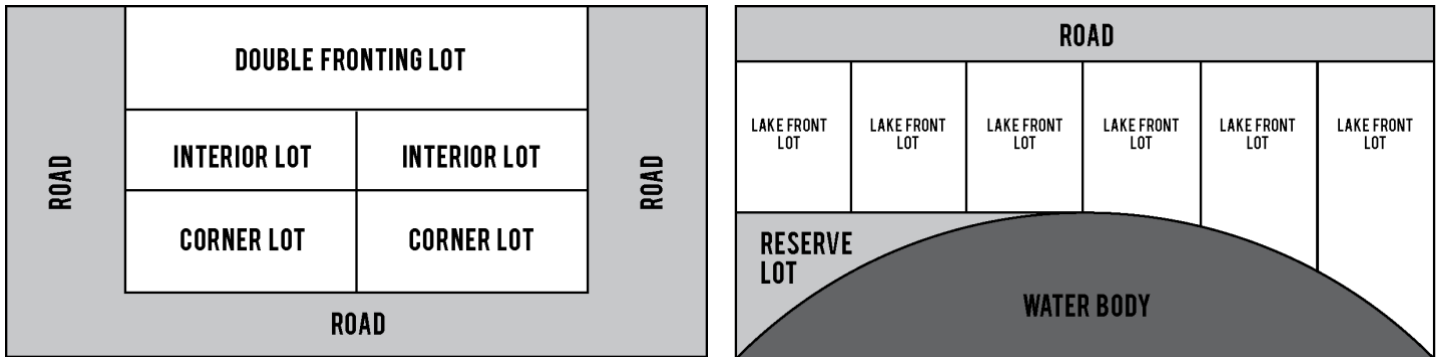


FIGURE 7: LOT DEFINITIONS

204. MAIN BUILDING means a building in which is conducted the main or principle use of the lot on which it is erected;
205. MAIN USE see PRINCIPLE USE;
206. MAINTENANCE means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended. Maintenance will include painting, replacing flooring, replacing roofing materials and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
207. MANUFACTURED HOME means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement on a foundation and connections of utilities, ready for year round use as accommodation for a single household. A manufactured home shall include a dwelling that would be considered to be a single detached dwelling:
- a. If its roof pitch were equal to or greater than 1:3;
 - b. If the depth of its eaves were equal to or greater than 60.0 cm (24.0 in.);
 - c. If the ratio of its depth vs. its width (or its width vs. its depth) were less than 3:1; and
 - d. If it were supported on a permanent foundation or base extending below grade.
- If the roof pitch is less than 1:3, if the depth of eaves is less than 60 cm (24 in.), if the ratio noted above is equal to or more than 3:1, or if it is not supported on a permanent foundation or base extending below grade, the dwelling shall be considered to be a manufactured home;
208. MANUFACTURED HOME PARK means any site on which two (2) or more occupied manufactured homes are harboured or are allowed to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks;
209. MANUFACTURED HOME SUBDIVISION means an area within the RMHS District in this Bylaw that is subdivided by a registered plan into individual lots;

210. MANURE STORAGE FACILITY means a manure storage facility as defined in the *Agricultural Operation Practices Act*, R.S.A 2000, c. A-7, as amended;
211. MAY is an operative word meaning a choice to act or not as determined at the pleasure of the approving authority, as distinguished from shall which means an action is imperative;
212. MEDICAL CANNABIS CLINIC means any business or enterprise whether or not operated for profit intended to serve as a means of distributing or providing cannabis for medical purposes as defined by provincial or federal legislation;
213. MINOR REPAIR SHOP means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists;
214. MIXED-USE DEVELOPMENT means a development with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities and architectural expression and tends to mitigate traffic and sprawl;
215. MOBILE HOME see MANUFACTURED HOME;
216. MODULAR HOME means a dwelling conforming to the Canadian Standards Association A-277 Series certified standards in place at the time of manufacture, that is designed to be transported to the building site in pieces and assembled on-site on top of a site-constructed basement or foundation but does not include a dwelling that would be considered to be a manufactured home. An RTM (ready to move) is an example of modular housing;
217. MOTEL means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include eating establishments, but shall not include alcohol retail sales or an entertainment establishment;
218. MULTI-DWELLING BUILDING means apartment, duplexes and/or row housing. See “dwelling, apartment,” “dwelling, duplex,” or “dwelling, row housing” for a more detailed description of the specific use types;
219. MUNICIPAL PLANNING COMMISSION means the Municipal Planning Commission established by the municipality’s Municipal Planning Commission Bylaw and appointed by Council;
220. MUNICIPAL RESERVE means land designated as municipal reserve or simply reserve on a plan of subdivision;
221. MUNICIPAL AND SCHOOL RESERVE means land designated as municipal and school reserve on a plan of subdivision;
222. MUNICIPAL GOVERNMENT ACT means the *Municipal Government Act*, R.S.A. 2000, c. M 26, as amended;
223. MUNICIPALITY means the Town of Hardisty;
224. MUST is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;
225. NEIGHBOURHOOD COMMERCIAL DEVELOPMENT means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960 ft.²). Neighbourhood commercial developments include small food stores, drug stores and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware and/or printed matter as well as small personal service shops. This use does not include a licensed cannabis retail sales establishment;
226. NEIGHBOURHOOD PARK means a type of public park where both active and passive recreation uses occur with opportunities for interaction with nature such as trees and plantings. A neighbourhood park has pedestrian access, and is accessible by bicycle;
227. NEIGHBOURHOOD SHOPPING CENTRE means a building or group of buildings, containing retail and commercial operations of the convenience type (e.g., grocery stores, personal services, banks, etc.);
228. NATURAL RESOURCE EXTRACTION INDUSTRY means the surface or sub-surface mining of metallic or non-metallic minerals;
229. NON-CONFORMING BUILDING means a building:
- a. That is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective; and

- b. That on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- 230. NON-CONFORMING USE means a lawful specific use:
 - a. Being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and
 - b. That on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- 231. NON-HABITABLE ROOM means a space in a dwelling or accessory building providing a service function and not intended primarily for human occupancy, including bathrooms, furnace room, kitchen, entry ways, corridors, storage areas, closets, car ports sheds or garages or any other area considered as providing a service function and not intended primarily for human occupancy by the Development Authority;
- 232. NOT-FOR-PROFIT CAMP means a camp that is not managed or maintained for the purpose of making a profit. Not-for-profit camps can be managed by not-for-profit organizations such as a charity or church, or a profit based organization as long as the camp itself does not produce a profit;
- 233. NOISE means any sound which either annoys or disturbs persons, or which injures, endangers, or detracts from the comfort, repose, health, peace or safety of persons within the boundary of the municipality;
- 234. NUISANCE means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people and for which complaints are received either by the municipality or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;
- 235. OBNOXIOUS means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;
- 236. OCCUPANCY means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- 237. OCCUPANT means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant or agent of the owner;
- 238. OFF-GRID refers to a stand-alone power generating system not connected to any commercial utility;
- 239. OFFENSIVE OR OBJECTIONABLE means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation; fire or explosion hazard; heat; humidity; glare; or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure;
- 240. OFFICE USE means a development where government, professional, management, administrative, consulting and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; and the offices of governmental and public agencies;
- 241. OPEN CARPORT means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- 242. OUTDOOR STORAGE means an accessory development where, in the opinion of the Development Authority, goods, materials or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- 243. OVERLAND FLOW means areas of the flood hazard area outside of the floodway where water is directed towards the floodway;

244. OWNER means:

- a. In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- b. In the case of any other land, the person shown as the owner of a parcel of land on the municipality's assessment roll;

245. PARCEL OF LAND means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office;

246. PARK MODEL means temporary or recreational unit. There are two types of park models which are recognized by the industry. They are:

- a. Park Model Recreational Unit is built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances (see **Figure 8**).



FIGURE 8: PARK MODEL RECREATIONAL UNIT

- b. Park Model Trailer 102 is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are not fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities. This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area does not exceed 37.2 m² (400.0 ft.²). It conforms to the CSA Z-240 Standard for RVs (See **Figure 9**).



FIGURE 9: PARK MODEL TRAILER

It has a gross floor area, including lofts, not exceeding 50.0 m² (approximately 540.0 ft.²) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model units always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the CSA Z-241 Standard for RVs;

247. PARKING AREA means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area and traffic islands where they are part of the parking area. A parking area may be within a building, and, if so, is commonly referred to as a parkade;

248. PARKING LOT means a parking area which is located on a parcel of land and not accessory to a particular use or development;

249. PARKING SPACE means an area set aside for the parking of one (1) vehicle;
250. PATIO means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above grade;
251. PERGOLA means a garden feature forming a shaded walk or passageway of pillars that support cross-beams and a sturdy open lattice. It may also be an extension of a building, or serve as protection for an open terrace;
252. PERMITTED USE means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied and all of the considerations and requirements of the Development Authority are or will be met;
253. PERSONAL SERVICE SHOP means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments and laundromats. This does not include health services;
254. PET, DOMESTIC means an animal which is normally kept inside a dwelling. Domestic pets include dogs, cats, parrots and similar-sized animals, but do not include livestock;
255. PET, EXOTIC means any animal not identified in the definition of domestic pets or livestock;
256. PICNIC AREA see DAY USE AREA;
257. PLACE OF WORSHIP means a building wherein people regularly gather for worship and related religious, philanthropic or social activities. Typical uses include churches, chapels, convents, kingdom halls, manses, monasteries, mosques, synagogues and temples. Places of worship may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a place of worship may be used as an entertainment establishment;
258. PRINCIPAL BUILDING means a building which, in the opinion of the Development Authority:
- a. Occupies the major central portion of a site;
 - b. Is the chief or main building among one or more buildings on the site; or,
 - c. Constitutes by reason of its use the primary purpose for which the site is used;
259. PRINCIPAL USE means the primary purpose in the opinion of the Development Authority for which a building or site is used;
260. PRIVATE CLUB means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;
261. PROTECTIVE AND EMERGENCY SERVICES means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained and supplied. Protective and emergency services include police stations, detention centres, fire stations and ancillary training facilities;
262. PUBLIC EDUCATION FACILITY means a development where educational, training or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, private academies or “charter schools” and their administrative offices and maintenance facilities;
263. PUBLIC PARK means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields and buildings that are consistent with the general purposes of recreational uses, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches and similar outdoor features;
264. PUBLIC USE means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada or by a public utility.

However, public uses shall not include office uses, protective and emergency services and major public utilities or private public utilities;

265. PUBLIC UTILITY see UTILITY, PUBLIC;
266. PUBLIC OR QUASI-PUBLIC SERVICES means a building used by the public for the purposes of assembly, instruction or culture, or providing government services directly to the public. It includes government buildings, places of worship, community halls, and indoor recreation facilities. Buildings containing public or quasi-public services may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a building containing public or quasi-public services may be used as an entertainment establishment;
267. REAR LINE means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
268. REAR YARD see YARD, REAR;
269. RECREATION FACILITY, INDOOR means a development for sports and active recreation within an enclosed building. Recreational facilities include ice arenas, curling rinks, community halls, drop-in centres, billiard halls and swimming pools;
270. RECREATIONAL TRAILER PARK means a development which is designed for or intended to be used for the temporary location of more than one recreational vehicle;
271. RECREATIONAL USE, OUTDOOR means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes ski slopes, nature trails, fishing and ice fishing, golf courses, archery, trap and rifle ranges, race tracks, boating, riding, swimming, picnicking, open skating and curling rinks, open space and recreation areas, sports grounds and similar uses, and may include a refreshment stand incidental to the primary use;
272. RECREATIONAL VEHICLE means a vehicle or a trailer that is designed, constructed and equipped, either temporarily or permanently, as a temporary accommodation for travel, vacation or recreational use and includes but is not limited to: duly licensed trailers, motorized homes, slide in campers, chassis mounted campers and tent trailers;
273. RECREATIONAL VEHICLE STORAGE means a commercial development which provides fenced or indoor, secure, onsite storage of three (3) or more recreational vehicles, boats and all-terrain vehicles;
274. RECYCLING DEPOT means a development where bottles, cans, newspapers and similar non-hazardous household goods are bought, sold and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;
275. RECYCLING PLANT means a development where any material is re-manufactured from recycled materials to form new products or raw materials; and shall not mean recycling depot;
276. RELIGIOUS RETREAT CENTRE means a development intended for a period of group withdrawal for prayer, meditation or study of religious focus;
277. RE-LOCATED BUILDING means a building that was constructed off site in one piece or in pieces and relocated to another site but does not include manufactured or modular homes;
278. RENOVATION means an addition to, deletion from or change to any building which does not require a permit pursuant to the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended, other than a plumbing permit or an electrical permit;
279. RENTABLE UNIT means a separate unit of a motel used or intended to be used for the temporary dwelling accommodation of one or more persons;
280. RETAIL ESTABLISHMENT, GENERAL means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confections, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and/or similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots, are allowed within general retail establishment. This does not include developments used for the sale of alcoholic beverages, gasoline, heavy agricultural or industrial equipment; vehicle and equipment sales/rentals or warehouse development;
281. ROAD means a road as defined in the *Act*;

282. RODEO GROUNDS means a development where a display of the skills of cowboys, including bareback riding, steer wrangling, etc., is executed;
283. ROW HOUSING see DWELLING, ROW HOUSING;
284. SEA CAN see SHIPPING CONTAINER;
285. SELF-SERVICE STORAGE FACILITY means a development where varying sizes of individual, compartmentalized and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer’s goods or wares. The maximum height of lockers shall be 3.0 m (9.8 ft.). Self-service storage facilities do not include any outdoor storage;
286. SENIOR CITIZENS’ APARTMENTS means apartment style housing specifically designed to meet the needs of senior citizens. Senior citizens apartments include both age inclusive and age exclusive retirement communities which offer a broad variety of activities to residents as well as independent living communities where adult residents maintain an independent lifestyle. Some independent living communities include subsidized housing that offers rental assistance from the federal government;
287. SENIOR CITIZENS’ HOME means a facility for the care of older persons who do not require hospitalization and who cannot be cared for at home. Senior citizens homes include supportive living and continuing care facilities;
288. SERVICE STATION means development used for the servicing, washing and/or repairing of vehicles; and the sale of gasoline, other petroleum products and a limited range of vehicle parts and accessories. The use may also include a restaurant and a convenience store;
289. SETBACK means the minimum horizontal distance between the site boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building if specified elsewhere in this Bylaw. All exterior projects including, but not limited to, bay windows, oval windows, bow windows and chimneys, shall be considered as the exterior wall of the building and shall conform to pertinent side yard setback requirements, except roof overhang which will be allowed to project a maximum of 0.5 m (2 ft.) within the required side yard setback. A setback is not a yard or amenity area (See **Figures 10 & 11**);

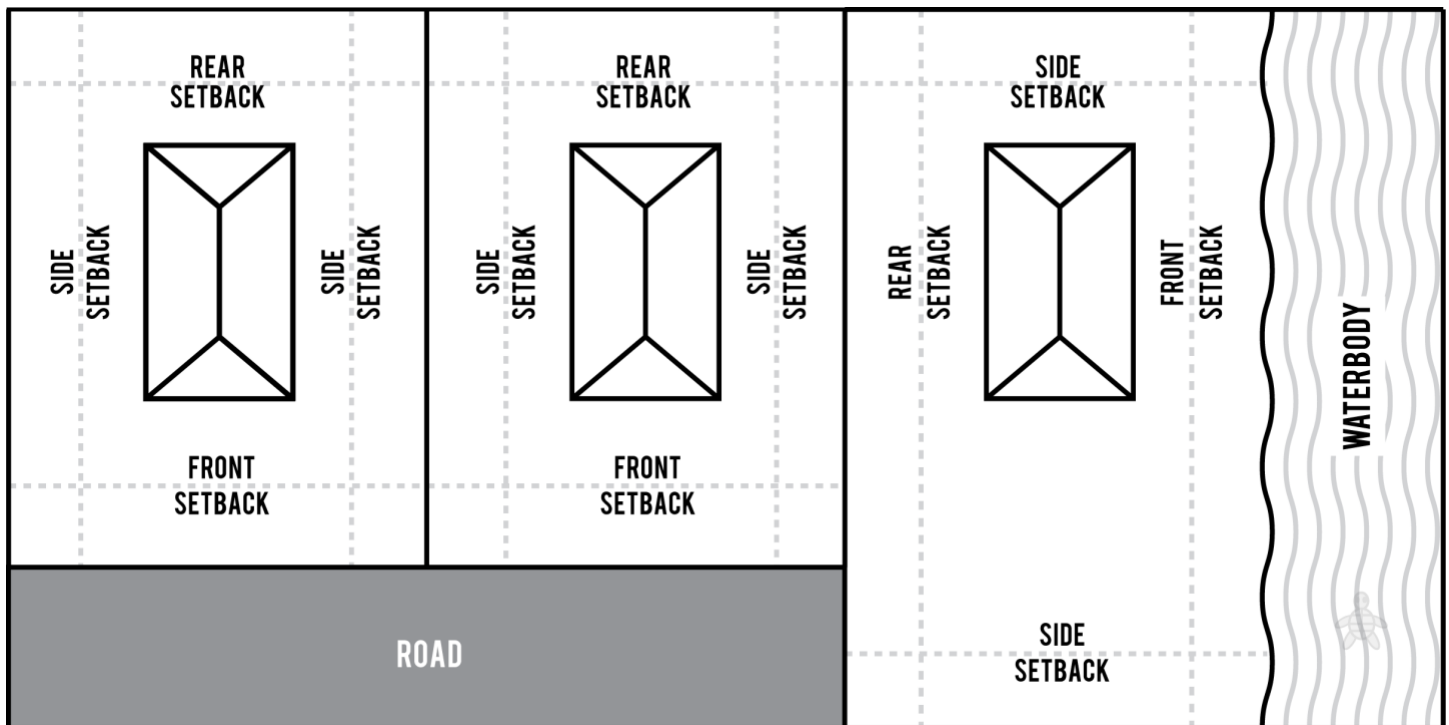


FIGURE 10: SETBACK EXAMPLE FOR REGULAR SHAPED LOTS

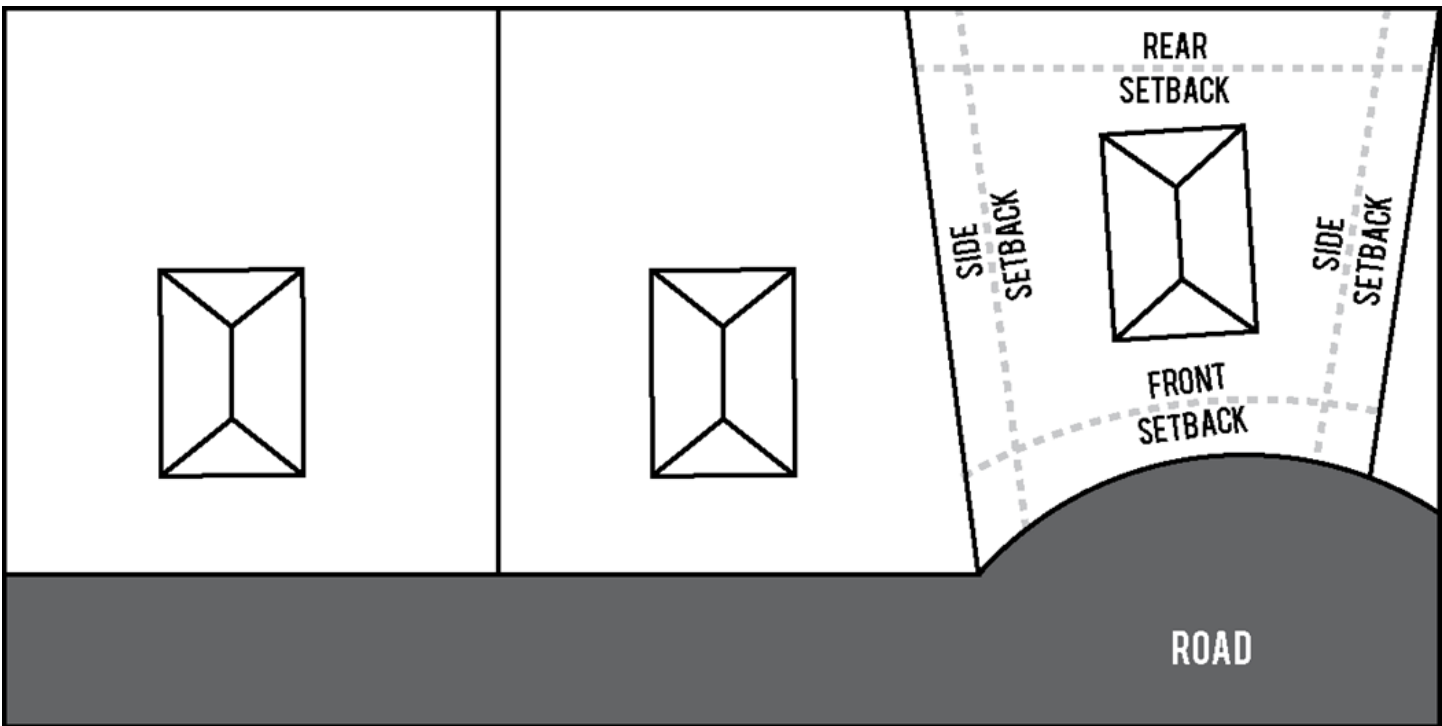


FIGURE 11: SETBACK EXAMPLE FOR IRREGULAR SHAPED LOTS

290. SHALL is an operative word, which means similarly to the word must, that an action is imperative or mandatory;

291. SHIPPING CONTAINER means a container that is new or was formerly used for transport of goods by means of rail, truck or sea. These containers are rectangular in shape and are generally made of metal also referred to as a sea cargo container, sea can or cargo container. When used for any other purpose other than transporting freight, a shipping container is considered a structure (See **Figure 12**);

292. SHOPPING CENTRE means a building or a group of buildings, comprising retail commercial and similar uses, with shared off-street parking facilities and which may be managed as a single unit;

293. SHOULD means that in order to achieve local goals and objectives it is strongly advised that action be taken;

294. SHOW HOME means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of a neighbourhood or development in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;

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

296. SIDE YARD see YARD, SIDE;



FIGURE 12: SHIPPING CONTAINER OR SEACAN

297. SIDEWALK PATIO means a temporary outdoor area located and maintained by an adjoining eating and drinking establishment for the sale and consumption of food and beverages (see **Figure 13**);

298. SIGHT LINE TRIANGLE means the triangular area formed by a line drawn between two (2) points on the curbs of intersecting roads 6.0 m (19.7 ft.) from the point where the curbs would meet if extended or 5.0 m (16.4 ft.) from that point in the case of an intersecting lane and road or driveway and road;

299. SIGN means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards and painted messages, but not national flags, interior window displays of merchandise or signs painted on or attached to a motor vehicle intended for use on a road;

300. SIGN, A-FRAME means a type of sign commonly referred to as “sandwich boards”, composed of two hinged or otherwise joined boards which leans on the ground;

301. SIGN, AREA means the area of a sign that is available for copy or advertisements, excluding the main support structure (see **Figure 14**);

302. SIGN, CANOPY means a sign which is part of, or attached to, the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy;

303. SIGN, FREESTANDING means a sign supported by one or more uprights, braces or pylons and which stands independently of another structure;

304. SIGN, INFLATABLE means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Inflatable signs are commonly used as a temporary sign for special events or promotions;

305. SIGN, OFF SITE means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services or facilities advertised;

306. SIGN, PROJECTING means a sign which is affixed to any building or part thereof and extends beyond the building wall or parts thereof by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;

307. SIGN, ROOF means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building;

308. SIGN, TEMPORARY/PORTABLE means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;

309. SIGN, UNDER CANOPY means a sign which is attached to the bottom face of a canopy;



FIGURE 13: SIDEWALK PATIO EXAMPLES

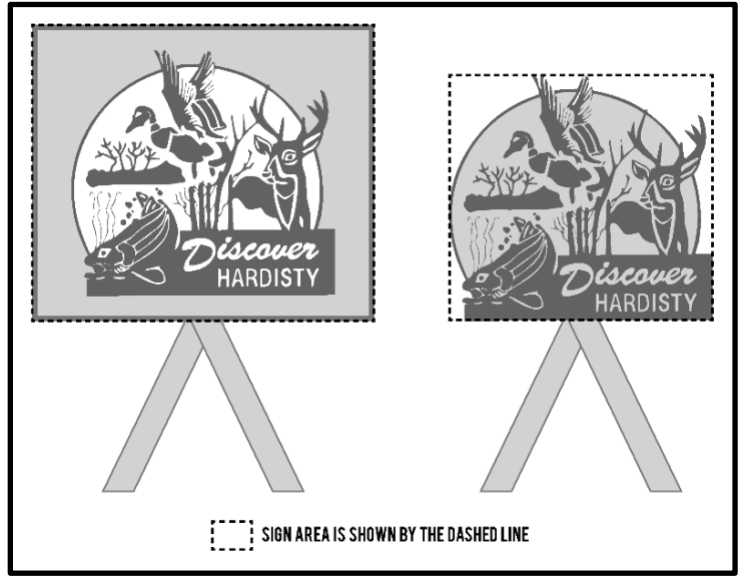


FIGURE 14: SIGN AREA EXAMPLES

310. SIGN, WALL is a sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m (4 inches) from the wall, but which may or may not project above the roof or parapet. Wall signs are also called Fascia Signs;
311. SIMILAR USE means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
312. single detached dwelling see dwelling, single detached;
313. SITE means a lot, a part of a lot or a number of abutting lots or parts of lots which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
314. SITE AREA means the total area of a site;
315. SITE BOUNDARIES means the boundaries of a site which enclose the site at its perimeter;
316. SITE BUILT means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed and finished by workers on location using stock materials;
317. SITE, CORNER see CORNER SITE;
318. SITE COVERAGE means the sum of the ground floor areas of all buildings on a site, divided by the area of the site, usually expressed as a percentage;
319. SITE DEPTH means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
320. SITE DEVELOPMENT PLAN means a detailed land use plan for an area that provides a framework for subsequent subdivision and development of that land, and which conforms to all approved Statutory Plans. A Site Development Plan (or Outline Plan) is adopted by resolution of Council, Pursuant to Part 17 of the Act, and is otherwise equivalent to a "Conceptual Scheme" as described in the Act;
321. SITE, INTERIOR see INTERNAL SITE;
322. SITE WIDTH means unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines of a site or, where the site width would be shorter, the distance between the side lines of the site 10 m (32.8 ft.) from the front property line measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
323. SMALL ANIMAL BREEDING AND BOARDING ESTABLISHMENT means a development where domestic pets are bred, boarded or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics;

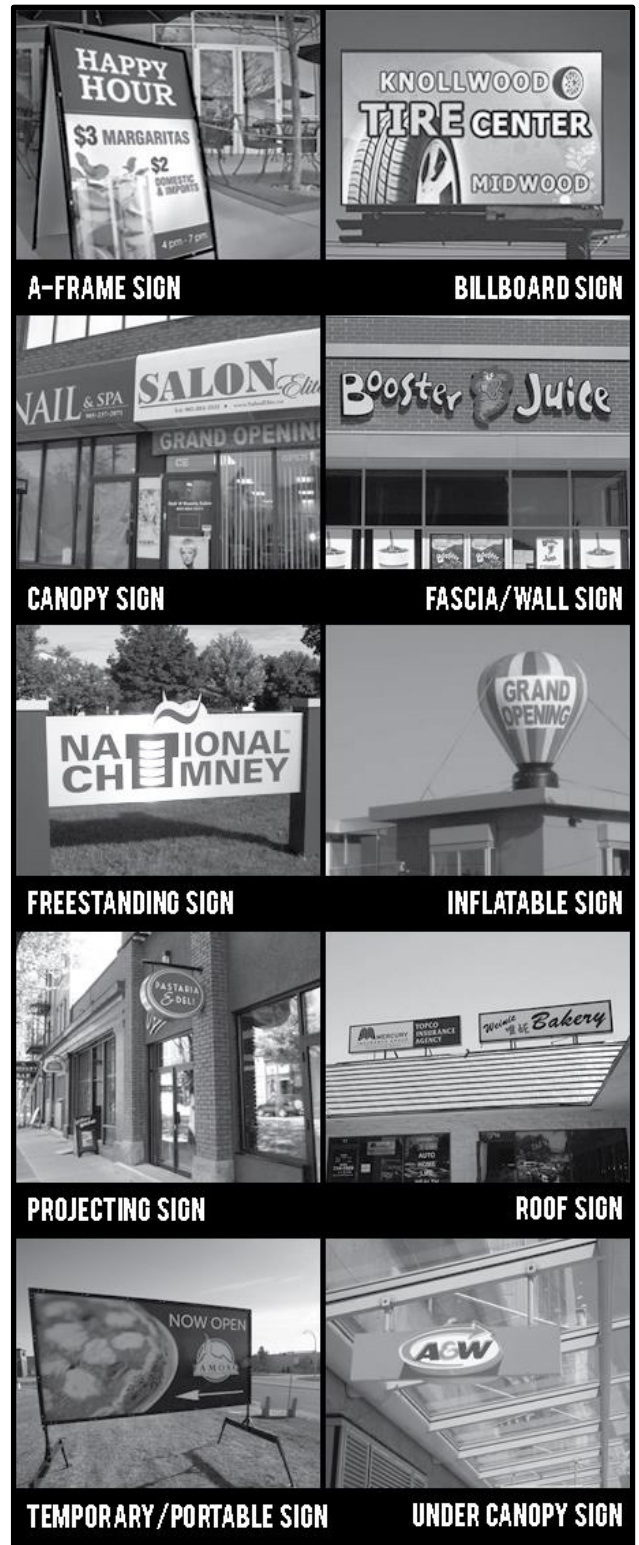


FIGURE 15: EXAMPLES OF SIGNS

324. SPORTING EQUIPMENT RENTAL FACILITIES means the development used for the rental of sporting equipment. Such goods may include non-motorized boats, bicycles, hiking gear, snowshoes, tents and other camping equipment, skis, snowboards and related equipment;
325. SMALL RADIO COMMUNICATIONS TOWER see COMMUNICATIONS TOWER, SMALL RADIO;
326. SOLAR ENERGY COLLECTION SYSTEM means a system of one (1) or more buildings or accessories to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;
327. SOLAR ARRAY means multiple solar panels use in conjunction to produce electricity;
328. SOLAR PANEL, FREE STANDING/GROUND MOUNTED means an accessory building, which is a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support;
329. SOLAR PANELS, ROOF MOUNTED means an accessory building, which is a device which is used to convert energy contained within the sun's rays into electricity, which is located, mounted, or attached to the roof of a structure;
330. STAGING AREA means a location where people, vehicles, equipment or material are assembled for the purpose of transporting the assembled group, vehicles or equipment to another location;
331. STALL means an area of land upon which a manufactured home, recreational vehicle, or tent is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park; or an area of land within an approved campground upon which a recreational vehicle or tent is to be temporarily located, and which is reserved for the exclusive use of the residents of that particular recreational vehicle or tent;
332. STALL, PARKING means an area set aside for the parking of one (1) vehicle;
333. STOREY means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper limit of the basement or cellar is greater than 1.8 m (6.0 ft.) above grade;
334. STRUCTURAL ALTERATION means an addition to, deletion from or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended;
335. SUBDIVISION AND DEVELOPMENT APPEAL BOARD means the Subdivision and Development Appeal Board established by the municipality's *Subdivision and Development Appeal Board Bylaw* and appointed by Council;
336. SUBDIVISION AUTHORITY means the Subdivision Authority established by the municipality's *Subdivision Authority Bylaw* and appointed in accordance with the provisions of that Bylaw;
337. SUBSTANDARD LOT means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
338. SUITE, GARAGE means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single detached dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building;
339. SUITE, GARDEN means a temporary, portable detached dwelling unit, located on a lot containing an existing single detached dwelling (See **Figure 16**);
340. SUITE, IN-LAW means a subordinate, additional dwelling unit located within a single detached dwelling or semi-detached dwelling intended for the sole occupancy of one (1) or two (2) adult persons, which has unfettered access to the adjoining dwelling unit (See **Figure 16**);



FIGURE 16: EXAMPLES OF SUITES

341. SUITE, SECONDARY means a subordinate self-contained dwelling unit located in a structure in which the principal use is a single detached dwelling or semi-detached dwelling. A secondary suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal dwelling within the structure. Secondary suites also must have a separate entrance from the dwelling. This use includes conversion of basement space to a dwelling, or the addition of new floor space for a secondary suite to an existing dwelling. This use does not include duplexes, row housing or apartments where the structure was initially designed for two (2) or more dwellings, and does not include boarding and lodging houses. Garden suites, garage suites and in-law suites are not considered secondary suites (See **Figure 16**);
342. SUITE, SURVEILLANCE means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development. Surveillance suites do not include manufactured homes (See **Figure 16**);
343. SUPPORTIVE LIVING FACILITY means a licenced facility providing permanent accommodation to four (4) or more adults in which the operator provides or arranges for services related to safety and security of the residents, and provides at least one (1) meal a day or housekeeping services. Residents in a supportive living setting can range from seniors who require support services due to age, chronic conditions and frailty to young adults with mental health or physical disabilities;
344. TEMPORARY BUILDING means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development;
345. TEMPORARY USE means a use that has been allowed to be located and/or to operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos;
346. TENTED STRUCTURE means a building that uses masts or poles and tensile membrane (e.g., fabric or animal skin) to create an enclosure. Portable garages and reception tents are examples of tented structures;
347. TIE DOWN means an apparatus which firmly secures a manufactured home to the ground. This apparatus usually consists of steel cables attached to the manufactured home and concrete pylons strategically placed on the accommodating site;
348. TOWN means the Town of Hardisty;
349. TRAFFIC ISLAND means an area or space officially set aside within a street, lane or parking lot, prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times and may be defined by curbing;

350. TRUCKING AND CARTAGE ESTABLISHMENTS means buildings, structures or land for the purpose of storing, servicing, repairing or loading trucks and/or transport trailers, but does not include automobile service stations or transportation sales or rental outlets;
351. UNRESTRICTED COUNTRY RESIDENTIAL DEVELOPMENT means a collection of permanent dwellings situated outside of an urban centre and having more than eight (8) permanent dwellings per quarter section and a maximum of fifty (50) permanent dwellings per quarter section;
352. USE means the purpose or activity for which a site, a parcel of land or a lot and any buildings located on it are designed, arranged, developed or intended, or for which it is occupied or maintained;
353. UTILITY see UTILITY, PUBLIC;
354. UTILITY, PUBLIC means the right-of-way and facilities for one or more of the following: sanitary and stormwater sewerage, telecommunications systems (excluding telecommunications towers), water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power and heating systems but does not include major public utility uses;
355. UTILITY, MAJOR PUBLIC means a development of a public utility or a public utility building or a government service function. Major utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, incinerators, waste recycling plants, vehicle, equipment and material storage yards for utilities and services; snow dumping sites; surface reservoirs; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution;
356. UTILITY BUILDING, PUBLIC means a building in which the proprietor of the public utility maintains an office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
357. VACANT PARCEL means a parcel of on which no development is located. A vacant parcel can be on land that is or is not used for agriculture;
358. VEHICLE AND EQUIPMENT REPAIR SHOP means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Vehicle and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops and upholstery shops, but not body repair or paint shops;
359. VEHICLE BODY REPAIR AND PAINT SHOP means a development where the bodies of automobiles, motorcycles, snowmobiles and similar vehicles are repaired and or painted;
360. VEHICLE, HEAVY means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight rating of Class 3 or higher as designated by the Canadian Transportation Equipment Association (4536.0 kg or 10,000.0 lbs.), or a bus with a designated seating capacity of more than ten (10) persons. Heavy vehicles do not include recreational vehicles;
361. VEHICLE, RECREATIONAL means a vehicle or trailer designed, constructed and equipped for short-term temporary accommodation for the purpose of travel, vacation or recreational use. The term includes holiday/travel trailers, tent trailers, camper vans, motor homes, slide-in campers, 5th wheels and chassis-mounted campers but does not include manufactured homes, park models or mobile homes;
362. VERANDA OR VERANDAH means a roofed opened gallery or porch, generally built around a central structure, partly enclosed by a railing and frequently extends across the front and sides of the structure;
363. VETERINARY CLINIC, LARGE ANIMAL means a development where large animals, including livestock are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four (4) days. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
364. VETERINARY CLINIC, SMALL ANIMAL means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;

365. WAREHOUSE DEVELOPMENT means a development where bulky goods are sold or stored from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores and building materials stores;
366. WIND ENERGY CONVERSION SYSTEM, LARGE means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;
367. WIND ENERGY CONVERSION SYSTEM, MICRO means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy which has a rated capacity of less than 0.5 kW. Micro wind energy conversion systems are small in height and diameter and may be installed on the roof of a building;
368. WIND ENERGY CONVERSION SYSTEM, SMALL means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;
369. WIND TURBINE TOWER means the guyed or freestanding structure that supports a wind turbine generator;
370. WIND TURBINE TOWER HEIGHT means the height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;
371. WORK CAMP means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than twenty-eight (28) days and less than one (1) year. The camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;
372. WORK CAMP, SHORT TERM means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities. The units may be dismantled and removed from the site from time to time;
373. YARD means a part of a lot upon or over which no main building is erected;
374. YARD, FRONT means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve (See **Figure 17**);

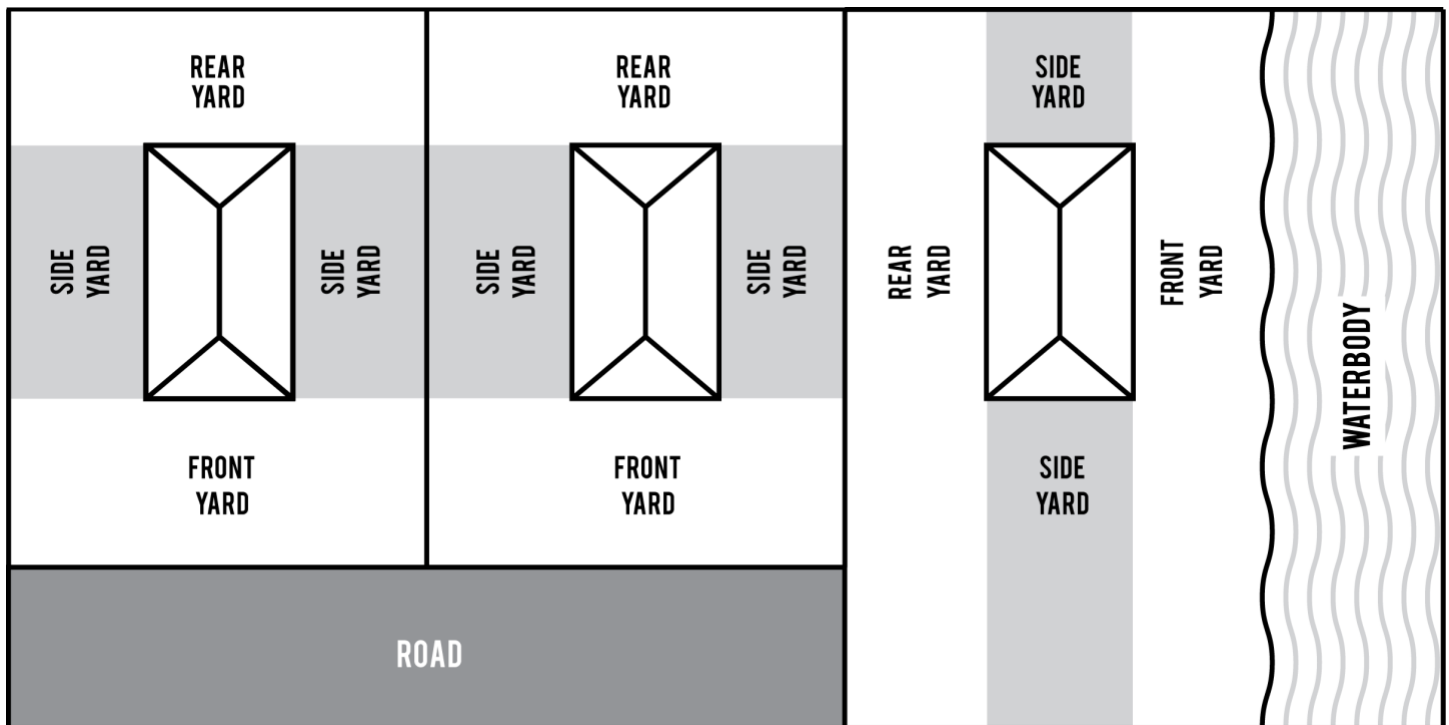


FIGURE 17: DIAGRAM OF YARDS ON A SITE

375. YARD, FRONT (LAKE LOT) means on a lot adjacent to Hardisty Lake, the yard extending across the full width of a lot from the front line (lake side) to the nearest wall of the main building situated on the lot (See **Figure 17**);
376. YARD, REAR means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot (See **Figure 17**);
377. YARD, SIDE means that portion of the site extending from the front yard to the rear yard and lying between the side line of the site and the nearest portion of the exterior wall of the building. In the case of a curved side line, the side yard will also form a curve (See **Figure 17**);

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

Likewise, all personal pronouns (him, her, it, his, hers, etc.) are to be considered to be mutually applicable, as required bearing in mind the context of the pronoun.

2 DEFINITIONS NOT PROVIDED

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

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

Part C | Agencies

1 DEVELOPMENT AUTHORITY

1. The Development Authority of the Town of Hardisty shall be as established by the Town's Development Authority Bylaw.
2. The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register of all applications for development, including the decisions thereof.
3. If the Municipal Planning Commission is to be making the decision on a development permit application, the term Development Authority, when used in this Bylaw, shall be the Municipal Planning Commission.
4. If the Development Authority Officer is to be making the decision on a development permit application, the term Development Authority, when used in this Bylaw, shall be the Development Authority Officer.

2 DEVELOPMENT AUTHORITY OFFICER

1. The position of designated officer for the limited purpose of exercising the powers, duties and functions of a Development Authority Officer is established as per the Town's Development Authority Bylaw.
2. The Development Authority Officer shall be appointed by resolution of the Council.
3. The powers, duties and functions of the Development Authority Officer shall be those described in this Bylaw.
4. The Development Authority Officer may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by the Development Authority or by the Development Authority Officer.
5. The Development Authority Officer shall:
 - a. Keep and maintain for inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto and ensure that copies are available at a reasonable charge; and
 - b. Make available for inspection by the public during all reasonable hours, a register of all applications for development permits, including the decisions thereon.
6. In addition, the Development Authority Officer may have other duties as directed by Council.

3 MUNICIPAL PLANNING COMMISSION

1. The Municipal Planning Commission, as established by Council by Bylaw, shall perform such duties as specified in this Bylaw.

4 SUBDIVISION AUTHORITY

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

5 SUBDIVISION AUTHORITY OFFICER

1. The Subdivision Authority Officer shall be as established by the Town's Subdivision Authority Bylaw.
2. The Subdivision Authority Officer shall be appointed by resolution of Council.
3. The Subdivision Authority Officer shall perform such duties as specified in this Bylaw and the Subdivision Authority Bylaw.

6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

1. The Subdivision and Development Appeal Board, as established by Council by Bylaw, shall perform such duties as specified in this Bylaw.

7 COUNCIL

1. Council shall perform such duties as are specified for it in this Bylaw and issue as required permits for development in the Direct Control Districts.

Part D | Subdivision and Development Application Process

1 CONTROL OF DEVELOPMENT

1. No development other than that designated in **PART D.2** of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

1. The following development shall not require a development permit, provided that the development complies with all other requirements of this Bylaw:
 - a. The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit;
 - b. The completion of a building which was lawfully under construction at the date of the first publication of the notice required by Section 606 of the *Act*, provided:
 - i. that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and
 - ii. that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the notice;
 - c. The use of any such buildings as referred to in **PART D.2.1.b** for the purpose for which construction was commenced;
 - d. The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless:
 - i. the structure is within the Direct Control Park (DCP) District and/or;
 - ii. the gate, fence, wall, etc. exceeds the regulations indicated in **PART H.12** of this Bylaw;
 - e. A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw;
 - f. The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land, that is publicly owned or controlled;
 - g. A building or structure with a gross floor area of under 18.0 m² (193.0 ft.²) which is:
 - i. not on a permanent foundation that meets the minimum required yard and setback requirements indicated in this Bylaw, but not including a wind energy conversion systems; and/or,
 - ii. not within the Direct Control Park (DCP) District; and /or
 - iii. an unenclosed patio or deck that meets the minimum distance requirements outlined in this Bylaw;
 - h. Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot for the purposes of providing vehicular access from a road to an attached or detached garage or carport, provided that such hard-surfacing does not exceed 7.5 m (24.6 ft.) in width;
 - i. Development within a basement which does not change or add to the uses within a dwelling;
 - j. A minor home occupation;
 - k. the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - i. such signs are removed within one (1) day after the election date;
 - ii. such signs do not obstruct or impair vision or traffic; and
 - iii. such signs indicate the name and address of the sponsor and the person responsible for removal;
 - l. The placement of up to two (2) sea cans on a parcel within the Urban Reserve (UR) District; and

- m. The demolition or removal of any building or structure for which a development permit would not be required pursuant to **PARTS D.2.1.d and D.2.1.I** above, both inclusive.

3 NON-CONFORMING BUILDINGS AND USES

1. A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
2. A non-conforming use of part of a building may be extended throughout the building.
3. A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
4. A non-conforming building may continue to be used, but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - a. As may be necessary to make it a conforming building;
 - b. As the Development Authority considers necessary for the routine maintenance of the building; or
 - c. In accordance with the powers possessed by the Development Authority pursuant to the *Act* and **PART D.8.12** of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
5. If a non-conforming building is damaged or destroyed to the extent of more than seventy-five (75) percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
6. The land use or the use of a building is not affected by a change of ownership, tenancy or occupancy of the land or building.

4 APPLICATION FOR DEVELOPMENT

COMPLETION OF APPLICATION

1. The Development Authority Officer shall determine, within twenty (20) days of receipt of a development permit application, the completion of the application and advise the applicant in writing that:
 - a. The application is considered complete, and that a decision shall be issued within 40 days; or
 - b. The application is considered incomplete, and what further information is required.

REQUIREMENTS

2. A development permit application shall be made to the Development Authority Officer on the prescribed form, and shall be signed by the owner or his agent. The following information shall be required to accompany the application:
 - a. One (1) physical copy of the site plan at a scale of 1:100, unless otherwise acceptable to the Development Authority Officer, plus one (1) electronic copy of the site plan reduced to standard page sizes showing:
 - i. North arrow;
 - ii. Plan scale;
 - iii. Legal description of property;
 - iv. Municipal address;
 - v. Location and dimensions of property lines;
 - vi. Location of any existing and/or proposed buildings (dimensioned to property lines) or structures including utility poles, retaining walls, fences, trees, landscaping, sidewalks and other physical features;
 - vii. Existing utility rights-of-way and easements;
 - viii. Proposed front, rear and side yard setbacks (dimensioned to property lines);
 - ix. Proposed parking areas (dimensioned), entrances and exits and off-street loading areas;
 - x. Proposed access and egress points to the site;
 - xi. Location of any on-site water and sewer services;
 - xii. Grade elevations at all corners of building;

- xiii. Elevations of proposed buildings and floors relative to the invert elevations of above ground public utilities;
 - xiv. Pre and post construction site grading plan; and
 - xv. A storm water plan of the property indicating where the storm water is to be directed. Storm water from the property cannot be directed onto the adjoining properties. If the applicant for a development permit indicates that the Town is to verify compliance with the elevation and storm water management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit;
- b. One (1) physical copy of the building plans and elevations of any proposed buildings, including a description of the exterior finish materials, plus one (1) electronic copy of the floor plans and elevations reduced to standard 8½" x 11" or 11" x 17" page sizes;
 - c. Engineering plans or a statement of intent respecting the provision of water, storm water and sewer services and franchise utilities for the development;
 - d. A map indicating the land uses on all parcels of land located within 30.0 m (98.4 ft.) of the site proposed to be developed (required for discretionary uses only);
 - e. A copy of the current certificate of title. If the applicant is not the owner and is represented by an agent, written consent of the owner shall also be provided by the agent;
 - f. The estimated commencement and completion dates;
 - g. A signed consent form allowing right-of-entry on the subject parcel by the Development Authority Officer;
 - h. A lot grading plan;
 - i. Parking provisions as per **PART H.1** of this Bylaw;
 - j. The payment of an off-site levy or redevelopment levy required under an off-site levy or redevelopment levy Bylaw;
 - k. In a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - l. Future development plans for a site which is to be partially developed through the applicable development permit;
 - m. In the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
 - n. In the case of the placement of an already constructed or partially constructed building on a site, including a manufactured home, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;
 - o. Any other information or tests required by the Development Authority, at their sole discretion, respecting the site or adjacent lands, including an environmental screening of the site; and
 - p. A statutory declaration indicating that the information supplied is accurate.
3. In addition to the regulations above, an application for a development permit for workcamp must provide the following information:
 - c. The location, type and purpose of the camp;
 - d. Adjacent land uses;
 - e. The method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems;
 - f. The number of persons proposed to live in the camp;
 - g. The start date for the development, date of occupancy by residents and removal date for the camp; and
 - h. Reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.

4. To ensure that risks associated with traffic, safety and security associated with the development, the applicant shall provide a report at time of application which details the following:
 - a. Discussions with and impact on the local RCMP;
 - b. Discussions with and impact on the local Emergency Medical Services;
 - c. Discussions with and impact on the local Fire Department; and
 - d. Discussions with and impact on the local road system including a Traffic Impact Assessment.

APPLICATION FEE

5. Each application for a development permit shall be accompanied by a fee, as established by Council.

ADDITIONAL INFORMATION

6. The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
 - a. Detailed landscaping plans, indicating all existing and proposed site features including berms or other proposed forms of screening, trees, shrubs and grassed areas, and whether any vegetation is to be removed;
 - b. Detailed studies provided by certified professional engineers showing the potential impacts of the proposed development on traffic patterns, utilities and drainage in the area;
 - c. Photos or slides showing the subject parcel in its current state;
 - d. Detailed plans or studies provided by certified professional engineers showing engineered flood protection measures;
 - e. Detailed plans or studies provided by certified professional engineers indicating both slope stability and engineered slope stability protection measures; and
 - f. Any additional information as the Development Authority deems necessary and, in the case of the placement of an already constructed or partially constructed building on a parcel of land, information such as pictures of the building relating to the age and condition of the building and its compatibility with the District in which it is to be located. As well, a site plan detailing how vegetation, topography disturbance or erosion is to be minimized may be required by the Development Authority.

INCOMPLETE APPLICATIONS

7. The Development Authority may deal with an application without all of the required information if, in the opinion of the Development Authority, a decision can be properly made on an application without such information.

APPLICATIONS FOR INDUSTRIAL DEVELOPMENT

8. In addition to the information requirements indicated in **PART D.4.2**, each application for industrial development shall be accompanied by the following information:
 - a. Type of industry;
 - b. Estimated number of employees;
 - c. Estimated water demand and anticipated source;
 - d. Type of effluent and method of treatment;
 - e. Transportation routes to be used (rail and road);
 - f. Traffic Impact Assessment;
 - g. Reason for specific location;
 - h. Means of solid waste disposal;
 - i. Any accessory works required (pipeline, railway spurs, power lines, etc.);
 - j. Anticipated residence location of employees;

- k. Municipal servicing costs associated with the development;
 - l. Physical suitability of site with respect to soils, slopes and drainage;
 - m. If a subdivision is involved, the size and number of parcels and proposed phasing (if any);
 - n. Servicing requirements and provisions for meeting them (water, wastewater, utilities);
 - o. Costs associated with providing new or upgraded municipal services associated with the development;
9. And/or any other information as may be reasonably required by the Development Authority.
10. In addition to the information requirements indicated in **PART D.4.2**, the Development Authority may require for a proposed industrial use the provision of environmental assessment information and a risk assessment to assist the Town in assessing the effect of the proposed development in relation to the natural and human environments, and indicate both if and how any negative matters can be mitigated.

APPLICATIONS FOR LICENSED INDUSTRIAL HEMP PRODUCTION FACILITIES

11. In addition to the information requirements indicated in **PARTS D.4.2 and D.4.8** the Development Authority or Subdivision Authority may require an applicant for subdivision or a development permit for the development of a Licenced Industrial Hemp Production Facility to provide the following information, prepared by a qualified professional, with the application:
- i. Waste Management Plan;
 - j. Environmental Assessment;
 - k. Storm Water Management Plan; and
 - l. Any additional study or assessment necessary to address specific concerns identified by the Development Authority and/or Subdivision Authority in the course of their review of the application.

APPLICATIONS FOR LICENSED CANNABIS PRODUCTION & DISTRIBUTION FACILITIES

12. In addition to the information requirements indicated in **PARTS D.4.2 and D.4.8** the Development Authority may require an applicant for a subdivision or development permit for Licensed Cannabis Production and Distribution Facility to submit any or all of the following information, prepared by a qualified professional, with the application:
- m. Waste Management Plan;
 - n. Environmental Assessment;
 - o. Storm Water Management Plan; and/or
 - p. Any additional study or assessment necessary to address specific concerns at the discretion of the Subdivision or Development Authority.

APPLICATIONS FOR LICENSED CANNABIS RETAIL SALES ESTABLISHMENTS

13. In addition to the information requirements indicated in **PARTS D.4.2 and D.4.6** the Development Authority or Subdivision Authority shall require an applicant for subdivision or a development permit for Licensed Cannabis Retail Sales Establishment, to include with the application the following information:
- q. a map identifying the distance from the proposed development to all property boundaries of:
 - i. buildings containing a school or a boundary of a parcel of land on which a school is located;
 - ii. parcels of land that are designated as School Reserve or Municipal and School Reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - iii. provincial health care facilities or the boundary of a parcel of land on which the facilities are located; and
 - iv. any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission;

APPLICATIONS FOR COMMERCIAL & RECREATIONAL DEVELOPMENT

14. In addition to any or all of the information required under **PARTS D.4.2 and D.4.6** above, each application for a commercial or recreational development shall be required to provide the following information:

- a. Physical suitability of site with respect to soils, slopes and drainage;
- b. The size and number of parcels and proposed phasing (if any);
- c. Servicing requirements and provisions for meeting them;
- d. Costs associated with providing new or upgraded municipal services associated with the development;
- e. The requirements and provisions for employee and customer parking and for site access,
- f. Landscaping plan;
- g. Cross-sections and elevations for each building; and
- h. List of all proposed uses.

APPLICATION FOR NATURAL RESOURCE EXTRACTION

15. In addition to the information requirements indicated in **PARTS D.4.2 and D.4.8** where not required to do so by the Province, the proponent of a natural resource extraction industry shall be required to submit a reclamation plan. In those cases where the proponent is required to do so by the Province, the proponent shall submit a copy of the reclamation plan to the Town.

APPLICATIONS FOR EXCAVATION & STRIPPING OF LAND

16. In addition to the information requirements indicated in **PARTS D.4.2 and D.4.8** an application for a development permit for the excavation, stripping or grading of land that is proposed without any other development on the same land, shall include with the application, the following information:
 - a. Location and area of the site where the excavation is to take place;
 - b. The type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - c. The depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - d. Identification of potential for outdoor noise and the discharge of substances into the air;
 - e. The condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site; and
 - f. An indication of all municipal servicing costs associated with the development.

APPLICATIONS FOR WIND ENERGY CONVERSION SYSTEMS

17. In addition to the information requirements indicated in **PARTS D.4.2 and D.4.8** all applications for a development permit for a wind energy conversion system shall be accompanied by:
 - a. A fully dimensioned, scaled site plan showing and labeling the information including the location of overhead utilities on or abutting the subject site, contours of the land, and access roads;
 - b. A visual representation including scale elevations, photographs and/or digital information of the proposed wind energy conversion system showing total height, tower height, rotor diameter, colour and the landscape;
 - c. The manufacturer's specifications for the wind energy conversion system, including:
 - i. The system's rated output in kilowatts;
 - ii. Safety features and sound characteristics; and
 - iii. Type of material used in tower, blade and/or rotor construction;
 - d. An analysis of the potential for noise at:
 - iv. The site of the installation;
 - v. The boundary of the lot containing the development; and
 - vi. Any habitable dwelling within 2.0 km (1.2 miles) of the subject site;

- e. A report regarding any public information meetings or other processes conducted by the developer;
- f. Any impacts to the local road system including required approaches from public roads having regard to Town standards;
- g. A preliminary reclamation/decommissioning plan; and
- h. Appropriate reports and/or approvals from:
 - i. Alberta Energy Regulator;
 - ii. Transport Canada;
 - iii. NavCanada;
 - iv. Alberta Community Development; and
 - v. Alberta Environment and Parks.

APPLICATIONS FOR A SIGN OR SIGNS

18. In addition to the information requirements indicated in **PARTS D.4.2** each application for a sign shall be accompanied by additional information at the discretion of the Development Authority.

REAL PROPERTY REPORTS AND BUILDING SITE CERTIFICATE

19. The Development Authority may require a Real Property Report or a Building Site Certificate relating to the site that is the subject of a development permit application.

5 COMPLETED APPLICATION

1. The Development Authority must, within twenty (20) days of receipt of the development permit application, determine if the Development Permit application is complete, in accordance with section 683.1(1) of the *Act*.
2. The time period referred to in **PART D.5.1** may be extended by an agreement in writing between the applicant and the development authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a) of the *Act*.
3. If the Development Authority determines that the application is incomplete, the Development Authority must issue to the applicant a notice in the form and manner provided for in the land use bylaw that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.
4. If the Development Authority does not make a determination referred to in **PART D.5.3** above within the time required under **PART D.5.1 or D.5.2** the application is deemed to be complete.
5. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in **PART D.5.3** the application is deemed to be refused.

6 DEVELOPMENT PERMIT APPROVAL REQUIREMENTS

1. The Development Authority Officer may refer a development permit application to any internal municipal department and to any external agency in order to receive comment and advice.
2. Upon receipt of an application for a development permit for a development listed as a Discretionary Use, the Development Authority Officer may send a written notice to all adjacent landowners indicating the location and nature of the proposed development, and indicating opportunities for comment.

7 REFERRAL OF APPLICATIONS

HISTORICAL RESOURCES

1. Historical or archaeological sites identified pursuant to the Alberta *Historical Resources Act*, R.S.A. 2000, c. H-09, as amended, shall be protected in accordance with Provincial legislation and regulations.
2. At time of subdivision or development permit application the approving authority will review the Historic Resources Overlay on **Map 2 – Overlay Map** in **PART M** and the provincial Online Permitting and Clearance (OPaC) system to determine if the subject site is affected by, or may be affected by, a historic resource. If the site is effected by, or may be effected by, a historic

resource then the application will be circulated to Alberta Culture and Tourism for comment and, if required by the department, a letter of clearance and a permit from Alberta Culture and Tourism will be required to accompany the application

HIGHWAYS

3. Development permit applications within 0.8 km (0.5 miles) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued.

ADJACENT MUNICIPALITIES

4. All subdivision proposals and all applications for significant discretionary development permits within 1.6 km (1.0 mile) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.

8 DECISION PROCESS

DEVELOPMENT AUTHORITY OFFICER DUTIES

1. The Development Authority Officer shall:
 - a. Receive, review, consider and decide all applications for development permits where the proposed use is permitted where no variance has been requested;
 - b. Present recommendations to Council for Council's consideration and decision on applications for all development permit applications within a Direct Control District unless that District's regulations specifically indicate that the Development Authority Officer or the Municipal Planning Commission may make a decision on a development permit application within that District;
 - c. Present recommendations to the Municipal Planning Commission for its consideration and decision on all applications for a development permit for a discretionary use and development permits where the proposed use is permitted where a variance has been requested;
 - d. Present recommendations to the Municipal Planning Commission for its consideration and decision on all applications for a development permit for a permitted use which do not comply with all of the regulations of this Bylaw; and
 - e. At their discretion, refer to the Municipal Planning Commission any application for a development permit which in his opinion should be decided by the Commission.
2. In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited or temporary period of time, or refuse the application.
3. The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.

MUNICIPAL PLANNING COMMISSION

4. The Municipal Planning Commission shall receive, consider, and issue a decision affecting all applications for a development permit referred to it by the Development Authority Officer for consideration and decision, as identified within **PARTS D.8.1 through D.8.3**.

DEVELOPMENT PERMIT CONDITIONS

5. The Development Authority may require as a condition of issuing a development permit (for a permitted or discretionary use) that the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy and/or to give security to ensure that the terms of the agreement noted herein are carried out.
6. The Development Authority may also require as a condition of issuing a development permit (for a permitted or discretionary use) that the proponent make satisfactory arrangements for the supply of required utilities, including payment of the costs of installing or constructing any such facilities.

7. The Development Authority may also require as a condition of issuing a development permit (for a permitted or discretionary use) that once the development is completed and all the conditions of approval have been met, including any conditions articulated within the development agreement noted in **PART D.8.5** above, the applicant provide certification, in a form acceptable to the Development Authority that the development has been completed and that all the conditions of approval have been met. Further, the Development Authority may establish as a condition of approval of a development permit that this certification be provided within a certain period of time.

REFUSAL OF DEVELOPMENT PERMIT

8. In the case where an application for a development permit has been refused pursuant to this **PART**, or ultimately after appeal pursuant to **PART E** of this Bylaw, at their discretion, the Development Authority may not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
9. Section 640(5) of the *Act* does not apply in the case of an application that was deemed to be refused under Section 683.1(8) of the *Act* or **PART D.5.5** of this Bylaw.
10. An application for a development permit shall be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority unless an extension of this forty (40) day period is agreed to by the applicant and the Development Authority. The person claiming to be affected may appeal in writing as provided for in **PARTS D and E** of this Bylaw as though he has received a refusal at the end of the forty (40) day period or extension thereof specified in this subpart.
11. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

VARIANCE PROVISIONS

12. The Municipal Planning Commission may approve an application for a development permit notwithstanding that the proposed development does not comply with the regulations of this Bylaw, if, in the opinion of the Development Authority:
 - a. The proposed development would not:
 - i. Unduly interfere with the amenities of the neighbourhood; or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - b. The proposed development conforms with the use prescribed for that land or building in this Bylaw.

SUSPENSION OF DEVELOPMENT PERMIT

13. The Development Authority may suspend or revoke a development permit by notice in writing, to the holder of it:
 - a. If, in the opinion of the Development Authority, the application for that development permit is found to have contained incorrect or misleading information; or
 - b. If the conditions of the approval of the development permit have not been complied with or cease to be complied with; or
 - c. If the development permit was issued in error.

9 DEVELOPMENT PERMITS AND NOTICES

APPEAL PERIOD

1. A permit granted pursuant to **PART D.8** of this Bylaw for a permitted use where no variance or relaxation of a regulation of the Bylaw has been granted comes into effect twenty-one (21) days after the date a decision on the development permit is granted.
2. A permit granted pursuant to **PART D.8** of this Bylaw for a discretionary use or for a permitted use where a variance or relaxation of a regulation of the Bylaw has been granted does not come into effect until twenty-one (21) days after the date a decision on development permit is publicized as described in **PART D.9.4** below. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
3. Where an appeal is made pursuant to **PART E** of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit decided on by that Board.

NOTICE OF DECISION

4. When a development permit has been issued, the Development Authority Officer shall immediately:
 - a. For a development permit for a permitted use where all of the regulations of this Bylaw are satisfied or met, and where no variance or relaxation of a regulation of this Bylaw has been granted, post a notice of the decision conspicuously in the Town office; and
 - b. For all other development permits, both post a notice of the decision conspicuously in the Town office, and publish a notice once in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
5. In addition to the forms of notification indicated above, as an additional courtesy, the Development Authority Officer may also mail a notice in writing to all adjacent landowners.
6. A decision of the Development Authority on an application for a development permit shall be given in writing to the applicant and a copy shall be sent to the landowner(s) if different from the applicant.

COMMENCEMENT & COMPLETION

7. If the development authorized by a development permit is not commenced within twelve (12) months from the date of its issuance and completed within twenty-four (24) months from the date of commencement, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.

10 SUBDIVISION OF LAND

SUBDIVISION REQUIREMENTS

1. The Subdivision Authority of the Town shall abide by the requirements of and consider the matters indicated in sections 652 to 670 of the *Act*.
2. Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Land Titles.
3. More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Town's Subdivision Authority.
4. Subdivision approvals must be consistent with the Town's Municipal Development Plan (MDP) and the provisions of any approved statutory plans that affect the land proposed to be subdivided. Subdivision that does not conform to the Municipal Development Plan or other statutory plans will not be approved.
5. Subdivision approvals must comply with Part 17 and 17.1 of the *Act* and the *Regulations* therein.
6. Environmental Reserves will be taken according to section 664 of the *Act*; either in the form of a lot (ownership transferred to the Municipality) or as an Environmental Reserve Easement (private ownership is retained). The Town may require that the proponent provide hazard land as Environmental Reserve as a condition of subdivision approval.
7. Property taxes must be up to date prior to final endorsement of any Subdivision within the Town.
8. The developer may be required to provide for Inclusionary Housing in accordance with the *Act* and the *Regulations* therein.
9. All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.

SUBDIVISION APPLICATION REQUIREMENTS

10. All Subdivision applications for lands within the Town shall comply with the provisions under this **PART**.
11. Preparation and approval of an Area Structure Plan or Site Development Plan, prepared by a Registered Professional Planner (RPP), shall be required prior to submission of an application for a multi-lot subdivision that will result in a total of five (5) or more new lots within an Urban Reserve lot or an unserved lot. Plan preparation must include all supporting studies identified in the required pre-submission consultation meeting with the Town and the Town's Subdivision Authority Officer.

12. A subdivision application may be submitted by:
 - a. the registered owner of the land to be subdivided; or
 - b. a person with written authorization to act on behalf of the registered owner.
13. Multi-lot subdivisions shall be developed in accordance with the provisions of the land use district affecting the subject site at the time that the decision is issued.
14. If the proposed subdivision requires an environmental assessment under the *Canadian Environmental Assessment Act, S.C. 2012, c. 19, s. 52*, as amended, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
15. If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
16. The tentative plan of subdivision shall:
 - a. clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - b. show the location, dimensions and boundaries of:
 - i. each new lot to be created;
 - ii. reserve land(s), if required;
 - iii. the right-of-ways of each public utility, if required; and
 - iv. other right-of-ways, if required;
 - c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
 - d. show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
 - e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
 - f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
 - g. identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
17. The Town shall require an applicant to submit to the Subdivision Authority information on abandoned oil and gas wells as required by the *Subdivision and Development Regulation, AR 43/2002*, and Alberta Energy Regulator Directive 079.
18. The Town may also require an applicant to submit to the Subdivision Authority any or all of the following:
 - a. a figure showing topographic contours at no greater than 1.5 m (4.9 ft) intervals;
 - b. if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
 - 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 on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
 - d. a storm water management plan, prepared by a qualified professional, which must be approved by Alberta Environment and Parks including:
 - i. topography;
 - ii. proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
 - iii. proposed major drainage systems (direction of surface drainage/flow rate);

- iv. proposed on-site detention/retention facility (location/size/capacity);
 - v. location of outflow/outfall structures; and
 - vi. any related modeling and calculation information.
- e. if the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain or highest and most frequent rain event series relevant to flooding of the land;
 - f. information respecting the land surface characteristics of land within 0.8 km (0.5 mi.) of the land proposed to be subdivided;
 - g. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.93 mi.) of a sour gas facility, a map showing the location of the sour gas facility; and
 - h. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Site Development Plan that relates the application to future subdivision and development of adjacent lands.

SUBDIVISION PROCESS

- 19. The Subdivision Authority Officer shall:
 - a. attend a pre-application submission meeting with development proponents (as requested);
 - b. receive all applications for subdivision applications; and
 - c. assess and provide notice of a complete or incomplete application;
 - d. issue notices in writing as required in the Act.

NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

- 20. The Subdivision Authority Officer shall within twenty (20) days of the receipt of an application for a development permit, determine whether the application is complete.
- 21. The time period referred to in **PART D.10.20** may be extended by an agreement in writing between the applicant and the Subdivision Authority Officer or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a) of the Act.
- 22. An application is complete if, in the opinion of the Subdivision Authority Officer, the application contains the documents and other information necessary to review the application.
- 23. If the Subdivision Authority Officer determines that the application is complete, the Subdivision Authority Officer shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- 24. If the Subdivision Authority Officer determines that the application is incomplete, the Subdivision Authority Officer shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority Officer in order for the application to be considered complete.
- 25. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in **PART D.10.24** the Subdivision Authority Officer must deem the application to be refused.
- 26. Despite that the Subdivision Authority Officer has issued an acknowledgment under **PART D.10.20** or **PART D.10.24**, in the course of reviewing the application, the Subdivision Authority Officer may request additional information or documentation from the applicant that the Subdivision Authority Officer considers necessary to review the application.

DUTIES OF THE SUBDIVISION AUTHORITY

- 27. Upon receipt of a completed subdivision application, the Subdivision Authority:
 - a. shall approve, with or without conditions, an application for a permitted use where the proposed subdivision conforms to:
 - i. this bylaw;

- ii. applicable statutory plans; and
 - iii. the Act and the Regulations thereunder;
- b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i. applicable statutory plans; and/or
 - ii. the Act and the Regulations thereunder;
- c. prior to making a decision, the Subdivision Authority Officer, on behalf of the Subdivision Authority, may refer the application to municipal departments, external agencies and adjacent landowners for comment.

PART E | Development Appeal Process

1 APPEAL PROCEDURE

GROUNDINGS FOR APPEAL

1. An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority:
 - a. Refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application or the extension to this period referred to in **PART D.8.8**; or
 - b. Issues a development permit subject to conditions; or
 - c. Issues an order under **PART G** of this Bylaw.
2. Notwithstanding **PART E.1.1** above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted, or the application for the development permit was deemed to be refused under Section 683.1(1) of the *Act*, or in respect of the issuance of a Development Permit in the Direct Control Park (DCP) District.

POTENTIAL APPELLANTS

3. The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Subdivision and Development Appeal Board.
4. An appeal shall be made by serving a written notice of appeal, together with reasons for the appeal and the appeal fee as established by resolution of Council, to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days after:
 - a. The date notice of the order, decision or permit issued by the Development Authority was received in accordance with this Bylaw; or
 - b. The forty (40) day period referred to in **PART E.1.1** above has expired.

2 APPEAL HEARING PROCEDURE

TIMELINE

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

NOTIFICATION PRIOR TO HEARING

2. The Secretary to the Subdivision and Development Appeal Board shall give at least five (5) days' notice in writing of the appeal hearing to:
 - a. The appellant;
 - b. The Development Authority from whose order, decision or development permit the appeal is made;
 - c. Those adjacent land owners who were notified of the development permit and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
 - d. Such other persons as the Subdivision and Development Appeal Board may specify.

AVAILABILITY OF MATERIAL RESPECTING THE HEARING

3. The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
 - a. The application for the development permit, the decision and notice of appeal; or,
 - b. The order of the Development Authority under **PART G** of this Bylaw.

APPEAL HEARING

4. At the appeal hearing referred to in **PART E.2.1** of this Bylaw, the Subdivision and Development Appeal Board shall hear:

- a. The appellant or any other person acting on their behalf;
- b. The Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
- c. Any other person who was served with notice of the hearing and who wishes to be heard or a person acting on their behalf; and
- d. Any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on their behalf.

3 DECISION

TIMELINE

1. The Subdivision and Development Appeal Board shall give its decision in writing together with specific reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.

COURT OF APPEAL

2. A decision made under this **PART** of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the *Act*. An application for leave to the Court of Appeal shall be made:
 - a. To a judge of the Court of Appeal; and
 - b. Within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART F | Bylaw Amendment Process

1 APPLICATION TO AMEND THE LAND USE BYLAW

APPLICATION FROM THE PUBLIC

1. A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under **PART F.1.3.a** of this Bylaw.

APPLICATION FROM COUNCIL

2. Council may at any time initiate an amendment to this Bylaw by directing the Development Authority Officer to initiate an application therefore.

APPLICATION REQUIREMENTS

3. All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
 - a. An application fee as established by Council, pursuant to the Town's Master Rate Bylaw; and
 - b. A current title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land; and
 - c. Drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable; and
 - d. Any other information deemed necessary by the Development Authority Officer or by Council.

REFERRALS

4. In order to prepare the proposed Bylaw amendment for Council, the Development Authority Officer may refer the application to such agencies as s/he considers necessary for comment.
5. During consideration and deliberation of the proposed Bylaw amendment, Council may refer the application to such agencies as it considers necessary for comment.

ADDITIONAL INFORMATION

6. Council may request such information as it considers necessary in order to reach a decision on the proposed amendment.

PUBLIC HEARING

7. All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the *Act* regarding the notification and holding of a public hearing.

PART G | Enforcement

1 CONTRAVENTION

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

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

- d. stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - e. demolish, remove or replace the development; and/or
 - f. take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, as the case may be, within the time specified by the notice.
2. A person who receives a notice pursuant to **PART G.1.1** may appeal that notice and order to the Subdivision and Development Appeal Board in accordance with **PART E** of this Bylaw.
3. Where a person fails or refuses to comply with an order directed to them under **PART G.1.1** or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
4. A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offense as specified in the Town's Master Rate Bylaw.
5. If the fine is not paid, the person is liable for imprisonment for not more than one year, or to both fine and imprisonment.
6. Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.
7. The municipality may register a Caveat under the *Land Titles Act* (or subsequent legislation) pursuant to the order against the certificate of title that is subject to the order in accordance with Section 646(2) of the Act.

2 PENALTIES

1. In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or stop order where there is reasonable and probable grounds to believe there is a contravention of this Bylaw.
2. A violation tag may be issued to a person either personally or by registered mail.
3. The violation tag shall be in a form approved by the Town and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the Town.
4. Offences and related fines are as specified in the Town's Master Rate Bylaw.
5. Where a contravention is of a continuing nature, further violation tags may be issued.
6. The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
7. If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.

8. Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

PART H | General Provisions

1 ACCESS, OFF STREET PARKING, & LOADING

ACCESS & EGRESS

- In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the Development Authority. A permit shall be obtained from Alberta Transportation for access onto all Highways.

MINIMUM PARKING STANDARDS

- In all Land Use Districts, an off-street parking space shall be provided in accordance with the minimum requirements of each use as determined by the Development Authority. The following specifications shall be adhered to:

PARKING ANGLE IN DEGREES	WIDTH OF STALL	DEPTH OF STALL PERPENDICULAR TO MANEUVERING AISLE	WIDTH OF STALL PARALLEL TO MANEUVERING AISLE	OVERALL DEPTH	WIDTH OF MANEUVERING AISLE (ONE-WAY)
A	B	C	D	E	F
0	2.7 m (8.86 ft.)	2.7 m (8.86 ft.)	7.0 m (22.97 ft.)	9.1 m (29.86 ft.)	3.6 m (11.81 ft.)
30	2.7 m (8.86 ft.)	5.2 m (17.06 ft.)	5.5 m (45.87 ft.)	14.0 m (45.93 ft.)	3.6 m (11.81 ft.)
45	2.7 m (8.86 ft.)	5.8 m (19.03 ft.)	4.0 m (13.12 ft.)	15.2 m (49.87 ft.)	3.6 m (11.81 ft.)
60	2.7 m (8.86 ft.)	6.1 m (20.01 ft.)	3.1 m (10.17 ft.)	18.2 m (59.71 ft.)	6.0 m (19.69 ft.)
90	2.7 m (8.86 ft.)	6.1 m (20.01 ft.)	2.7 m (8.86 ft.)	19.5 m (63.98 ft.)	7.3 m (23.95 ft.)

MINIMUM PARKING STALL REQUIREMENTS	
PLACE OF PUBLIC ASSEMBLY	1 space per 10 seats.
EATING AND DRINKING ESTABLISHMENT	1 space per 4 seats plus 1 space per 2 employees on maximum shift.
COMMERCIAL DEVELOPMENT	Less than 2,000.0 m ² (21,528.0 ft. ²) – 2.2 spaces per 100.0 m ² of gross floor area. 2,000.0 m ² (21,528.0 ft. ²) to 20,000.0 m ² (215,279.0 ft. ²) – 3.2 spaces per 100.0 m ² (1,076.0 ft. ²) of gross floor area.
OVERNIGHT ACCOMMODATION	1 space per guest room.
INDUSTRIAL DEVELOPMENT	1 space per 100.0 m ² (1,076.0 ft. ²) of gross floor area or 3 spaces per establishment, whichever is greater, and 1 space per employee on the site, or as determined by the Development Authority.
SINGLE DETACHED, SECOND DWELLING, MANUFACTURED HOME	As set out in specific district where applicable.
MULTIPLE DWELLING UNIT DEVELOPMENT	2 spaces per unit or 1.5 spaces per unit where 5 or more units exist.
ELEMENTARY AND JUNIOR HIGH SCHOOL	1 space per 20 students based on projected capacity plus 1 space per employee as well as a student drop-off area.
MOTEL	1 space per sleeping unit plus 1 space per 2 employees on maximum shift.
DRIVE-IN ESTABLISHMENT	1 space per 4 seats and required space for 5 car stack up per window or bay.
PROFESSIONAL OFFICE	1 space per 46.5 m ² (500.5 ft. ²) of gross floor area.

CHILD CARE, DAY HOME	1 space per 2 employees.
ALL OTHER DEVELOPMENTS	In accordance with the requirements of the Development Authority.

MINIMUM LOADING PROVISIONS

3. When required by the Development Authority, loading spaces shall:
 - a. Have dimensions of not less than 4.0 m (13.0 ft.) in width, 8.0 m (26.0 ft.) in length, and 4.5 (15.0 ft.) in height above grade;
 - b. Provide vehicular ingress to, and egress from, a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in nearby roads or lanes;
 - c. Be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
 - d. Be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority; and
 - e. Be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (5.0 ft.) and not more than 2.5 m (8.0 ft.) in height.
4. Number of Off-Street Loading Spaces
 - a. The number of loading spaces required to be provided in a development shall be as follows:
 - i. For a retail, industrial, warehouse or similar development:
 1. One (1) space for a development of less than 2,000.0 m² (21,528.0 ft.²) of gross floor area; and
 2. One (1) additional space for each additional 2,000.0 m² (21,528.0 ft.²) of gross floor area or fraction thereof;
 - ii. For an office building, place of public assembly, public convalescent home, institution, club or lodge, school or any similar use, one (1) space for a development of less than 3,000.0 m² (32,293 ft.²) of gross floor area, and one (1) additional space for each additional 3,000.0 m² (32,293.0 ft.²) of gross floor area or fraction thereof;
 - iii. For apartment or row housing, one (1) space for each ten (10) dwelling units or fraction thereof;
 - iv. For any other building or use – as required by the Development Authority; and
 - v. Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.

ADDITIONAL REQUIREMENTS

5. At the discretion of the Development Authority, a developer may be required to:
 - a. Provide the required off-street parking on the same lot as the main building or use; or
 - b. Provide the required off-street parking on land other than that to be developed; or
 - c. At their option and with the concurrence of the Development Authority, pay to the municipality such amount of money on such terms as the Council considers reasonable in return for the equivalent public parking space to be provided by the municipality elsewhere in the District. Any money so received by the municipality shall be used only for the development of municipal off-street parking facilities.
6. A maximum of one (1) driveway shall be allowed per lot, in a location approved by the Development Authority.

7. The maximum width of a driveway shall be the width of the garage door opening(s) plus 2.0 m (6.5 ft.) up to a maximum of 6.0 m (19.6 ft.). Where the driveway intersects with the street. If no garage door faces the road, a maximum width of 6.0 m (19.6 ft.) shall be allowed (see **Figure 18**).

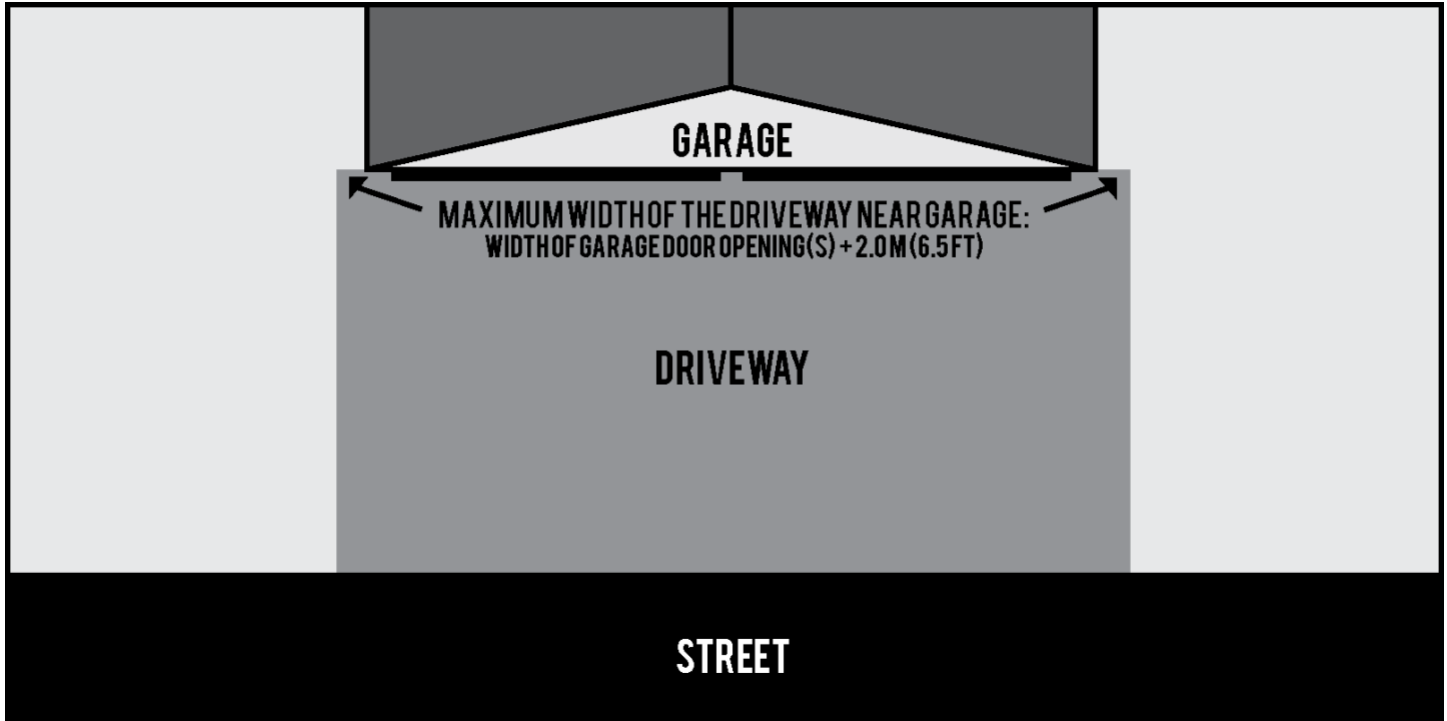


FIGURE 18: MAXIMUM DRIVEWAY WIDTH

2 ACCESSORY BUILDINGS IN DISTRICTS OTHER THAN RESIDENTIAL DISTRICTS

1. In addition to the regulations in **PART H.4** the following provisions apply to accessory buildings in Land Use Districts other than the residential districts.
2. In Districts other than Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.
3. At the discretion of the Development Authority, a development permit may be issued for the temporary erection of a factory-manufactured building or tented structure for use as an accessory building provided that the following additional conditions are met:
 - a. The development permit approval shall not be for a period of more than one (1) year; and
 - b. If an extension to the one (1) year period is desired by the applicant, the applicant must submit a written extension request to locate the building for a further six (6) months.

3 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS

GENERAL

1. All accessory buildings shall comply with all relevant provisions of this bylaw.
2. No person shall use, or allow an accessory building to be used as a dwelling unit, except as a surveillance suite, where allowed for in this bylaw.
3. Accessory buildings shall be constructed either simultaneously with, or after, the construction of the main building on a site or the commencement of the main use on a site, and not before the main building is constructed or the main use commences.

SITING & SETBACKS

4. Unless otherwise provided, in Residential Districts, where an open carport is attached to a dwelling, the minimum required side yard may, at the discretion of the Development Authority, be reduced to 1.2 m (3.9 ft.).
5. Accessory buildings in Residential Districts shall be located:

- a. A minimum of 2.0 m (6.6 ft.) from the dwelling;
 - b. No closer to the front line than the front of the main building except in the case of double fronting or corner sites, in which case the minimum required yard may be reduced to 4.5 m (14.76 ft.) from one front line, and the minimum required side yard adjacent to the side line may be reduced to 7.5 m (24.6 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected;
 - c. No closer than 1.0 m (3.3 ft.) to the rear line, providing there is no encroachment of any part of the building beyond the rear line, except that where the vehicle doors of a garage face a lane abutting the site, the garage shall be no closer than 5.0 m (16.4 ft.) from the rear line;
 - d. No closer than 1.0 m (3.3 ft.) from the side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building. In such a case, accessory buildings may be built within 1.0 m (3.3 ft.) of the side line; and
 - e. Such that no roof overhang is located within 0.3 m (1.0 ft.) of a side or rear line.
6. The siting of an accessory building on an irregularly shaped parcel may be as approved by the Development Authority.
 7. An accessory building shall not be located in the front yard.

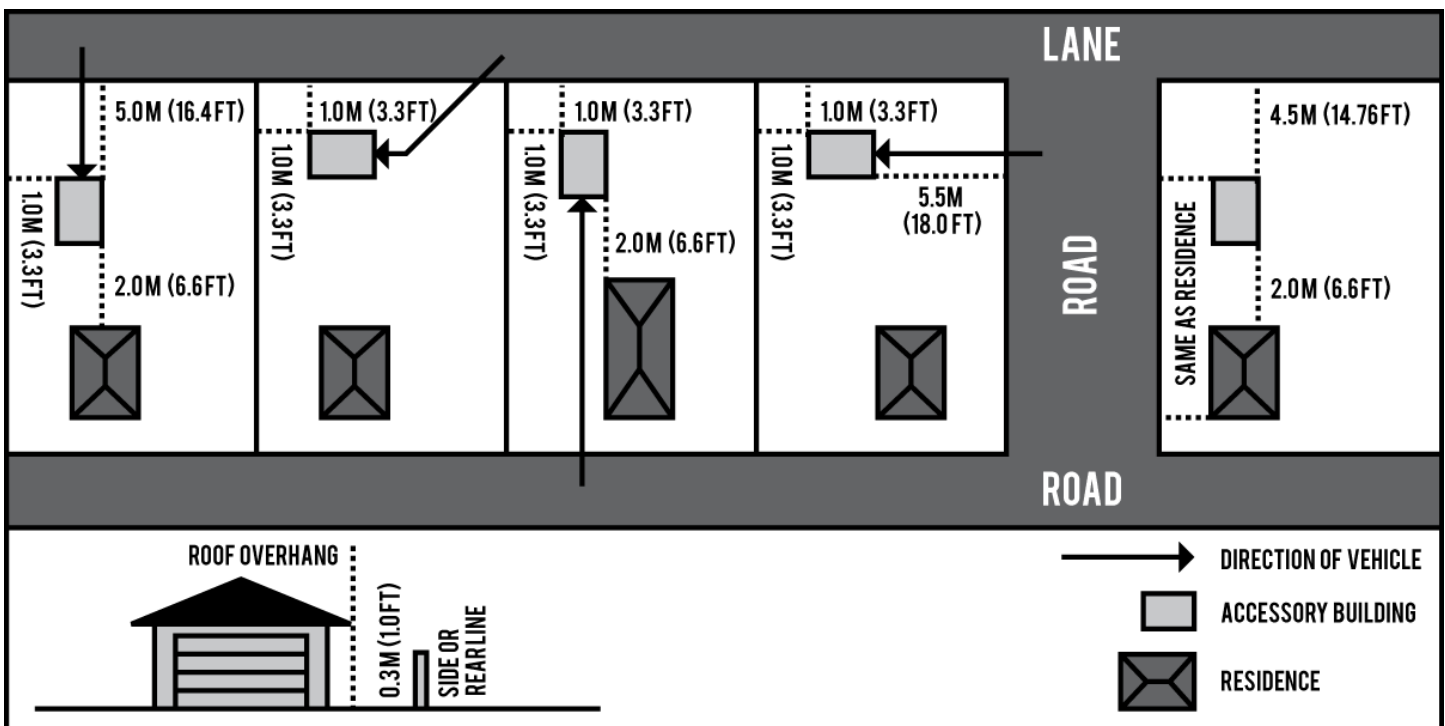


FIGURE 19: SITING OF ACCESSORY BUILDINGS

8. Accessory buildings shall not be located on an easement or a utility right-of-way.

SITE COVERAGE

9. No person shall construct or permit the construction of an accessory building, or group of accessory buildings, such that, individually or collectively, the gross floor area of the accessory building or buildings would:
 - a. Along with the main building, exceed the maximum site coverage allowed on the site;
 - b. Exceed the floor area of the main building on the site; or
 - c. Exceed twelve percent (12%) of the site area.

HEIGHT

10. The height of an accessory building shall not exceed 5.5 m (18.0 ft.), except in the case where the lot size exceeds 0.405 hectares (1.0 acre) an accessory building shall not exceed 7.3 m (24.0 ft.).
11. Notwithstanding the above, where the accessory building is a Garage Suite the maximum height shall be as established in **PART I.45**.

MAIN BUILDING

12. Where a structure is attached to the main building by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.

GARAGES, SHEDS, DECKS, ETC.

13. All decks and verandas in Residential Districts shall be located such that they do not project into minimum required yards.
14. Notwithstanding **PART H.3.13** above, any deck or veranda which the Development Authority allows, at their sole discretion, to project into a minimum required front yard in a Residential District, may be roofed but shall not be enclosed.

4 ACCESSORY USE REGULATIONS

1. All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
2. No person shall use, or permit an accessory building to be used as a dwelling unit, except as a surveillance suite or garage suite where allowed pursuant to this Bylaw.
3. All accessory buildings which are more than greater than 18.0 m² (193.0 ft.²) in area or have one dimension which exceeds 3.0 m (10.0 ft.), require a development permit and must be placed upon a permanent foundation.
4. Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building on a site or the commencement of the principal use on a site, and not before the principal building is constructed or the principal use commences.
5. Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply. For the purposes of determining the site coverage percentage, buildings which are attached to a principal building will be considered part of the principal building.
6. No person shall construct or permit the construction of an accessory building or group of accessory buildings such that, individually or collectively, the gross floor area would:
 - a. Along with the principal building, exceed the maximum site coverage allowed on the site;
 - b. Exceed the gross floor area of the principal building on the site; or
 - c. Exceed twelve percent (12%) of the site area unless otherwise indicated within the Land Use District Provisions.
7. In the event of accessory building construction over a gas service line, the Development Officer shall require a letter from the natural gas utility operator indicating its requirements have been met prior to the issuance of a development permit.
8. Accessory buildings shall not be located in a front yard.
9. Accessory buildings shall not be located on an easement or a utility right-of-way.

5 AMENITY AREAS

1. Where required in any District, private outdoor and/or communal amenity areas shall be provided in accordance with the following:
 - a. Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
 - i. Be located immediately adjacent to land with direct access from the dwelling it is intended to serve;
 - ii. Be located in a yard other than a front yard;
 - iii. Be landscaped and surfaced for convenient use for outdoor activities;
 - iv. Be of a width and depth of at least 4.0 m (13.2 ft.); and

v. Be developed as open space unencumbered by any accessory buildings or future additions.

2. Notwithstanding **PART H.5.1** above, balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.6 ft.).
3. Communal amenity areas shall be designed for the recreational use of all residents of the development or for the use and enjoyment of the public in the case of a non-residential development. The area shall be indoor or outdoor space, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools, fitness rooms, party rooms, games rooms and children’s play areas complete with equipment.
4. In multi-dwelling developments of fifteen (15) dwelling units or more, a minimum communal amenity area of 2.5 m² (26.9 ft.²) per dwelling unit shall be provided and be developed as children’s play space or other communal recreation space, and be aggregated into areas of not less than 50.0 m² (528.2 ft.²).
5. In multi-dwelling developments, at least ten percent (10%) of the amenity area required on the site shall be provided for recreational purposes; and in multi-dwelling developments of fifteen (15) units or more, recreational equipment shall be provided on this area to the satisfaction of the Development Authority. This requirement may be relaxed at the discretion of the Development Authority where indoor recreation facilities are provided.

6 CORNER AND DOUBLE FRONTING LOTS

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

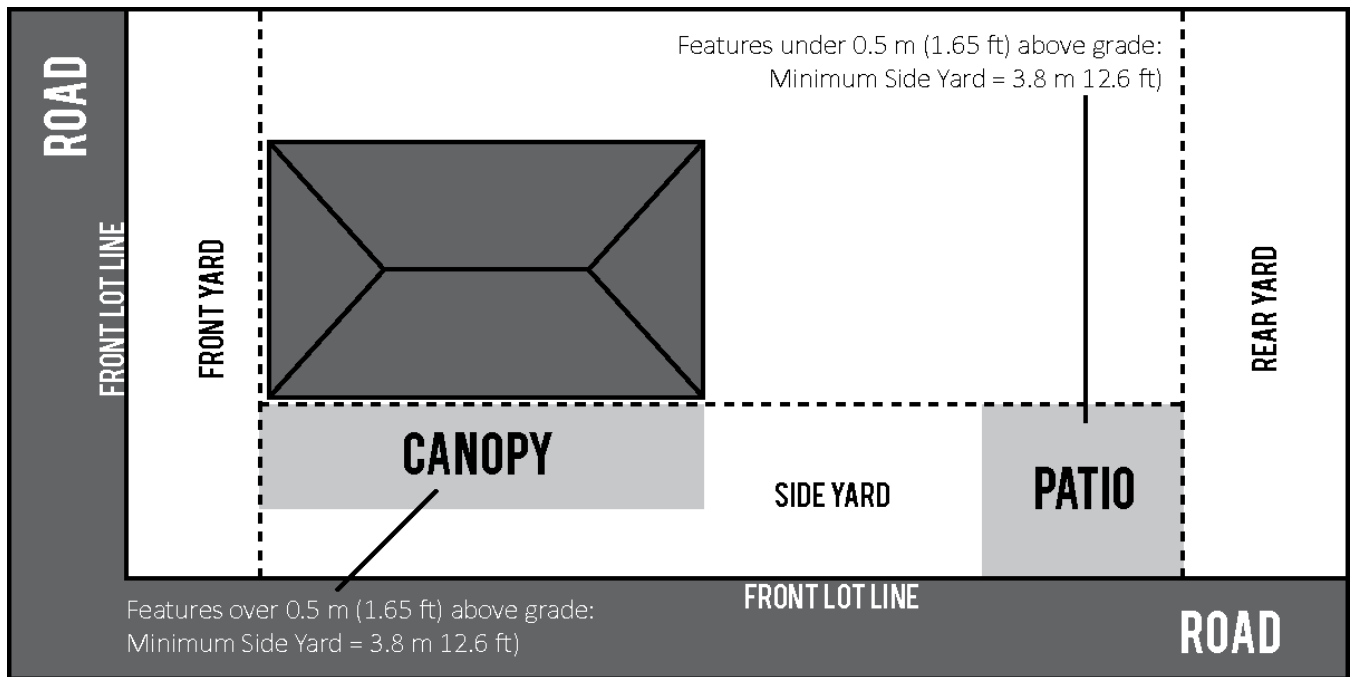


FIGURE 20: FEATURES IN SIDE YARDS

3. Notwithstanding any other provision of this Bylaw to the contrary, in residential areas, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.).
4. Notwithstanding **PART H.6.3** above, in residential areas, features under 0.5 m (1.65 ft.) above grade may project to the side line where a second minimum front yard is not required on a corner site (See **Figure 20**).

7 CORNER SITES AND SITE LINE PROTECTION

1. Notwithstanding any other provision of this bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub or tree in or on that part of a corner site located within any district other than commercial districts, which lies within a triangle formed by a straight line drawn between two points on the closest curbs of the intersecting roads 6 m (19.7 ft.) from the point where the curbs would meet if extended or 3.0 m (9.8 ft.) from that point in the case of an intersecting lane and road (see **Figure 21**).
2. At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft.) from their intersection.
3. **PART H.7.2** above does not apply to lands in the C1 District.
4. Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in **PARTS H.7.1** and **H.7.2** such that any part of the sign is between the heights of 1.0 m (3.3 ft.) and 4.0 m (13.1 ft.) above grade.

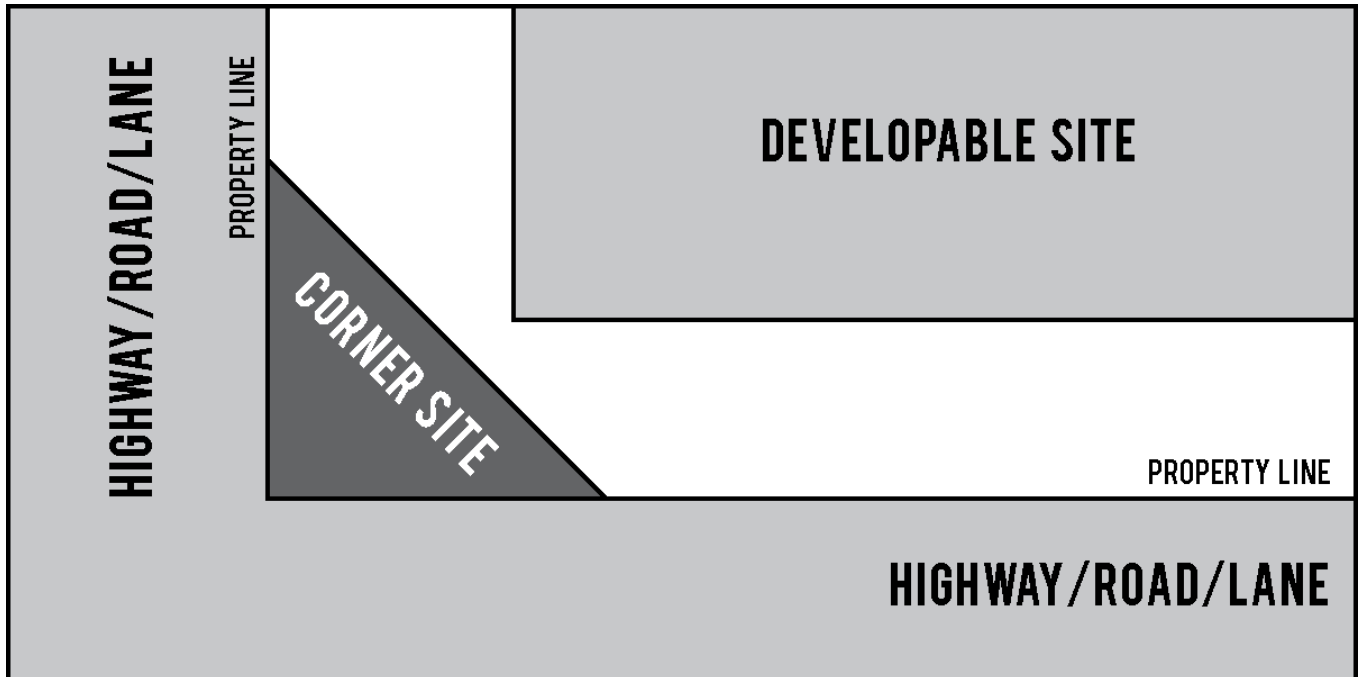


FIGURE 21: CORNER SITE PROTECTION

8 DESIGN, CHARACTER, AND APPEARANCE OF BUILDINGS

1. Unless forming part of a single project which has been proposed and designed to be built under one development permit, no single detached dwellings of identical or, in the opinion of the Development Authority, similar roof or front elevations and fronting on either side of a road shall be located within three (3) sites of each other.
2. The design, character and appearance of all buildings shall:
 - a. Be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located;
 - b. Be suited to the purpose of the District in which it is located; and
 - c. Comply with the provision of any statutory plan applicable to the design, character or appearance of the building.
3. The exterior finish on all buildings shall be of a permanent material, and be a character and quality satisfactory to the Development Authority.
4. Design elements on the building façade shall be used to reflect the roof styles and pitches of neighbouring houses and maintain a continuous flow to the streetscape, allowing for more variety in roof styles.

5. Common interior walls between living units in duplexes or apartment buildings shall be treated for soundproofing to the satisfaction of the Development Authority.

9 DEVELOPER'S RESPONSIBILITY

1. The applicant/landowner to whom a development permit has been issued shall obtain from the appropriate Provincial Authority, where applicable, permits relating to building, plumbing, gas, sewer and water mains, electricity and highways and all other Provincial permits required in connection with the proposed development.

10 ENVIRONMENTAL SCREENING

1. Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to applicable provincial requirements and/or guidelines prior to a development permit being issued.
2. If a Phase 1 Assessment indicate that a Phase 2 Assessment should be undertaken, the Development Authority may require that a Phase 2 Assessment be conducted and submitted prior to consideration of the development permit application. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.

11 EXISTING UNDERSIZED LOTS

1. Development on existing lots which do not satisfy the minimum lot size requirement of this Bylaw will be considered at the discretion of the Development Authority. Compliance with any Provincial regulations regarding the disposal of sewage will be required. Development on these lots will comply with the regulations of the District in which the lot is located.

12 FENCES, WALLS, AND HEDGES

GENERAL

1. Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot except within a corner site.
2. All Development Permit applications to construct a fence, wall, or hedge shall be accompanied by a Real Property Report prepared by an Alberta Land Surveyor, showing the location of the proposed fence is within 0.2 metres of a side or rear line, or a statutory declaration indicating that the applicant has located the survey pins and accurately determined the boundaries of the property.

HEIGHT

3. No fence, wall or hedge in a Residential District shall be:
 - a. Higher than 2.0 m (6.6 ft.) in side yards and rear yards;
 - b. Higher than 1.0 m (3.3 ft.) in front yards; or
 - c. Higher than 1.0 m (3.3 ft.) within 6.0 m (19.7 ft.) of the intersection of lanes, roads, highways or any combination of them.
4. Notwithstanding the above, the height of a fence in the Industrial (M1) District or in the Urban Reserve (UR) District shall be as determined by the Development Authority.
5. All commercial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 1.0 m (3.0 ft.) and not more than 1.8 m (6.0 ft.) in height above grade for screening.
6. No fences with barbed wire shall be allowed, except in the Industrial (M1) District and in the Urban Reserve (UR) District. In these Districts, barbed wire may be allowed, but not below the elevation of 1.8 m (6.0 ft.) above grade.
7. No electrification of fences or razor wire shall be allowed.
8. Private fences shall not be located on public property, within utility rights-of-way, or within roadways unless permission is granted by Council and an encroachment agreement is approved.
9. No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.

10. The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (5.0 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
 - a. Outdoor storage areas;
 - b. Garbage collection areas; and
 - c. Loading or vehicle service areas.
11. Further to **PART H.12(10)**, outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping or a combination thereof. All buffering shall be provided to the satisfaction of the development authority.
12. All garbage containers and outdoor storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority.

CONSTRUCTION STANDARD

13. Fences shall be constructed of materials which are to the satisfaction of the Development Authority. The electrification of fences shall not be allowed in any Residential District without the specific approval of the Development Authority.

APARTMENTS

14. All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.5 m (4.9 ft.) nor more than 2.0 m (6.6 ft.) in height, along any side lines adjacent to R1 or R2 Districts.

COMMERCIAL DEVELOPMENTS

15. All commercial uses adjacent to or within any Residential District shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 2.0 m (6.6 ft.) in height for screening. In addition, garbage containers and outdoor storage shall be screened to the satisfaction of the Development Authority.
16. All drive-in businesses, car washing establishments, service stations and gas bars adjacent to any Residential District shall provide and maintain, to the satisfaction of the Development Authority Officer, a solid fence of not less than 1.5 m (4.9 ft.) nor more than 2.0 m (6.6 ft.) in height.

SPECIAL CASES

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

13 HIGHWAYS AND MUNICIPAL ROADS

ADDITIONAL PERMIT REQUIREMENT

1. No development permit shall be issued for development within 300.0 m (984.0 ft) of a controlled highway or 800.0 m (0.5 miles) of the centre point of the intersection of the controlled highway and another highway until any necessary permits for the development have been issued by Alberta Transportation.

SIGHTLINES

2. In all Residential Districts, on corner sites, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road right-of-way lines (or their projections) and a straight line joining points on the road right-of-way lines 6.0 m (19.7 ft.) from their intersection.
3. In all Districts other than Residential Districts, on corner sites, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road, highway or lane right-of-way lines (or their projections) and a straight line joining points on the right-of-way lines 4.5 m (14.8 ft.) from their intersection.
4. **PART H.13.3** above, does not apply in the Primary Commercial (C1) District.
5. In all Districts other than the Primary Commercial (C1) District, at the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed

or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft.) from the intersection.

6. Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in **PARTS H.13.1, 2, 3, and 5** such that any part of the sign is between the heights of 1.0 m (3.3 ft.) and 4.0 m (13.1 ft.) above grade.

14 LANDSCAPING

GENERAL

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

15 LIGHTING

GENERAL

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

16 NOISE

1. No use or operation shall create noise levels which exceed those requirements and restrictions with the Town's community standards or noise bylaws.

17 NUISANCE

1. No activity may be undertaken which, in the opinion of the Development Authority, constitutes a nuisance on a private or public site by reason of the generation of vibration, heat, humidity, glare, smoke, dust, other particulate matter or odour.
2. Sites and buildings in all Districts shall be maintained in a clean and tidy condition, free from all rubbish and debris.
3. Garbage shall be stored in weather-proof and animal-proof containers, shall be placed in a location or screened from adjacent sites and roads in a manner that is to the satisfaction of the Development Authority, and shall be in a location easily accessible for pick-up.
4. Further provisions relating to the control of nuisances may be found in the Town's Unsightly Premises Bylaw.

18 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

1. No person shall keep or permit in any part of any yard in any Residential District:
 - a. Any dismantled, wrecked, or inoperable vehicle for more than fourteen (14) successive days;
 - b. Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
 - c. Any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or

- d. Any vehicle, loaded or unloaded, of a gross vehicle weight in excess of 5,000.0 kg (11,200.0 lbs.) for longer than is reasonably necessary to load or unload the vehicle; or
 - e. Tented structures.
2. A vacant residential or commercial lot shall not be used for storage, including RV storage unless a development permit has been issued for a commercial storage facility.
 3. No person shall keep or permit in any part of any front yard in any Residential District:
 - a. Any accessory use or parking space, without the specific approval of the Development Authority; or
 - b. Any recreational vehicle of a gross vehicle weight in excess of 5,000.0 kg (11,200.0 lbs.), except as provided for in this Bylaw.

UNSAFE AND/OR UNSIGHTLY OBJECTS

4. No person shall keep or permit in any yard in any district any object or chattel which, in the opinion of the Development Authority is unsafe, unsightly or adversely affects the amenities of the district. This includes dismantled or inoperable motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, diesel fuel, propane and gasoline products.
5. The onsite storage of fuel for heating of a building or recreational vehicle, shall not allowed within any residential district.

PROPANE TANKS

6. No person shall keep or permit in a yard adjacent to a dwelling, on a recreational vehicle site or in a recreational vehicle stall either:
 - a. A propane tank that is larger than 68.2 kg (150.0 lbs);
 - b. More than four (4) propane tanks; or
 - c. Any number of propane tanks with a total combined capacity which exceeds 68.2 kg (150.0 lbs);

without first obtaining a development permit.

7. Notwithstanding **PART H.18.6** above, on residential lots which are:
 - a. Greater than 1.2 ha (3.0 ac.) in area; and
 - b. Where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;

the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91.0 kg (200 lbs) to be located on a residential lot.

8. Notwithstanding **PART H.18.6** above, in the Direct Control Park District, Commercial Districts, and Parks and Recreation District, where the applicant for a development permit can prove to the satisfaction of the Development Authority that the location and use of the proposed propane tanks meets acceptable fire code and safety standards as well as emergency response requirements, the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs) to be located either:
 - a. Within an individual lot; or
 - b. Within each recreational vehicle stall located in an approved campground/recreational trailer park.

9. No more than four (4) propane tanks with a combined capacity of 91.0 kg (200.0 lbs.) are allowed within or adjacent to a building other than a building occupied by a commercial establishment which sells propane tanks.

10. All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 91.0 kg (200.0 lbs), to be located within individual stalls, in approved campground/recreational trailer park, will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the Municipality. The Emergency Response Plan will be circulated to the Town's Fire Department for approval prior to issuance of a development permit.

11. Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.

LARGE VEHICLES

12. Except otherwise allowed under **PART H.1** of this Bylaw, no motor vehicle other than a passenger vehicle, recreational vehicle and/or one (1) commercial vehicle having a gross vehicle weight (G.V.W.) of more than 3,000 kg (3.3 tons) G.V.W. but less than 7,000 kg (7.7 tons) G.V.W. shall be parked on a site in a Residential District for longer than is necessary for unloading or loading.

OCCUPANCY OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

13. No owner of a main dwelling in a Residential District shall allow a recreational vehicle to be used for living or sleeping accommodations at any time. The placement of any recreational vehicle on a lot is for storage purposes only; the recreational vehicle shall not at any time serve as any form of dwelling or dwelling unit,
14. Notwithstanding **PART H.18.15** above, a permit may be issued for occupancy of a recreational vehicle on a residential property at the discretion of the Development Authority for a period not exceeding fifteen (15) days.

FRONT YARD

15. No person shall keep or permit in any part of any front yard in any Residential District:
 - a. A commercial vehicle, loaded or unloaded, of a maximum weight in excess of 1,000 kg (2,204 lbs./1 tonne); or
 - b. Any accessory building, use or parking space, without the specific approval of the Development Authority.

19 ON-SITE AND OFF-SITE IMPROVEMENTS

1. Where any on-site services or improvements or any off-site local improvements, are required to service a proposed development, a person shall not begin the excavation for the foundation or commence the development until the Development Authority Officer is satisfied that such services or improvements will be undertaken.
2. All future development areas must be serviced to the satisfaction of the Development Authority and be consistent with the requirements of the Town's public works department.

20 PIPELINE & OTHER UTILITY CORRIDOR SETBACKS

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

21 PROJECTIONS INTO YARDS

GENERAL

1. Except as provided in this **PART**, and except for fences as noted in **PART H.12** of this Bylaw, no portion of a building shall be located or project into a required yard.

FRONT YARDS

2. The following features may project into a required front yard:
 - a. Steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
 - b. Canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
 - c. Exterior balconies on apartments provided that:
 - i. they are cantilevered and not enclosed, and designed as an integral part of the building; and
 - ii. they do not project more than 2.0 m (6.6 ft.) into the front yard;
 - d. Satellite receiving dishes with a diameter of no more than 77 cm (30.3 inches); and
 - e. Any other features which, in the opinion of the Development Authority, are similar to the foregoing.

SIDE YARDS

3. The following features may project into a required side yard; except where a side yard of 3.0 m (9.8 ft.) is required for vehicular passage:
 - a. Steps, chimneys and sundecks, provided such projection does not exceed fifty percent (50%) of the width of the required side yard;
 - b. Patios, which can project to the side line;
 - c. Eaves, gutters and sills or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
 - d. Canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
 - e. Exterior balconies on apartments provided that:
 - i. they are cantilevered and not enclosed, and designed as an integral part of the building; and
 - ii. they do not project more than 1.0 m (3.3 ft.) into a required side yard and in no case are closer than 2.0 m (6.6 ft.) to a side line;
 - f. Satellite receiving dishes with a diameter of no more than 77 cm (30.3 inches); and
 - g. Any other features which, in the opinion of the Development Authority, are similar to the foregoing.
 - h.

22 RELOCATION OF BUILDINGS

GENERAL

1. In making a decision on a development permit application to relocate an already constructed or partially constructed building, the Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be located, and may refuse a development permit if the building, in their sole opinion, is or will be incompatible with the neighbourhood.
2. In addition to the usual development permit application requirements, any person proposing to move an existing structure onto land within this municipality must provide photographs of the building showing each elevation and the general condition of the building and a statement indicating the present location and use of the building.
3. The building must be inspected by a qualified inspector and an inventory must be provided to the Development Authority of the structural condition of the building and works necessary to improve the building to a safe standard.
4. The developer might be required to present a bona fide estimate of the works required by **PART H.22.3** above.
5. The Development Authority can require that the applicant post a performance bond or an irrevocable letter of credit in the amount of the estimate and any such bond or letter will be forfeited if the necessary work is not completed within twelve (12) months.
6. An inspection fee of \$150.00 for any inspection carried out under **PART H.22.3** above will be required. The above fee and any additional traveling expenses incurred during the course of the inspection can be required in addition to normal development permit application fees.
7. All buildings to be used for a residential, commercial, industrial or recreational purpose shall be provided with water supply and sanitary facilities that meet Municipal servicing standards and Provincial regulations.

23 SITE CIRCULATION

1. The space for the manoeuvring and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads, other than lanes, or onto adjacent parcels when manoeuvring and circulating, except where an easement is registered for these purposes against the title to the adjacent parcels.

SITE GRADES

1. Site grades shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.
2. The proponent for a development may be required to submit a site drainage plan and/or elevation plan (prepared by a qualified geotechnical engineer) to ensure that finished grades on the site shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.

SETBACKS, BUFFERS, & SCREENING

3. The Development Authority may prescribe setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
4. The Development Authority may require or approve screening for uses, which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials and other similar materials.
5. In considering the approval of an application, the Development Authority may require the retention of trees or additional planting of such type and extent as considered necessary for the purpose of ensuring buffering, erosion and/or dust control.
6. The Town will require Environmental Reserves, an Environmental Reserve Easement, or a combination thereof adjacent to bodies of water and lands containing significant environmental features.
7. The amount of Reserves/Easement lands shall be at the discretion of the Town and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
 - a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Alberta Environment and Parks (see **Appendix A**); or
 - b. If this reserve/easement amount is disputed by the proponent of a development or subdivision then the developer may provide the Town and the Subdivision Authority with a biophysical, engineering and/or geotechnical study (prepared by a qualified engineer or professional biologist regulated to practice in the province of Alberta) which indicates that an alternative reserve/easement amount is appropriate for the subject site. If the report from the engineer indicates that a lesser reserve/easement would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser reserve/easement area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser reserve/easement area.
8. Notwithstanding **PART H.24.6** additional reserves/easements may be required by the Town based on the recommendations of any engineering and/or geotechnical study provided for the subject site.
9. Normally, no buildings of any kind shall be allowed within required setback areas.
10. However, notwithstanding **PART H.24.6** the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
 - a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (see **Appendix A**); or
 - b. If this setback amount is disputed by the proponent of a development then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study (prepared by a qualified engineer or professional biologist regulated to practice in the province of Alberta) which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser reserve/easement area.
11. The Development Authority may require the applicant to submit as part of a development permit application an assessment by a registered professional geotechnical engineer practicing in Alberta indicating the stability of the soils and slopes for the development proposed, and how sufficient stability for the development can be ensured in order to determine the appropriate setback distance and/or site specific building requirements.

12. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Development Authority may, at their sole discretion, approve a development with a lesser setback.
13. If the development is approved with the lesser setback, the Development Authority may require, as a condition of the approval of the permit, that the developer construct those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.
14. If any development is damaged or threatened with damage from flooding from a water body, a river, creek or watercourse, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
15. If any development is damaged or threatened with damage from erosion or the effects of erosion, or from flooding or the effects of flooding, whether or not a development permit has been issued in respect of the development, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
16. The Development Authority will not approve a development permit application for the development or placement of permanent buildings within the 1:100 year flood way or high water mark of any lake, river, creek, watercourse, or water body.

STEEP SLOPES

17. Development shall not be allowed on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise by providing a geotechnical report provided by a professional engineer registered in the Province of Alberta.

25 SITE GRADING, DRAINAGE, AND SEDIMENT CONTROL

1. In all cases, site grades shall be established to not allow one site to drain onto an adjacent site except where drainage conforms to an acceptable local or subdivision drainage plan.
2. Development that would increase sediment loading of Hardisty Lake shall be discouraged.
3. Where development is located within 200.0 m (656.2 ft.) of Hardisty Lake all development permit applications will be required to submit a construction management plan which will address the following matters in order to ensure that silt and sediment are controlled on site:
 - a. Identify and establish a single stabilized entry/exit point to the site;
 - b. Identify the location and materials that will be used to control run-off at the perimeter of the site;
 - c. Identify drainage channels and proposed methods for stabilizing drainage channels and/or outlets from the site;
 - d. Identify areas on the site that will be retained in vegetative cover to prevent soil erosion;
 - e. Identify where stockpiled materials will be located on the site and the method for ensuring appropriate erosion and sediment control for any materials to remain on the site longer than 30 days; and
 - f. Identify how erosion and sediment controls required for the site will be inspected and maintained. Specifically:
 - i. Prepare a schedule for removing sediment captured in silt fences, sediment traps and other areas;
 - ii. Repair erosion of drainage channels; and
 - iii. Protect exposed soils during dry weather.

26 SITE PROTECTION FROM EXPOSURE HAZARDS

1. No anhydrous ammonia (AA) or liquefied petroleum gas tank or (LPG) storage tank with a fluid capacity exceeding 9,080.0 L (2,000.0 gal.) shall be allowed within the municipality.

27 SOUR GAS FACILITIES

1. No development shall be allowed within 100.0 m (330.0 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Regulator (see **Figure 22**).
2. No development shall be allowed within 500.0 m (1,640.0 ft.) of a Level 2 sour gas facility as determined by the Alberta Energy Regulator (see **Figure 22**).
3. No development shall be allowed within 1,500.0 m (4,920.0 ft.) of a Level 3 or Level 4 sour gas facility as determined by the Alberta Energy Regulator (see **Figure 22**).

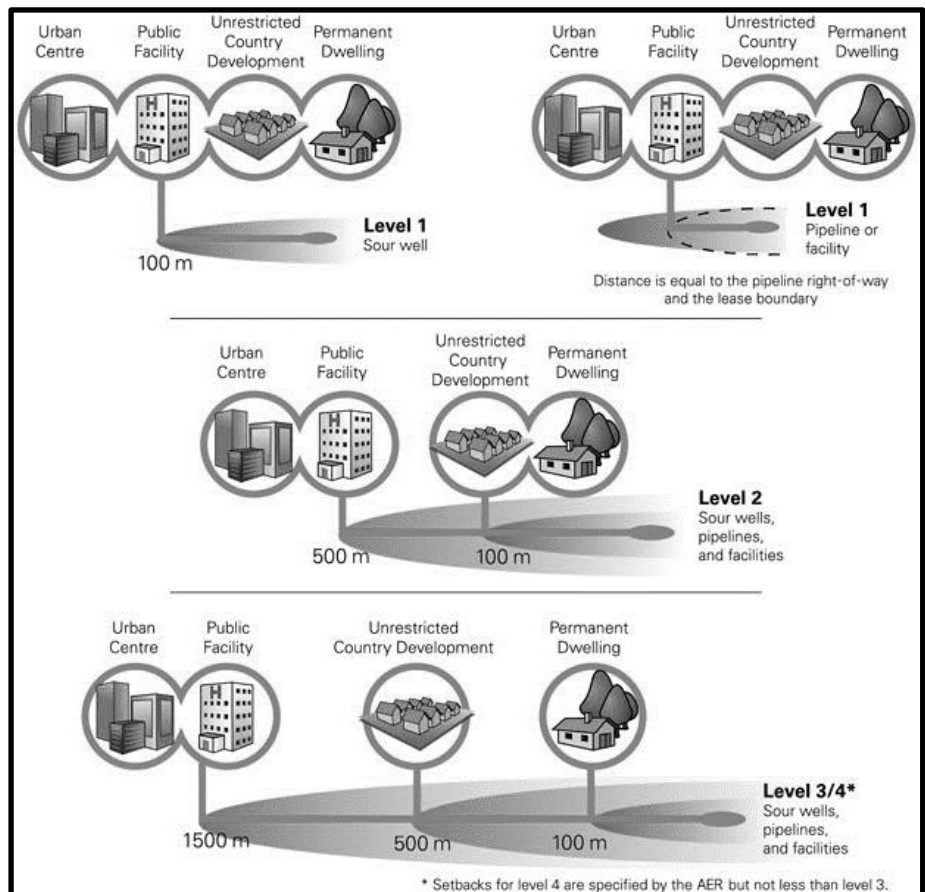


FIGURE 22: AER SETBACKS

28 SUBDIVISION OF LAND

SUBDIVISION AS PRECURSOR TO DEVELOPMENT

1. Where the development of land involves a subdivision of land, no development permit shall be issued until an application for subdivision has been submitted to the Subdivision Authority and written evidence has been received by the Development Authority that the necessary subdivision has the approval of the Subdivision Authority.

DEVELOPMENT AGREEMENTS

2. Development agreements shall be required as the condition of the approval of the subdivision of land within the Town.

29 TOPSOIL REMOVAL

1. A permit is required before the commencement or continuation of the removal of topsoil and such permits shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by removal. The Development Authority may refer any application for removal of topsoil to any person acting with responsibility for or under the *Soil Conservation Act*, R.S.A. 2000, c. S-15, as amended, for comments.

30 WATERBODIES & FLOODPLAINS

1. The Development Authority shall require a minimum building setback of 30.0 m (100.0 ft.) from the high water mark of Hardisty Lake. Required setbacks from other watercourses and waterbodies shall be as established in **Appendix A – Guidelines for Minimum Environmental Reserve/Easement Widths**. No buildings of any kind shall be allowed within this setback area. If a development permit application provides for a lesser setback, the Development Authority may require the applicant to submit with the development permit application, an assessment by a registered professional engineer practicing in Alberta indicating the stability of the soils and slopes for the development proposed, and how sufficient stability for the development can be ensured. If the development is approved with the lesser setback, the Development Authority may require, as a condition of

the approval of the permit, that the developer constructs those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.

2. The Development Authority will not approve permanent buildings within the floodway of any river, creek, or watercourse.
3. Notwithstanding **PART H.30.2** above, the Development Authority may approve developments in the flood fringe of a lake, river, creek, or watercourse, subject to flood proofing provisions to mitigate potential damage. If a development is proposed within the flood fringe, the Development Authority shall require the applicant to submit with the development permit application, an assessment by registered professional engineer practicing in Alberta, indicating not only the delineation of the flood fringe, but also appropriate mitigating measures and recommended setbacks.
4. Applications for Commercial and Industrial Development may be required to provide a hydrological assessment to ensure that the proposal will not adversely affect the Town's water source. Development that would negatively impact the viability of the Town's water source will not be allowed.

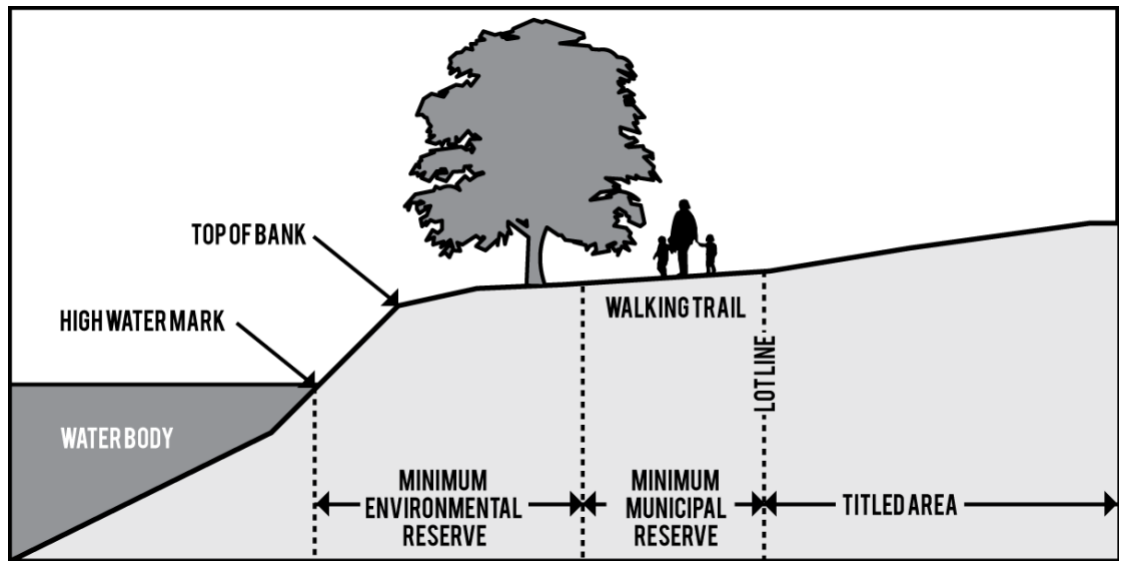


FIGURE 23: RESERVES NEAR WATER BODIES

31 WATER SUPPLY, SANITARY FACILITIES AND NATURAL GAS

1. All development within the Town shall be provided, at no cost to the Town, with sanitary facilities to the satisfaction of the Development Authority. Sanitary facilities must comply with the Plumbing and Drainage Regulations and any other Provincial legislation or regulations.
2. A development permit shall not be issued for residential, commercial, industrial or recreational uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are or will be made available to support the proposed development.
3. A development permit shall not be issued for residential, commercial, industrial or recreational uses unless the Development Authority is satisfied that natural gas supplies of sufficient quality and quantity are or will be made available to support the proposed development.

PART I | Special Provisions

1 ALCOHOL RETAIL SALES ESTABLISHMENTS & DRINKING ESTABLISHMENTS

LOCATION

1. In addition to the application requirements of this Bylaw, if, in the sole opinion of the Development Authority, it appears that traffic volumes or vehicular movements may create a significant negative impact on surrounding development, the Development Authority may require that a traffic impact study be submitted with any application for a development permit for an alcohol retail sales establishment or a drinking establishment.
2. In addition to any other regulations of this Bylaw, alcohol retail sales establishment shall not be located within 50.0 m (164.0 ft.) of a lot actively used, at the time of the development permit application, as a public park, recreation facility, place of worship, public education facility or a lot which contains another alcohol retail sales establishment. The 50.0 m (164.0 ft.) required setback distance shall be measured along a straight line drawn from the property line of the parcel to the entranceway of the alcohol retail sales establishment.
3. **PART I.1.2** above shall not apply to alcohol retail sales establishments operating prior to the effective date of this Land Use Bylaw, unless the alcohol retail sales establishment ceases to operate for a period exceeding four (4) months, in which case, the regulations of this Bylaw relating to non-conformity will apply.

2 ANIMAL AND LIVESTOCK REGULATIONS

GENERAL

1. No animals or livestock shall be harboured or kept in the Town of Hardisty unless allowed by the Town's Animal Control Bylaw, as amended or replaced.
2. Every applicant for a development permit for the keeping of livestock shall inform all adjacent neighbours in writing of the proposed development, and a copy of this notification shall accompany each application for a development permit.
3. Where livestock are allowed to be kept outside, the applicant shall provide shelters for animals in accordance with the Town of Hardisty kennel provisions.
4. No fur bearing animals, fowl or livestock other than small domestic pets such as cats and dogs may be allowed within any residential district except the R1C District.
5. Notwithstanding any other provision in this Bylaw, the following provisions shall apply to the keeping of livestock within the R1C District:
 - a. In the R1C District, on parcels of 0.6 ha (1.5 ac.) or more in area may be allowed either a maximum of one (1) horse or up to ten (10) laying hens.
 - b. In the R1C District, parcels of 0.8 ha (2 ac.) or more in size may be allowed two (2) horses or up to twenty (20) laying hens, or a combination thereof.
 - c. In the R1C District, parcels of 1.2 ha (3 ac.) or more in size may be allowed two (2) animal units plus an additional animal unit per each additional 0.6 ha (1.5 ac.).
6. For the purposes of this **PART**, "one (1) animal unit" means:
 - a. One (1) horse (over one (1) year old); or
 - b. Two (2) colts (up to one (1) year old); or
 - c. One (1) cow or steer (over one (1) year old); or
 - d. Two (2) calves (up to one (1) year old); or
 - e. One (1) llama; or
 - f. Two (2) alpacas; or
 - g. One (1) pig (over one (1) year old); or
 - h. Two (2) piglets (up to one (1) year old); or

- i. Two (2) sheep or goats; or
 - j. Five (5) ducks, turkeys, geese or chickens; or
 - k. Ten (10) rabbits or similar rodents.
7. The keeping of ostriches, emus or other ratites shall only be allowed upon issuance of a development permit. Two (2) ostriches, emus, or other ratites shall be the equivalent of one animal unit. Any development permit issued for the keeping of these animals shall require, as a condition of the approval, the construction of a minimum 1.8 m (5.9 ft.) high perimeter fence comprised of tight lock game fencing or chain link fencing with steel or wooden posts around the fenced pen area.
 8. For animals specified in **PARTS 1.2.6.a to j**, a perimeter fence not less than 1.2 m (3.9 ft.) in height shall be constructed of four (4) strand barbed wire, chain link or wood/steel rail. The perimeter fence is to be no closer than 20.0 m (65.6 ft.) from the nearest dwelling. For all other animals specified in **PART 1.2.6**, appropriate fencing will be constructed to contain said animals/birds within the property.
 9. The keeping of wild boar shall be prohibited within the municipality.

3 APIARIES

GENERAL

1. As part of the *Animal Health Act*, S.A. 2007, c. A-40.2, as amended, owners of bees must have a premises identification account and premises identification number for the bees. This requirement is a part of a traceability system designed to address potential threats of disease outbreaks that could affect animal health, public health and food safety.
2. As a part of the *Bee Act*, R.S.A. 2000, c. B-2, as amended, and the *Bee Regulation*, AR 194/2003, as amended, beekeepers must register with the Provincial Apiculturist every year by June 30.
3. Every person who owns, possesses or keeps bees and every person on whose property bees are kept shall:
 - a. Maintain the bees in such a condition so as to reasonably prevent undue swarming or aggressive behaviour by bees;
 - b. Ensure that the bees are re-queened if they are subject to undue swarming or aggressive behaviour; and
 - c. Provide adequate water to prevent the bees from seeking water from neighbourhood swimming pools, birdbaths, ponds or other bodies of water.

NEIGHBOUR NOTIFICATION

4. Every applicant for a development permit for an apiary shall inform all adjacent neighbours in writing of the proposed development, and a copy of this notification shall accompany each application for a development permit.
5. Development permit applications for an apiary which do not have letters of support from all adjacent landowners shall be issued at the discretion of the Development Authority.

COLONY LOCATION

6. No person shall locate an apiary within 7.5 m (24.6 ft.) of any property line, except where the hive is situated either:
 - a. 2.5 m (8.2 ft.) or more above the adjacent ground level, and not less than 1.5 m (5.9 ft.) from the property line; or
 - b. Less than 1.8 m (5.9 ft.) above the adjacent ground level and behind a solid fence or hedge at least 1.8 m (5.9 ft.) in height running parallel to any property line and extending at least 6.0 m (19.6 ft.) beyond the hive in both directions.
7. No person shall locate an apiary on a lot which is adjacent to a lot used for institutional purposes.

NUMBER OF COLONIES

8. In all districts other than the Urban Reserve (UR) District, no person shall keep more than:
 - a. Two (2) colonies and two (2) nucleus colonies on a parcel of land with an area less than 0.1 ha (0.25 ac.); or
 - b. Four (4) colonies and four (4) nucleus colonies on a parcel of land with an area greater than 0.1 ha (0.25 ac.).
9. In the Urban Reserve (UR) District, the number of colonies shall be at the discretion of the Development Authority.

4 BED AND BREAKFAST ESTABLISHMENTS

GENERAL

1. A bed and breakfast establishment shall comply with the following regulations:
 - a. A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of four (4) sleeping bedrooms (providing for a maximum of eight (8) guests) in addition to those available for use by members of the family;
 - b. Cooking facilities shall not be located within the sleeping units;
 - c. In addition to any other parking requirements of this Bylaw, one (1) additional parking space shall be provided for each sleeping unit; and
 - d. A bed and breakfast establishment shall comply with all of the requirements for a major home occupation described in **PARTS I.11.1 to 3.**

5 CAR WASHES

SITE LOCATION

1. In addition to those locations allowed in this Schedule, a car wash may be allowed as a discretionary use as part of a shopping centre if the Development Authority is satisfied that it will not adversely affect an adjoining land use or traffic circulation within and adjacent to the shopping centre.

LOT AREA

2. The minimum lot area shall be 560.0 m² (6,028.0 ft.²) and shall contain space for ten (10) vehicles to wait or be parked prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations or gas bars including car washes, minimum lot area shall be 1,110.0 m² (11,948.0 ft.²).

SITE AND BUILDING REQUIREMENTS

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

6 COMMERCIAL DEVELOPMENT

SITE REGULATIONS & DEVELOPMENT REQUIREMENTS

1. All site regulations and development requirements, including any requirements for buffers, shall be based upon the type of development proposed and shall be at the discretion of the Development Authority.

MUNICIPAL SERVICING COSTS

2. At the time of the development permit application, the proponent of a commercial development shall identify all municipal servicing (sewer, water, storm water, roads) costs associated with the proposed development.

7 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

8 DAY USE AND PICNIC AREAS

1. A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers shall be at the discretion of the Development Authority.
2. The facility shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.

3. Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.
4. Parking areas should be physically separated from the rest of the day use or picnic areas.

9 DRIVE-IN BUSINESSES

ACCESS

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

LOT AREA AND COVERAGE

2. The minimum lot area shall be 560.0 m² (6,028.0 ft.²). There shall be a provision for at least ten (10) customer vehicles to wait or be parked on the lot.

SITE AND BUILDING REQUIREMENTS

3. All parts of the lot to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Authority.
4. The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
5. Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
6. The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

FENCES

7. Drive-in businesses, service stations and gas bars, solid fences shall be provided at least 2.0 m (6.0 ft.) in height adjacent to any dwelling on any adjacent lot.

10 GROUP HOMES, DAY HOMES, AND CHILD CARE FACILITIES

PROVINCIAL AND FEDERAL REGULATIONS

1. All group homes, day homes, and child care facilities shall conform to regulations under the Safety Codes Act and any other relevant Provincial legislation and regulations.

DEVELOPMENT PERMIT CONSIDERATIONS

2. In making a decision on a development permit for a group home, a day home or a child care facility, the Development Authority shall consider, among other matters, if the development would be suitable for the location proposed, taking into account: potential traffic generation, proximity to park or other open or recreation areas, isolation of the proposed location from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents and consistency in terms of intensity of use with other development in the area.

GROUP HOMES

3. In addition to all other regulations of this Bylaw, a group home development shall comply with the following regulations:
 - a. The maximum number of residents shall be established by the Development Authority who shall have regard for the nature of the group home and the density of the District in which it is located;
 - b. In making a decision on a development permit for a group home, the Development Authority shall consider, among other matters, if the development would be suitable for the location proposed, taking into account: potential traffic generation, proximity to a park or other open or recreation areas, isolation of the proposed location from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area;
 - c. The group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located.

CHILD CARE FACILITIES AND DAY HOMES

4. In addition to all other regulations of this Bylaw, a child care facility development and a day home development shall comply with the following regulations:

- a. The maximum number of children for which care may be provided in a child care facility shall be established by the Development Authority who shall have regard for the nature of the facility, the density of the District in which it is located, potential increases in traffic and the location of the use in relation to other uses in the area of the development;
- b. The maximum number of children for which care may be provided in a day home shall be established by the Development Authority who shall have regard for the nature of the day home, the density of the District in which it is located, potential increases in traffic and the location of the use in relation to other uses in the area of the development;
- c. Notwithstanding **PART 1.10.4.b** above, the number of children within a day home established within a dwelling unit in any Residential District shall not exceed three (3);
- d. A child care facility shall not be the main use of a building within any Residential District; and
- e. A child care facility in any non-residential District shall be in a separate facility, either within the main building on the lot or in an accessory building, with a separate access to ground level and an adjacent playground area.

11 HOME OCCUPATIONS

DEVELOPMENT PERMIT REQUIREMENTS

1. Home occupations shall not be allowed on a site unless a dwelling unit is located on the site on which the home occupation is to be located.

GENERAL REGULATIONS

2. All home occupations shall comply with the following requirements:
 - a. No home occupation shall change the principal character or external appearance of the dwelling involved or of any accessory buildings;
 - b. Home occupations shall be incidental and subordinate to the main use of the dwelling;
 - c. In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week and details for the provision of parking along with other pertinent details of the business operation;
 - d. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued;
 - e. Home occupations shall not involve:
 - i. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - ii. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties;
 - f. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the home occupation is located shall be produced by the home occupation;
 - g. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site;
 - h. There shall be no exterior signage, display or advertisement other than a business identification sign which shall not exceed 1.0 m² (10.8 ft.²) in size unless otherwise granted in a separate development permit;
 - i. No more than one (1) commercial vehicle, up to the size of a tandem truck, to be used in conjunction with the home occupation, shall be parked or maintained on the site. The parking space of the commercial vehicle shall be either within a garage or adequately screened and sited behind the main building to the satisfaction of the Development Authority; and
 - j. In the Large Lot Residential (R1C) District, not more than four (4) commercial vehicles, each with one (1) accessory trailer, to be used in conjunction with the major home occupation, shall be parked or maintained on the site. The

parking spaces of the commercial vehicles shall be either within a garage or adequately screened and sited behind the main building to the satisfaction of the Development Authority.

MAJOR HOME OCCUPATION REGULATIONS

3. In addition to the requirements of **PART I.11.2** above, a major home occupation shall comply with the following regulations:
 - a. The number of non-resident employees working on-site shall not exceed two (2) on-site;
 - b. Up to eight (8) business visits per day are allowed in the Agricultural (A) District. In all other Districts, up to four (4) business visits per day are allowed; and
 - c. Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this Bylaw and the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended, and the regulations made there under.

MINOR HOME OCCUPATION REGULATIONS

4. In addition to the requirements of **PART I.11.2**, a minor home occupation shall comply with the following regulations:
 - a. A minor home occupation shall not occupy more than twenty percent (20%) of the gross floor area of the main dwelling or 30.0 m² (322.9 ft.²) whichever is less;
 - b. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed in either the dwelling or accessory buildings;
 - c. Up to two (2) business visits per day are allowed;
 - d. Exterior alterations or additions to accommodate a minor home occupation shall not be allowed; and
 - e. A minor home occupation shall not employ any person on-site other than the occupants of the dwelling.

12 HOSPITAL HELIPAD VICINITY

GENERAL

1. The Hospital Helipad Vicinity shall be defined as that area within a 200.0 m (656.2 ft.) radius measured from the center of the landing/takeoff pad located at SW-6-43-9-W4 (Hardisty Health Care Centre).
2. Any new development, or part thereof, within the Hospital Helipad Vicinity shall not exceed a height of 20.6 m (35.0 ft.).
3. Any new development within 30.5 m (100.0 ft.) of the centre of the landing/takeoff pad shall not exceed a height of 1.5 m (5.0 ft.).
4. Any new development within the Hospital Helipad Vicinity shall not be allowed if, in the opinion of the Development Authority, it generates a large amount of smoke, dust or attracts birds.

13 LICENSED CANNABIS PRODUCTION AND DISTRIBUTION FACILITIES

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

GENERAL

2. Licensed Cannabis Production and Distribution Facilities shall not be allowed unless all applicable licensing and approvals have been provided by the provincial and federal governments.
3. A copy of the current license(s) and/or approvals for a proposed Licensed Cannabis Production and Distribution Facility, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
4. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
5. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.

6. The illumination of parking areas, walkways, signs, and other structures associated with the Licensed Cannabis Production and Distribution Facility shall be arranged to meet the requirements under municipal, provincial and federal regulations.

DEVELOPMENT REQUIREMENTS AND REGULATIONS

7. The minimum required lot size shall be at the discretion of the Development Authority.
8. Parking and loading requirements for Licensed Cannabis Production and Distribution Facilities shall be provided based on the requirements for an industrial use in **PART H.1** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
9. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
10. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART D.4.12**.
11. Landscaping requirements shall be at the discretion of the Development Authority.
12. On site buffering measures may be required for all Licensed Cannabis Production and Distribution Facilities. Buffers may include a combination of setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
13. The minimum required setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
14. The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.

OTHER REQUIREMENTS

15. A building or structure used for security purposes for a Licensed Cannabis Production and Distribution Facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
16. No outdoor storage of goods, material, or supplies shall be allowed.
17. Licensed Cannabis Production and Distribution Facilities shall meet security and premises requirements as required under provincial and federal legislation.
18. All activities related to the Licensed Cannabis Production and Distribution Facility shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.

14 LICENSED CANNABIS RETAIL SALES ESTABLISHMENTS

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

GENERAL

2. Licensed cannabis retail sales developments shall not be allowed unless all applicable licensing and approvals have been provided by the provincial and federal governments.
3. A copy of the current license(s) and/or approvals for a proposed licensed cannabis retail sales development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
4. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
5. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
6. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
7. Development Requirements and Regulations
8. The minimum required lot size shall be at the discretion of the Development Authority.

9. Parking and loading requirements for licensed cannabis retail sales establishments shall be provided based on the requirements for a commercial use in **PART H.1** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
10. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
11. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART D.4.13**.
12. Landscaping requirements shall be at the discretion of the Development Authority.

OTHER REQUIREMENTS

13. No outdoor storage of goods, material, or supplies shall be allowed.
14. Licensed cannabis retail sales establishments shall meet security and premises requirements as required under provincial and federal legislation.
15. Licensed cannabis retail sales establishments, as defined in this Bylaw, shall be prohibited from locating within 200.0 m (656.2 ft.) of a public education facility, a provincial health care facility, or a parcel of land that is designated School Reserve, or Municipal and School Reserve.
16. The approval of a public education facility, a provincial health care facility, or a parcel of land that is designated as School Reserve, or Municipal and School Reserve shall within 200.0 m (656.2 ft.) of an approved licensed cannabis retail sales establishment shall be at the discretion of the Development Authority.
17. The separation distance between the licensed cannabis retail sales establishment and the uses listed in **PARTS I.14.15 and 16** shall be determined by measuring a straight line from the outer wall of the proposed licensed cannabis retail sales establishment to the closest point on the lot containing the sensitive use.

15 LICENSED INDUSTRIAL HEMP PRODUCTION AND DISTRIBUTION FACILITY

GENERAL

1. Licenced Industrial Hemp Production and Distribution Facilities shall not be allowed unless all applicable licensing and approvals have been provided by the provincial and federal governments.
2. A copy of the current license(s) and/or approvals for a proposed Licenced Industrial Hemp Production and Distribution Facility, as issued by the federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
3. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
4. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
5. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.

DEVELOPMENT REQUIREMENTS AND REGULATIONS

6. The minimum required lot size shall be at the discretion of the Development Authority.
7. Parking and loading requirements for a Licenced Industrial Hemp Production and Distribution Facility shall be provided based on the requirements for an industrial use in **PART H.1** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
8. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
9. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **PART D.4.11**.
10. Landscaping requirements shall be at the discretion of the Development Authority.
11. On site buffering measures may be required for all industrial hemp production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.

12. Minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
13. The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.

OTHER REQUIREMENTS

14. A building or structure used for security purposes for a Licenced Industrial Hemp Production and Distribution Facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.

16 INDUSTRIAL DEVELOPMENT

1. The Development Authority may request advisory comment from various departments within the Provincial and Federal Government and/or from the Health Authority, when considering an application for the establishment of an industrial use.
2. All site regulations and development requirements, including any requirement for buffers, shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority.
3. A development permit for an industrial use may only be issued if, in the opinion of the Development Authority, the applicant can satisfy the Development Authority with respect to any concerns about:
 - a. The type and level of exhaust that may be emitted into the atmosphere by the proposed development;
 - b. Servicing requirements and provisions for meeting them; and
 - c. Any costs associated with providing new or upgraded municipal services associated with the proposed development.
4. Industrial activities may be subject to a development agreement between the developer and the Town.

17 MANUFACTURED HOMES

CONSTRUCTION STANDARD

1. Manufactured homes shall have Canadian Standards Association Certification to the Z240 standard prior to being placed on a residential lot.
2. The Development Authority shall not issue a development permit, for placement on a lot within a residential district, of a manufactured home constructed more than five (5) years prior to the date the application for a development permit is received.
3. Manufactured homes are to be factory-built or equivalent, with suitable exterior finish as required by the Development Authority.

SITE REQUIREMENTS

4. Manufactured homes shall be separated from each other by at least 6.0 m (19.7 ft.) side-to-side and at least 3.0 m (10.0 ft.) from either front or rear stall line, provided further that any porch or addition to the manufactured home is regarded as part of the manufactured home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirement shall be 3.0 m (10.0 ft.).
5. Any porch or addition to the manufactured home shall be regarded as part of the manufactured home for the purpose of this separation.

UTILITIES

6. All municipal utilities shall be provided underground to stalls and at the developer's own expense.

SAFETY REQUIREMENTS

7. The park shall be served with a number of fire hydrants located where considered necessary by the Development Authority. In this regard, the Development Authority will seek input and advice from the local fire chief.
8. Street lighting shall be to the same standard as that in a conventional residential neighbourhood.

SKIRTING & FOUNDATION

9. A manufactured home shall be skirted from the floor level to the ground level. The skirting should be factory pre-fabricated units or the equivalent thereof and match the existing external finish of the manufactured home.

10. All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached in accordance with the regulations under the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended.

ACCESSORY BUILDINGS

11. With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park.
12. All accessory structures, such as patios, porches, additions and skirtings shall be:
 - a. Factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes;
 - b. Considered as part of the main building;
 - c. Erected only after obtaining a development permit; and
 - d. Not more than the floor area of the manufactured home.

18 MANUFACTURED HOME PARKS

1. In addition the requirements for manufactured homes in **PART I.17** above, and the requirements for Manufactured Home Parks in **PART J.10**, the following regulations shall also apply to manufactured home parks:
 - a. Manufactured home stalls shall be located at least 3.0 m (10.0 ft.) from a property line. This 3.0 m (10.0 ft.) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority;
 - b. All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.1 m (30.0 ft.). All roads must be paved or made of compacted mixed gravel;
 - c. A safe, convenient, all season pedestrian walkway of at least 0.9 m (3.0 ft.) in width shall be provided for access between individual manufactured homes, the park roadways and all community facilities provided for park residents;
 - d. Visitor parking shall be provided as per this Bylaw. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.;
 - e. The design of manufactured home parks shall be to the satisfaction of the Development Authority;
 - f. All utilities shall be provided underground to stalls;
 - g. A minimum of ten percent (10%) of the gross lot area shall be devoted to recreational use including parks and playgrounds and these uses shall be located conveniently for residential and shall include recreational equipment;
 - h. All areas not occupied by manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds;
 - i. No part of the park shall be used for non-residential purposes except for home occupations and such uses as are required for the direct servicing and wellbeing of the park residents and for the management and maintenance of the park;
 - j. Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges; and
 - k. Street lighting shall be to the same standard as that in a conventional residential neighbourhood.

PARK OPERATOR

2. The park operator shall:
 - a. Maintain park order and cleanliness; and
 - b. Be responsible for snow removal from all common areas, internal roadways and pedestrian walkways.

19 MANUFACTURED HOME SUBDIVISIONS

GENERAL

1. In addition to all other regulations of this Bylaw, a manufactured home in the RMHS District shall comply with the following regulations:

- c. The hitch and wheels are to be removed from the manufactured home or covered within sixty (60) days of the placement of the manufactured home on the lot; and
- d. The lot is to be fully landscaped within one (1) year from the date of issuance of the development permit.

20 MOTELS AND HOTELS

MINIMUM LOT AREA PER RENTABLE UNIT

1. One Storey – 140.0 m² (1,507 ft.²)
2. Two Storeys – 930 m² (10,010 ft.²)

MINIMUM FLOOR AREA

3. Minimum Floor Area per Rentable Unit – 26.0 m² (280 ft.²)

MINIMUM YARDS

4. Front – 7.5 m (24.6 ft.)
5. Side – 3.0 m (9.8 ft.)
6. Rear – 1.0 m (3.3 ft.)

SPACE BETWEEN BUILDINGS

7. Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.5 m (11.5 ft.) of clear and unoccupied space shall be provided between each rentable unit and any other building on the lot.

DRIVEWAYS

8. Each rentable unit shall face onto or abut a driveway not less than 6.0 m (19.7 ft.) in width and shall have unobstructed access thereto.

ENTRANCES AND EXITS

9. Not more than two (2) accesses for vehicles to a road, each of a minimum width of 7.5 m (24.6 ft.), shall be allowed, provided however, that one (1) combined motor vehicle entrance and exit may be allowed, not less than 9.0 m (29.5 ft.) in width.

MAINTENANCE OF LOT, BUILDINGS AND BUSINESS

10. The owner, tenant, operator or person in charge of a motel shall at all times:
 - a. Maintain the lot and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;
 - b. Maintain garbage facilities to the satisfaction of the Development Authority;
 - c. Maintain an appropriate fence, where required by the Development Authority, not less than 1.5 m (4.9 ft.) in height, around the boundaries of the lot; and
 - d. Landscape and keep the lot landscaped to the satisfaction of the Development Authority.

21 MULTIPLE DWELLING DEVELOPMENTS (EXCLUDING RV PARKS & WORKCAMPS)

1. Before any application for development of duplex, row housing or an apartment development can be considered, the applicant must submit to the Development Authority:
 - a. Design plans and working drawings, including elevations; and
 - b. Site plans showing the proposed:
 - i. Location and position of structures on the site, including any “For Rent” or identification signs;
 - ii. Location and number of parking spaces, exits, entries and drives from roads, lanes or highways;
 - iii. Location of an access to garbage storage areas, and the fencing and landscaping of these facilities; and
 - iv. Landscape plan of the entire site which shall also show intended surfacing for drives and parking areas.

2. The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval. The Development Authority may require that security be provided to ensure that the conditions are satisfied.
3. The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy and landscaping, shall be shown upon the site plans. All this information shall be provided to the satisfaction of the Development Authority.

22 NATURAL RESOURCE EXTRACTION INDUSTRIES

PROVISIONS FOR RECLAMATION

1. A development permit shall not be issued for: sand, gravel, clay, coal, limestone, gypsum, granite, salt or a mineral extraction operation until any necessary reclamation plan and permit/license is approved by the Provincial Government.
2. Where not required to do so by Provincial agencies, the proponent of a natural resource extraction industry shall be required to submit a reclamation plan to the Development Authority for its approval prior to the issuance of a development permit.
3. Where not required to do so by the Province, the proponent of a natural resource extraction industry may, at the discretion of the Development Authority, be required to post with the Town security in the form of an irrevocable letter of credit to ensure that reclamation will be completed.
4. A disturbed area shall be reclaimed to:
 - a. At least its former state; or
 - b. Any other use, which the Development Authority feels, will be beneficial to the Town.

CONDITIONS OF APPROVAL

5. The following conditions of approval may be included when processing an application for a natural resource extraction industry:
 - a. Limitation of hours of operation;
 - b. Requirement to enter into a Road Use Agreement with the Town for the provision of dust control and maintenance/upgrading of roads used in direct relation to the operation;
 - c. Posting of adequate signage, including company name and emergency telephone numbers, to warn of possible site or operational hazards and dangers;
 - d. Methods of minimizing noise in relation to the activities of the operation; and
 - e. Payment of an aggregate levy to the Town as outlined by bylaw.
6. Extraction operations, such as sand, gravel and other mineral resource workings shall be allowed to proceed only after the issuance of proper licenses that indicate compliance with the appropriate Provincial legislation and regulations.

PROVINCIAL JURISDICTION

7. Council shall urge the Province to comply with the policies of this subpart and the overall intent of the Municipal Development Plan when developing natural resource extraction activities that are exempt from control under the *Municipal Government Act*.

RESOURCE PROCESSING

8. Resource processing should be handled as a form of industrial development, and be subject to the appropriate industrial policies of this Bylaw.

23 NEIGHBOURHOOD COMMERCIAL DEVELOPMENTS

1. Neighbourhood commercial developments located entirely within a standalone building or located within a building that also contains residential use may be allowed to locate in the residential and commercial districts provided the development meets all of the other regulations of this Bylaw and, further, that the development:
 - a. Does not include as part of its operation a gas bar or vehicular servicing component; and/or
 - b. Is situated on a corner lot with safe access to a collector road.

2. The façade of a building containing a neighbourhood commercial development that is located in a Residential District must be integrated with the surrounding residential area (see **Figure 24**).
3. The height of a building containing a neighbourhood commercial development in a Residential District may not exceed twice the height and massing of adjacent buildings.



FIGURE 24: EXAMPLE OF A NEIGHBOURHOOD COMMERCIAL DEVELOPMENT

24 PLACES OF WORSHIP

LOT SIZE AND FRONTAGE REQUIREMENTS

1. The lot on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 930.0 m² (10,010.0 ft.²) except in the case where a building for a clergyman's residence is to be erected on the same lot. The area of the lot in this case shall not be less than 1,400.0 m² (15,070.0 ft.²).

MINIMUM YARDS

2. Minimum front, side and rear yards shall comply with those required within the District in which the place of worship is located.

25 PRIVATE SWIMMING POOLS AND HOT TUBS

GENERAL

1. Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private swimming pool or hot tub.
2. Private swimming pools and hot tubs shall not be located within any required minimum front yard.
3. Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants or their guests.
4. No private swimming pool or hot tub may be constructed except within an enclosed building unless it is entirely fenced, except that a wall of a building may be considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (5.9 ft.) in height for the length that it replaces the fence.
5. Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (5.9 ft.) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.
6. No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

26 RECREATIONAL USES

1. Recreational development shall be required to:

- a. Maintain an open space buffer of sufficient size and composition to act as a visual and noise barrier from adjacent uses which may be incompatible; and
- b. Install (when necessary) adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.

27 RECREATIONAL VEHICLES

1. A maximum of one (1) recreational vehicle may be placed on a residential lot without a development permit.
2. Notwithstanding Subsection (1) a development permit may be issued, for a maximum of one (1) additional recreational vehicle on a residential lot if the applicant can demonstrate that parking and lot coverage provisions can be satisfied.
3. Notwithstanding any other provision of this Bylaw to the contrary, no person may occupy a recreational vehicle for a period longer than fourteen (14) consecutive days in a calendar year on any lot unless a development permit has been issued an recreational vehicle campground, a seasonal recreational vehicle campground, or an recreational vehicle workcamp.
4. If the intention of the placement of a recreational vehicle on a parcel is to rent the recreational vehicle for any consideration (whether for money or for goods or service in kind), a development permit for an recreational vehicle campground, general campground, or recreational vehicle workcamp must be approved. Such a permit may only be approved in Districts where an RV campgrounds, a seasonal recreational vehicle campground , or recreational vehicle workcamps are listed as a permitted or a discretionary use.
5. A maximum of one (1) recreational vehicle may be stored within a side, rear or front yard on a residential lot under the following conditions. The recreational vehicle is:
 - a. Entirely contained within the lot;

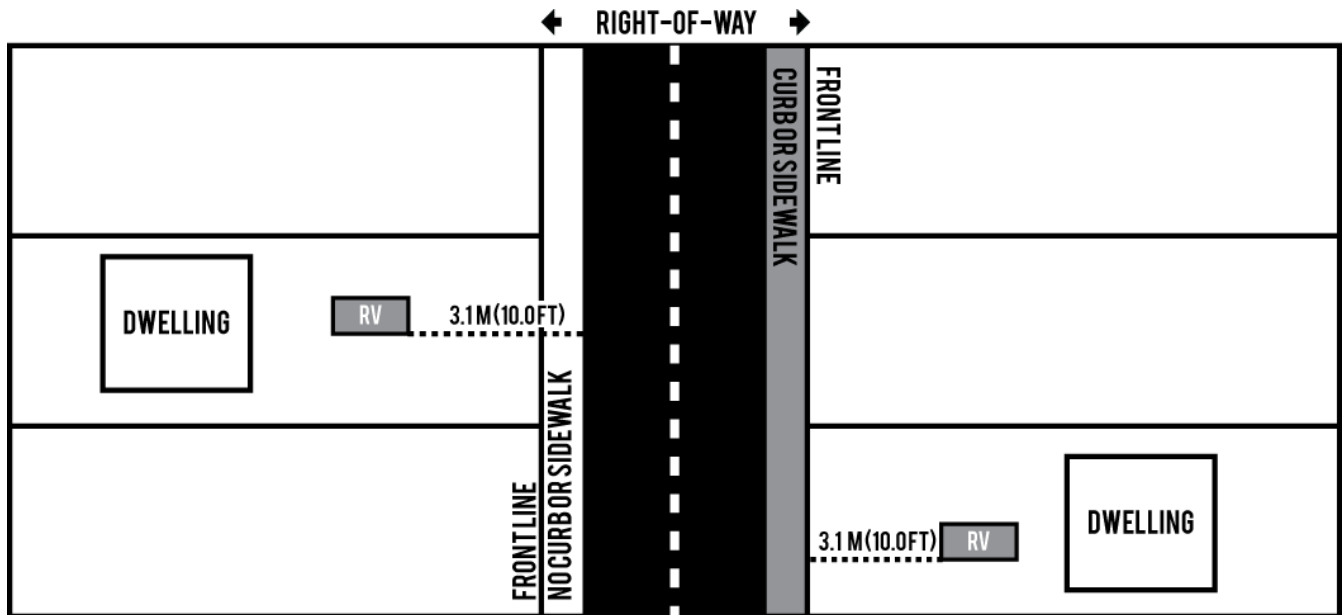


FIGURE 25: RECREATIONAL VEHICLES IN A FRONT YARD

- b. Located on a hard surfaced or gravel pad;
 - c. Located in the front yard exclusively during the regular summer season (between April 1 and October 1); and
 - d. Removed from the front yard between October 2 and March 31 of each calendar year.
6. Notwithstanding **Part I.27.5.d** at the discretion of the Development Authority Officer one (1) recreational vehicle may be allowed year-round in a front yard on a hard surfaced or gravel pad if there is a minimum of 3.1 m (10.0 ft.) between the recreational vehicle when parked and the edge of sidewalk or, where there is no sidewalk, 3.1 m (10.0 ft.) from the back of curb adjacent to the lot. Where there is no curb or sidewalk, the required setback from a front lot line shall normally be 3.1 m (10.0 ft.) (see **Figure 25**).

7. In no instance will the placement of a recreational vehicle in a front yard be allowed where the recreational vehicle would impede or obstruct the safety of pedestrians or vehicle traffic on adjacent sidewalks or roadways.
8. If a development permit for the temporary placement of a recreational vehicle has been issued during the construction period then the recreational vehicle must be removed within three (3) months of construction completion.

28 RECREATIONAL VEHICLE & TIMESHARE CAMPGROUNDS

1. Provisions in this subpart apply to recreational vehicle campgrounds and timeshare campgrounds.
2. The maximum density of stalls that shall be allowed for recreational vehicles or tents in a recreational vehicle campground or timeshare campground shall be 24 sites per hectare (10 sites per acre).
3. As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act that may be applicable.
4. As a condition of approval, the Development Authority may require that the developer construct, upgrade or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
5. All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft.) usable top.
6. The developer shall provide on-site potable water supply which meets all applicable Provincial water requirements.
7. The developer shall provide sewage disposal facilities which meets all applicable Provincial regulations.
8. All spaces for recreational vehicles designated for year round use must have on-site connections to municipal sewer and water systems.
9. The developer shall provide one (1) garbage can (or equivalent central garbage disposal areas) for each campsite.
10. As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
11. The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
12. The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle campground area as a playground or recreational area. This area is to be clearly marked and free from all traffic hazards.
13. All spaces for recreational vehicles or tents shall maintain a minimum set back of 30.0 m (98.4 ft.) from the shoreline of any body of water.
14. The maximum number of recreational vehicles allowed per space shall be one (1).
15. A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
16. Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
17. All other site requirements shall be as required by the Development Authority.
18. Minimum Yard Setbacks:
 - a. Front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft.) or 10% of the lot width, whichever is lesser.
19. Developers will be encouraged to include on their site plan an overflow area which provides that may be used temporarily, on an overflow basis, for a maximum of four (4) consecutive nights to accommodate recreational events which may result in a need for temporary additional tenting or recreational vehicle spaces.

1. Provisions in this subpart apply to recreational vehicle campground, workcamp developments.
2. Each space for a recreational vehicle shall have a minimum width of 10.0 m (32.8 ft.) and a minimum area of 250.0 m² (2,691.0 ft.²).
3. All spaces for recreational vehicles shall maintain a minimum setback of 30.0 m (98.4 ft.) from the shoreline of any body of water.
4. Minimum Yard Setbacks:
 - a. Front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft.).
5. The maximum number of recreational vehicles allowed per space shall be one (1).
6. All recreational vehicle campground, workcamps shall be considered temporary developments.
7. All recreational vehicle campground workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
8. A development permit for a recreational vehicle campground workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period. An application may be made for a continuance of the use for one (1) additional year, after which a new development permit approval is required.
9. The Development Authority may establish whatever conditions for the approval of a recreational vehicle campground, workcamp that it, at its discretion, deems reasonable to ensure that the workcamp will be a temporary development.
10. If all of the conditions of the development permit have not been fulfilled to the satisfaction of the Development Authority then the permit will not be considered valid.
11. In addition to the requirements of **PART D.4** of the Bylaw, an application for a development permit for a recreational vehicle campground workcamp must provide the following information:
 - a. The location, type and purpose of the camp;
 - b. Adjacent land uses;
 - c. The method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems;
 - d. The number of persons proposed to live in the camp;
 - e. The start date for the development, date of occupancy by residents and removal date for the camp; and
 - f. Reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.
12. As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act that may be applicable.
13. As a condition of approval, the Development Authority may require that the developer construct, upgrade or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
14. All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft.) usable top.
15. The developer shall provide on-site potable water supply in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
16. The developer shall provide sewage disposal facilities in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
17. All stalls designated for year round use must have on-site connections to municipal sewer and water systems.

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

30 RECREATIONAL VEHICLES LOCATED IN RECREATIONAL VEHICLE CAMPGROUNDS, TIMESHARE CAMPGROUNDS, AND RECREATIONAL VEHICLE WORKCAMPS

1. No recreational vehicle, whether located within a recreational vehicle campground or on a lot, may have associated with it any more than two (2) accessory structures or buildings, in addition to fences, benches, fire pits and picnic tables. The two (2) accessory structures may include a small shed with a maximum size of 18.58 m² (200.0 ft²), and a screened or roofed patio around or beside the recreational vehicle.
2. No structure accessory to a recreational vehicle shall be used as sleeping quarters.
3. The total gross floor area or ground area covered by all accessory structures and buildings or recreational vehicles shall not exceed fifty percent (50%) of the size of the lot on which the recreational vehicle campground is located.

CONSTRAINTS TO DEVELOPMENT

1. Residential development shall not be allowed on land having critical development constraints. **Part H.24** of this Bylaw provides a list of development criteria shall be used in determining the suitability of land for seasonal/permanent residential development.
2. Development for residential purposes shall be prohibited:
 - a. On sites where adequate year-round access is not available by either a paved or graveled all-weather road in good condition;
 - b. On sites where necessary services are not provided at the sole expense of the developer; and
 - c. Within 30.5 m (100.0 ft.) of the high water mark of a lake.
3. No development shall be allowed on Environmental Reserve land if it does not serve the interests of the general public.
4. Any person who proposes to alter the bed or shoreline of a lake must first receive appropriate approvals from Provincial authorities. Under Provincial law, most development on the bed or shoreline of a lake (up to the high water mark) is required to obtain a License of Occupation from Provincial authorities prior to construction. Improvements not requiring a license include minor bank stabilization, erection of a small, removable, seasonal, domestic pier, or placement of a removable boatlift on the lake bed during the summer months. Shoreline alterations involving such things as depositing soil materials within the high water level of a lake will generally not be allowed.

CONFORMITY WITH OTHER PLANNING DOCUMENTS

5. Where there is an approved Area Structure Plan, Intermunicipal Development Plan or Site Development Plan, regulations in that Plan will apply.

NUMBER OF DWELLING UNITS ON A PARCEL

6. The maximum number of dwelling units on a parcel shall be one (1).
7. Notwithstanding the above, a second or additional dwelling unit(s) may be allowed on a parcel if such unit(s):
 - a. Are contained in a building designed for, or divided into two (2) or more dwelling units and are located in a land use district which permits multiple units. A garage, shed or car port is not considered a building designed for dwelling units;
 - b. A manufactured home forming part of a manufactured home park or work camp for which a development permit has been issued; and
 - c. A building as defined in the Condominium Property Act that is the subject of an approved condominium plan registered with Alberta Registries.

REQUIREMENTS FOR ADDITIONAL DWELLING UNITS

8. Additional dwelling units may be allowed at the discretion of the Development Authority if it can be demonstrated that the unit(s) will not:
 - a. Unduly interfere with the amenities of the neighbourhood;
 - b. Materially interfere with or affect the use and enjoyment of adjacent properties;
 - c. Will not adversely impact the environment; and
 - d. Result in excess demand on municipal services, utilities and public road access.

32 SEA CANS/SHIPPING CONTAINERS

1. The placement of a shipping container on any lot in the municipality requires a development permit unless a permit has been issued affecting the subject site for a shipping container storage or sales facility.
2. No shipping container may be located on a lot in any residential district unless a development permit has been issued for the temporary placement of a single shipping container on a lot during construction for the purpose of storing construction materials.

3. Shipping containers temporarily located in a Residential District may be a maximum of 6.0 m (20.0 ft.) in length.
4. A shipping container must be removed from the lot within 30 days of construction completion.
5. The maximum number of shipping containers that may be placed on a lot in the C1 or M1 Districts is at the discretion of the Development Authority.
6. If a temporary development permit for a shipping container has been approved by the Development Authority, then the shipping container will be allowed to be placed on a site for a period of six (6) months. After that period has expired the developer will be required to apply to the Town for an extension for the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.
7. Shipping containers may not be stacked. The maximum height for a shipping container allowed on a parcel is 3.0 m (10.0 ft.).
8. The exterior finish of a shipping container located on a Commercial District must be consistent with the finish of the primary building on the lot unless the shipping containers are associated with an approved shipping container retail or rental establishment.
9. Shipping containers, in their original form, cannot be used as a dwelling, bunk house or a guest house within the municipality.
10. No human or animal habitation will be allowed within a shipping container, unless:
 - a. The shipping container has been used as a building material; and modified to meet Alberta Building Code requirements for the end use; and
 - b. A development permit has been issued for the end use.

33 SERVICE STATIONS AND GAS BARS

LOCATION

1. Service stations or gas bars shall be developed in such a manner that:
 - a. No entrance or exit thereto for motor vehicles shall be located within 60.0 m (196.8 ft.) of an entrance to or exit from a fire hall, public or private school, playground, library, church, hospital, child care facility, senior citizens home or other similar public or quasi-public institutions;
 - b. No part of any building or any pump or other accessory building, structure or use shall be located within 6.0 m (19.7 ft.) of a side or rear line;
 - c. There shall be a front yard of not less than 12.0 m (39.4 ft.), provided, however, that gasoline pumps may be located as little as 6.0 m (19.7 ft.) from the front line; and
 - d. All fuel storage tanks shall be set back from adjacent buildings in accordance with Regulations passed pursuant to the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or the *Fire Code Act*, as applicable.

LOT AREA COVERAGE

2. The minimum lot area shall be 740.0 m² (7,965 ft.²) and the maximum building coverage shall be twenty-five percent (25%) of the lot area. When a car wash is included, the minimum lot area shall be 1,110.0 m² (11,948 ft.²).
3. In the case of a service station or gas bar designed and built as part of a shopping centre, the ratio of building space to parking space shall be determined as by the Development Authority.
4. A canopy over a pump island shall not extend to within 3.0 m (9.8 ft.) of the property line.
5. The canopy area for a service station or gas bar shall not constitute part of the site coverage.

LIGHTING

6. Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.
7. All parts of the site to which vehicles may have access shall have the surface completed to the satisfaction of the Development Authority.

USE AND MAINTENANCE OF LOT AND BUILDING

8. The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times:
 - a. Be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available in any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to residences or businesses in the immediate vicinity of the service station or gas bar by reason of dust, noise, gases, odour, smoke or vibration;
 - b. Be responsible for the proper, safe and orderly operation of the service station or gas bar; and
 - c. Maintain on the boundaries of the lot, where required by the Development Authority, an appropriate fence not less than 1.5 m (4.9 ft.) in height.

NUISANCE

9. No activity may be carried on which constitutes an undue nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odour, smoke or vibration.

34 SHOW HOMES

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

35 SIDEWALK PATIO

GENERAL

1. A sidewalk patio permit is valid from the date of issuance for one (1) year and may be renewed annually. In order to renew the permit, the developer must provide the municipality with a request indicating that there will be no changes to the sidewalk patio. If any changes are required, the developer must make application for a new permit.
2. If the applicant is not the owner of the property, authorization and written permission of the property owner is required and must accompany the application.
3. A development permit will be required to authorize food and/or alcohol within a sidewalk seating area.
4. A permit holder who intends to serve alcohol inside any temporary sidewalk seating area requires a license from the Alberta Gaming and Liquor Commission. A copy of that license is to be provided to the Town with the application for or as a condition of development permit approval.
5. A copy of any approval from any involved Health Authority is to be provided to the Town with the application for or as a condition of development permit approval.
6. The area designated for the sidewalk patio shall be considered an extension of the principal building and business; therefore, the location of the sidewalk patio must be adjacent to the business.
7. The following information must be provided with the application:
 - a. Details of the proposed furniture or manufacturers' brochures;
 - b. Site plan showing all existing buildings, proposed patio area and setbacks;
 - c. Layout of the furniture including signage, tables, chairs, placement and number of planters and all other accessories;
 - d. Location, structure and dimensions of any portable walls/barriers;
 - e. Location of all doorways, windows and service openings;
 - f. Length of restaurant/patio frontage;

- g. Distance from property line to curb;
- h. Proposed width and length of sidewalk seating/patio; and
- i. Proposed total area of sidewalk seating/patio.

FURNITURE

- 8. Applicants are encouraged to select furniture that is compatible with the outdoor environment. The furniture should be strong, durable, waterproof and weather resistant, designed for commercial outdoor use.
- 9. The furniture must fold or stack for storage, and if located on public right-of-way, be readily removed and stored within the associated indoor premises during non-business hours.
- 10. The number of tables and chairs placed within a sidewalk area must allow unobstructed access and circulation for patrons and staff.
- 11. The permit holder is responsible for ensuring that all furniture remains within the approved sidewalk seating area. No fixed tables or chairs may be used. Developers of sidewalk patio shall be mindful of the rights of pedestrians travelling past their sidewalk patio at all times during the operation of the sidewalk patio. In order to ensure this, a sidewalk patio is required to maintain a clear path of at least 1.5 m. (5.0 ft.) minimum at all times. In areas of higher pedestrian traffic or activity or in conditions that suggest the need for additional clearance, a clear pedestrian path greater than 1.5 m. (5 ft.) may be required by the Development Authority (See **Figure 26**).

USE OF UMBRELLAS

- 12. Umbrellas should be secured to ensure that they can withstand the effects of wind.
- 13. Umbrellas shall be removed or closed in extremely windy conditions and be removed when the outdoor seating area is not in use (off season).
- 14. Umbrellas shall not be attached to railings.
- 15. Umbrellas shall not encroach on, or interfere with pedestrian movement, and at least 2.0 m (6.6 ft.) in height (See **Figure 26**).
- 16. Umbrellas shall be manufactured from fire retardant material.
- 17. Umbrellas shall be market style (not beach umbrellas).

LIGHTING

- 18. Lighting for sidewalk patios may be utilized if approved by the Development Authority. Any such lighting shall compliment the exiting building and sidewalk patio design and shall not cause a glare to passing pedestrians or vehicles.

OUTDOOR HEATERS

- 19. Outdoor heaters may be utilized upon the approval of the Development Authority.

LIMITATIONS ON USE

- 20. No portion of a sidewalk seating/patio area may be used for any purpose other than seating, dining or circulation.
- 21. No portion of a sidewalk seating/patio area may be used for the storage of and sale of merchandise or objects other than those intended for seating, dining or circulation.
- 22. The permit holder will bear all financial responsibility for any and all improvements necessary to the public space, both within and surrounding the sidewalk seating area.
- 23. Smoking is prohibited at all sidewalk/patio locations. The *Tobacco And Smoking Reduction Act*, S.A. 2008, c. T-3.8, as amended, requires that managers or owners strictly enforce this requirement or be liable to fines.

OPERATIONS

- 24. Hours of operation of an outdoor sidewalk seating area/patio are 8:00 a.m. to 10:00 p.m. or as stated in the approved Development Permit.
- 25. Sidewalk seating areas must conform to noise regulations of the current municipal Bylaw and shall be prohibited from playing amplified music, whether live or recorded.

BUSINESS LICENSING

26. The principal establishment for each approved sidewalk seating area shall have a valid municipal Business License.

WASTE MANAGEMENT

27. The permit holder will ensure sidewalk seating areas are maintained in a clean and hygienic state at all times and the following requirements will apply:
 - a. Tables and chairs shall be kept clean and litter shall be removed from in and around the seating area and disposed of within the commercial garbage provisions on site;
 - b. Furniture, barriers and/or planters shall be clean, in good order and well presented; and
 - c. Sidewalk seating debris must not be swept or allowed to enter into gutters, parking or traffic lanes, storm-water, catch-basins or pedestrian walkways.

REINSTATEMENT OF A PUBLIC PLACE

28. Every sidewalk seating area shall be temporary in nature and designed so that the entire structure including chairs, tables, fencing and planters can be easily removed during periods of non-use.

INSURANCE REQUIREMENTS

29. The permit holder will be required to hold valid comprehensive general liability insurance to the satisfaction of the municipality but the limit shall not be less than \$1,000,000 per occurrence, \$1,000,000 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability.
30. The municipality shall be named as an additional insured for any liability arising directly or indirectly from the operation of a sidewalk patio located on a public right-of-way.

RENEWALS AND AMENDMENTS

31. Development permits must be renewed annually. The permit holder shall submit their request for renewal in writing.
32. A permit holder will be required to submit an application in writing to the Development Authority for any amendment to their existing sidewalk seating plan.
33. Approval of a sidewalk patio permit will require, as a conditional of approval, that the Development Authority and the Fire Chief conduct a site inspection of the approved sidewalk patio and all elements placed therein after construction to ensure that the sidewalk patio and all sidewalk patio elements are in compliance with the approved permit and that the developer is in compliance with all other requirements of the permit before any use of the sidewalk patio may commence.
34. The issuance of a sidewalk patio permit is a privilege granted by the municipality. The municipality requires compliance with all rules and regulations as well as to have respect for the community in which the patio is located. The Development Authority and Bylaw Enforcement Officer will monitor the operation of the sidewalk patio and are empowered to issue citations for bylaw violations and may also result in the revocation of the development permit.

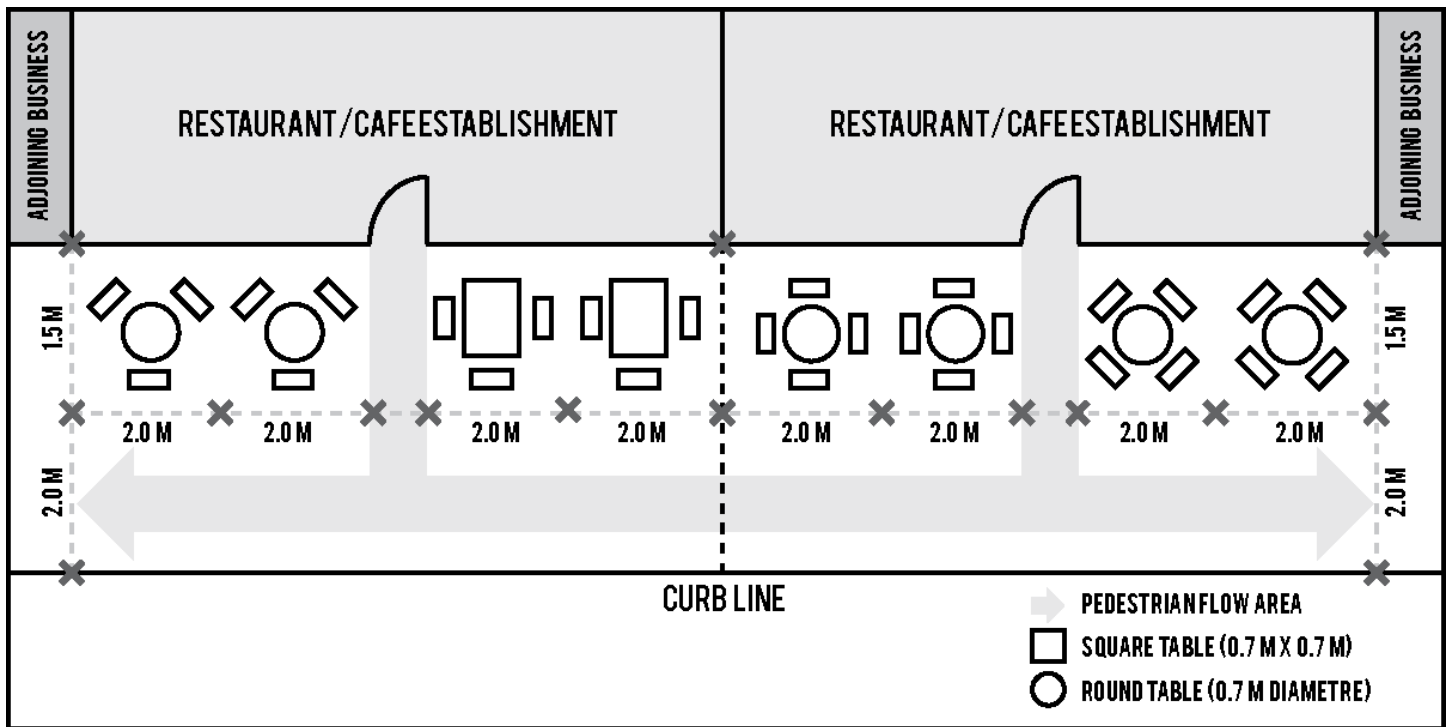


FIGURE 26: SIDEWALK PATIO DIMENSIONS

36 SIGN REGULATIONS (GENERAL)

EXEMPTIONS FROM SIGN REGULATIONS

1. In addition to the exceptions indicated in **PART D.2** of this Bylaw, the following signs shall be exempted from the provisions of the regulations in this **PART**:
 - a. Signs which are not visible to the public from the exterior of the building;
 - b. Signs displayed in or on an operated vehicle; and
 - c. Signs displayed on door plates, door boards or kick plates.
2. The following specified signs, provided that the development of the sign satisfies any requirements specified in this Bylaw for the particular sign:
 - a. Statutory and official notices and functional advertisements of local authorities;
 - b. Traffic and directional signs authorized by Council;
 - c. Signs of identification in respect to the land or buildings on which they are displayed, or to the businesses or occupants of the land or buildings on which they are displayed, provided that:
 - i. Each notice or name plate does not exceed 0.2 m² (2.0 ft.²) in area; and
 - ii. No more than one (1) notice is provided for each occupant or each firm or company represented within the building, at one (1) entrance on each different road or highway.
3. Notices on land or buildings used for religious, educational, cultural, recreational, hospital or similar public uses, provided that:
 - a. Each notice does not exceed 1.1 m² (12 ft.²) in area; and
 - b. No more than one (1) notice is provided for each side of the land or buildings on each different road.
4. Temporary signs referring to sales which are displayed upon the site at which such sales will be or are being conducted, provided that:
 - a. Such signs are not illuminated and are displayed for a short period of time only; and

- b. Such signs are not to be erected more than seven (7) days before the commencement of the sale to which they refer, and are removed within eight (8) days of the completion of the said sale.

37 SIGNS IN THE C1, C2, M1 & M2 DISTRICTS

GENERAL PROVISIONS

1. For each building which contains office uses, one identification sign only, not to exceed 3.0 m² (32.0 ft²) in area, shall be allowed.
2. No part of any sign shall be higher than 6.0 m (19.7 ft.) above grade.
3. Where a sign is not detached, it shall be placed flat against the building or be designed as part of an architectural feature thereof, or be a canopy sign.
4. Only one wall sign on a building shall be allowed to indicate each occupancy within that building. The sign shall not exceed a total area of 1.0 m² (10 ft²) of copy for each lineal metre of building occupancy.
5. If the occupancy is on a corner site, one (1) wall sign shall be allowed for each face of the building.
6. If the building includes a canopy, each tenant shall be allowed one (1) under-canopy sign of no more than 0.5 m² (5 ft²).
7. No sign shall be erected which would be in view of the public from public or private property except where a permit specifying allowed locations has been granted, or where a permit for such a sign is not required pursuant to this Bylaw.
8. Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority.
9. Where, in the opinion of the Development Authority, a proposed sign might be objectionable to a resident in an adjacent Residential District, they may impose such other regulations as he feels would protect the interest of residents.

SIZE OF SIGNS

10. Except as otherwise specified in this bylaw, the maximum area of any sign shall be 20.0 m² (215.0 ft.²).

SIGN LOCATION

11. Minimum yard requirements shall be observed for any sign located on a parcel and, at the discretion of the Development Authority, the sign shall not be further than 30.0 m (98.0 ft.) from the principal building.

REMOVAL OF SIGNS

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

FLASHING SIGNS

13. Flashing, animated or interiorly illuminated signs shall not be allowed where, in the sole opinion of the Development Authority, they might:
 - a. Affect residents in adjacent housing or Residential Districts; or
 - b. Interfere with the interpretation of traffic signs or controls.

FREESTANDING SIGNS

14. One freestanding sign may be allowed per site exclusively for the business located onsite, except:
 - a. Where a site has in excess of 90.0 m (295.0 ft.) business frontage, one (1) additional freestanding sign may be erected for each additional 90.0 m (295.0 ft.) or portion thereof of business frontage abutting the developed portion of the said site; or
 - b. Where a site is considered to be double fronting by the Development Authority, each frontage may have a freestanding sign provided that the signs are no closer than 90.0 m (295.0 ft.) apart.
15. The total area of all freestanding signs on each site shall not exceed 0.3 m² (3.0 ft²) in area for each metre of business frontage of the developed site, to a maximum of 19.0 m² (204.0 ft.²) for each sign.

PROJECTING SIGNS

16. No sign shall project across lot boundaries unless permission in writing has been granted as a condition of an approved development permit.

17. The absolute limits of projection shall be 1.0 m (3.0 ft.) from the property line and 0.6 m (2.0 ft.) back from the existing or proposed curb.
18. No projecting sign shall have less than 3.0 m (10.0 ft.) clearance between the bottom of the sign and the ground level immediately below it.
19. In no case shall projecting signs for the same development be located closer than 90.0 m (295.3 ft.) to each other, except on corner sites where the signs are located around the corner from each other.

ROOF SIGNS

20. Roof signs shall be developed so that they appear as an architectural feature of the building on which they are located:
 - a. No supporting structure shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority; and
 - b. Roof signs shall be set back at least 1.0 m (3.0 ft.) from the edge of the building.

WALL SIGNS

21. Buildings fronting on more than one (1) road right-of-way may not combine permissible signs for one frontage with another frontage for the purposes of placing the combined area or types of signs on one frontage.
22. Any identification wall signs with non-illuminated letters up to but not exceeding 7.5 cm (3 in.) in height or 0.4 m² (4.0 ft²) in area are not restricted and may be allowed in addition to regulated signs.

OFF-SITE SIGNS

23. Notwithstanding other regulations in this Bylaw, at the sole discretion of the Development Authority, off-site signs may be developed subject to the following regulations:
 - a. On the same road and facing the same traffic flow, off-site signs shall not be placed closer together than 90.0 m (295.0 ft.). Double-face off-site signs shall be considered to face both directions of flow;
 - b. The maximum size of the off-site sign face shall not exceed 28.0 m² (301.0 ft.²);
 - c. Where the back of the off-site sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority;
 - d. No part of an off-site sign shall be in a front yard, except where an off-site sign is located between two buildings that are each within 30.0 m (100.0 ft.) of the said sign, in which case no part shall be closer to any road right-of-way than a line drawn from the nearest front corner of the two buildings; and
 - e. No part of any off-site sign within 200.0 m (656.0 ft.) of the edge of the pavement of a highway shall be more than 7.5 m (25.0 ft.) above the grade of the highway or 15.0 m (50.0 ft.) above the grade of the site of the sign, whichever is the highest.

38 SIGNS IN RESIDENTIAL DISTRICTS

1. Except as provided in **PART I.38.2 to 5** below, no sign shall be allowed in Residential Districts except for places of worship, schools or other public institutions, in which case **Part I.39** shall apply.
2. An approved home occupation may display a sign, not larger than 0.2 m² (2 ft.²) on the dwelling. If outside, the sign shall be placed flat against the wall of the dwelling or may be displayed from the inside of a window of the dwelling.
3. Name or number signs shall have a surface area of no more than 0.3 m² (3 ft.²).
4. For multiple family dwellings and boarding houses, one (1) identification sign not exceeding 1.0 m² (10 ft²) in area may be allowed on each site.
5. All exterior signs shall be placed flat against the building or designed as part of an architectural feature.

39 SIGNS RELATED TO INSTITUTIONAL USES

1. In any District where an institutional use is allowed, one sign of not more than 2.0 m² (21.0 ft²) in area shall be allowed to be erected on the site occupied by the institutional use.

40 SIGNS FOR ADULT EXCLUSIVE AND ADULT ENTERTAINMENT BUSINESSES

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

41 SIGNS (FREE STANDING PORTABLE) IN OTHER DISTRICTS

NUMBER OF FREE-STANDING PORTABLE SIGNS ON A LOT

1. Not more than one free-standing portable sign shall be displayed on a lot.
2. Notwithstanding the above, one free-standing portable sign may, at the discretion of the development authority, be allowed for each business in a multiple occupancy development provided that no free-standing portable sign is located closer than 15.0 m (49.0 ft.) from another.

LOCATION OF FREE-STANDING PORTABLE SIGNS

3. Free-standing portable signs shall not be allowed in the Urban Reserve (UR) District.
4. Free-standing portable signs shall not be placed on a site so as to conflict with parking, loading and walkways.
5. Notwithstanding any provision in this subpart, signs authorized by the Town of Hardisty for public safety, public notification, or other signs authorized by the Town may be placed in locations as required by the Town of Hardisty.

PROHIBITION ON PUBLIC LANDS

6. No free-standing portable signs shall be allowed within a road right-of-way.
7. No free-standing portable sign shall be allowed on land owned by the Crown or the municipality.

42 SMALL ANIMAL BREEDING AND/OR BOARDING FACILITIES

1. A small animal breeding and boarding establishment or kennel which is to be located closer than 305.0 m (1,000.0 ft.) from a dwelling which is not related to the proposed development shall be considered a discretionary use notwithstanding the use provisions contained within this Bylaw.
2. No small animal breeding or boarding establishment for dogs shall be allowed on a residential parcel less than 2.02 ha (5.0 ac.) in area.
3. Pens, rooms, exercise runs and holding stalls may be required to be soundproofed to the satisfaction of the Development Authority.
4. All development permit applications may be referred to the appropriate Health Authority or animal control agency for comment prior to the Development Authority making a decision.
5. No building, use, exterior exercise areas or runs that are used to accommodate the animals may be located within 6.1 m (20.0 ft.) of any property line adjacent to a dwelling or a residential parcel.
6. All exterior exercise areas or runs may be required to be enclosed with a fence acceptable to the Development Authority.
7. All dog facilities, including buildings and exterior exercise areas or runs, may be required to be sited to the satisfaction of the Development Authority.

8. The Development Authority may regulate the hours that dogs are allowed outdoors.
9. The Development Authority may regulate the number of animals based on size and type of animals, size of parcel and proximity to dwellings. Pups under six (6) months shall not be included in the number.
10. Developments which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
11. A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments.

43 SMALL RADIO COMMUNICATIONS TOWERS

1. Small radio communication towers, where allowed as a discretionary use under this Bylaw, shall require an application for a development permit and may be approved provided that the structure and apparatus:
 - a. Have Industry Canada approval;
 - b. Are camouflaged and, as far as possible, have the appearance and aesthetic of other buildings allowed in the District;
 - c. Meet the setback requirements of the District or meets setback requirements that are satisfactory to the Development Authority;
 - d. Be limited to a maximum height of 18.0 m (59.0 ft.) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
 - e. Be a free-standing, ground-mounted unit;
 - f. Notwithstanding the above, be a roof-mounted unit where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft.) from the typical ground surface to its highest point;
 - g. Be located in a rear yard only;
 - h. Not be illuminated, nor have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
 - i. Be landscaped to screen the base of the antenna and reduce negative visual impact on adjacent properties. The Development Authority Officer may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Authority Officer, such measures would reduce potential negative visual impact of the structure on adjacent properties.
2. All small radio communications towers shall have landscaping that reflects the typical landscaping in the District.
3. The development of all small radio communications towers shall follow the regulations of Industry Canada including public consultation as required.

44 SOLAR ENERGY COLLECTION SYSTEMS

LOCATION

1. Ground mounted solar collectors shall be located in a side or rear yard only.

SOLAR ACCESS REQUIREMENTS

2. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
 - e. Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.66 m (12.0 ft.) obstruction located on the lot line; and
 - f. Has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.

SOLAR ACCESS EXEMPTIONS

3. **PART H.44.2** above does not apply to structures or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Bylaw, whichever is later. This Part of the Bylaw controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

45 SUITE, GARAGE

1. A garden suite shall only be allowed, where provided for in a Land Use District, on a lot occupied by a single detached dwelling.
2. A garage suite shall not be allowed on a lot with a duplex, fourplex, row house or apartment.
3. A maximum of one (1) garage suite is allowed on any lot on which a single detached dwelling is located.
4. If a garage suite is developed on a lot then no additional garden suite, in-law suite or secondary suite shall be allowed.
5. A garage suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft.²) in floor area.
6. A garage suite shall remain accessory to and subordinate to the use of the garage.
7. The minimum floor area for a garage suite is 30.0 m² (322.9 ft.²).
8. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
9. A garage suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
10. A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
11. At grade garage suites shall have a maximum height of 4.5 m (14.8 ft.) (See **Figure 27**).
12. Above grade suites shall have a maximum height of 5.5 m (18.0 ft.) for suites with a flat roof, and 6.5 m (21.3 ft.) for suites with a sloped roof, provided that the maximum height of the accessory building in which the garage suite is located is not higher than the height of the principal dwelling (See **Figure 27**).

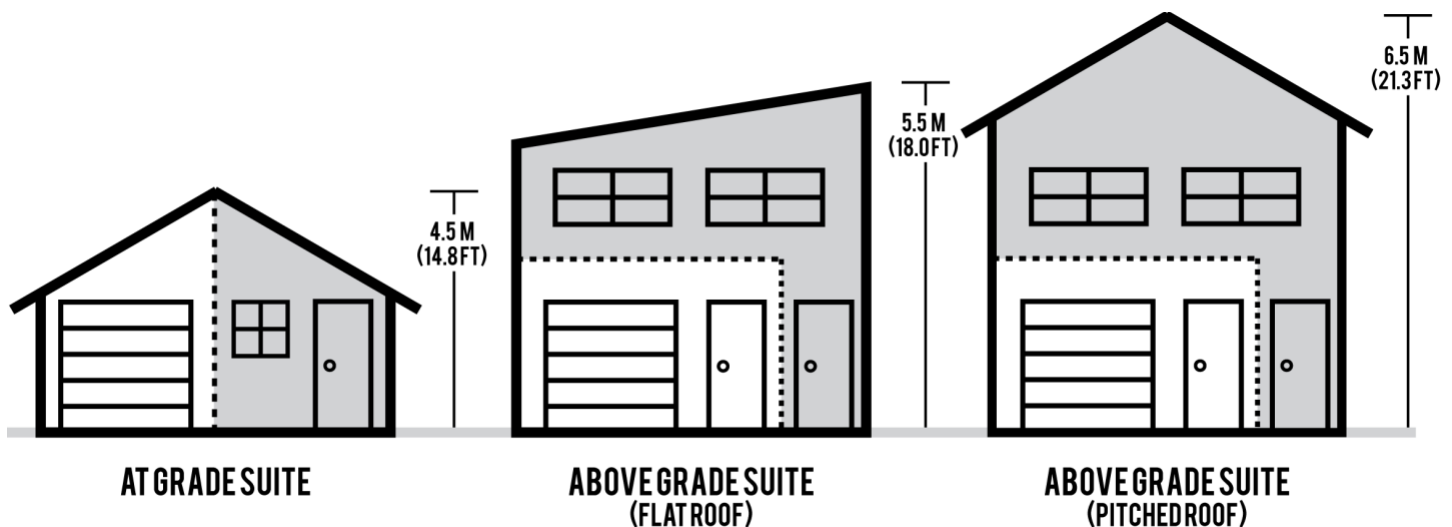


FIGURE 27: MAXIMUM GARAGE SUITE HEIGHT

13. Prior to development permit approval, the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
14. A minimum of two (2) on-site parking spaces for the dwelling and one (1) on-site parking spaces for the garage suite is required. Tandem parking may be allowed at the discretion of the Development Authority.
15. Windows contained within a garage suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:

- a. Off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garage suite window on an abutting site;
 - b. Strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. Replacing larger windows such as living room windows, to face a lane, a flanking street or the larger of any side yard abutting another property.
16. A maximum of one (1) garage suite will be allowed on a site occupied by a single detached dwelling.

46 SUITE, GARDEN

1. A garden suite shall only be allowed, where provided for in a Land Use District, on a lot occupied by a single detached dwelling.
2. A garage suite shall not be allowed on a lot with a duplex, fourplex, row house or apartment.
3. A maximum of one (1) garden suite is allowed per lot where allowed on parcels under 0.8 ha (2.0 ac.) in area.
4. If a garden suite is developed on a lot then no additional garage suite, in-law suite or secondary suite shall be allowed.
5. Notwithstanding any other provisions in this Bylaw, a garden suite shall only be allowed to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
6. The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary dwelling on the lot.
7. A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.
8. The minimum floor area for a garden suite shall be 30.0 m² (322.9 ft.²).
9. A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft.²) in floor area.
10. Garden suites shall have a maximum height of 4.3 m (14.1 ft.).
11. A minimum of two (2) on-site parking spaces (one (1) for the dwelling and one (1) on-site parking spaces for the garden suite) is required. Tandem parking may be allowed at the discretion of the Development Authority.
12. Windows contained within a garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
 - a. Off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garden suite window on an abutting site;
 - b. Strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c. Placing larger windows such as living room windows, to face a lane, a flanking street or the larger of any side yard abutting another property.
13. A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

47 SUITE, IN-LAW

1. An in-law suite shall only be allowed on a lot occupied by a single detached dwelling or a duplex dwelling.
2. An in-law suite is prohibited from being constructed within an apartment.
3. A maximum of one (1) in-law suite is allowed on any single detached dwelling or duplex lot.
4. If an in-law suite is developed on a lot then no additional garden suite, secondary, suite or garage suite shall be allowed.
5. An in-law suite shall remain accessory to and subordinate to the principal dwelling. The maximum floor area of the in-law suite shall not exceed thirty percent (30%) of the existing floor area of the primary dwelling unity or 80.0 m² (860.0 ft²) whichever is the lesser.
6. The minimum floor area for an in-law suite is 30.0 m² (322.9 ft²).
7. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.

8. An in-law suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.
9. An in-law suite does not have an entrance separate from the entrance to the main dwelling. Prior to development permit approval, the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
10. A minimum of three (3) on-site parking spaces (two (2) for the dwelling and one (1) for the in-law suite) are required. Tandem parking may be allowed at the discretion of the Development Authority.

48 SUITE, SECONDARY

1. A secondary suite shall be restricted to a site occupied by a single detached dwelling.
2. A secondary suite is prohibited from being constructed within a multi-family dwelling.
3. A maximum of one (1) secondary suite or in-law suite is allowed on a site occupied by any single detached dwelling or duplex.
4. A maximum of one (1) secondary suite is allowed on a site occupied by any single detached dwelling lot.
5. If a secondary suite is developed on a lot then no additional garden suite, in-law suite or garage suite shall be allowed.
6. A secondary suite shall remain accessory to and subordinate to the principal dwelling. The maximum floor area of the secondary suite shall not exceed thirty percent (30%) of the existing floor area of the primary dwelling unity or 80.0 m² (860.0 ft.²), whichever is the lesser.
7. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
8. A secondary suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
9. A secondary suite has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the building.
10. A secondary suite may include the conversion of a portion of existing space in the principal dwelling, the addition of new floor space to an existing dwelling.
11. The minimum lot size for a secondary suite is 360.0 m² (3,875.0 ft.²).
12. The minimum floor area for a secondary suite is 38.0 m² (400.0 ft.²).
13. Prior to development permit approval, the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
14. A minimum of two (2) on-site parking spaces (one (1) for the dwelling and one (1) on-site parking spaces for the secondary suite) is required. Tandem parking may be allowed at the discretion of the Development Authority.
15. One on-site parking stall shall be provided for the secondary suite, in addition to the parking requirements for the principal dwelling pursuant to this Bylaw. Tandem parking may be allowed at the discretion of the Development Authority.

49 SUITE, SURVEILLANCE

GENERAL

1. The site on which a place of worship is situated shall have a frontage of not less than 30.0 m (100.0 ft.) and an area of not less than 929.0 m² (10,000.0 ft.²) except in the case where a dwelling for the leader of the place of worship is to be erected on the same lot. The combined area of the lot in this case shall not be less than 1395.0 m² (15,000.0 ft.²).
2. Minimum front, side and rear yards shall be those required within the District.
3. Surveillance suites shall not be allowed on a site unless specifically listed as a permitted or as a discretionary use within the District in which the site is located.
4. Site Location
 - a. A surveillance suite which is not attached to or within the principal building shall be located:
 - i. A minimum of 2.0 m (6.6 ft.) from any buildings;

- ii. A minimum of 3.0 m (9.8 ft.) from the rear and side lines; and
 - iii. No closer to the front line than the principal building.
- 5. Maximum Size
 - a. A surveillance suite shall not be larger in area than the principal building and the maximum floor area of a surveillance suite shall be 32.6 m² (351.0 ft.²).
 - b. Building Requirements
 - i. A surveillance suite shall be placed on a permanent foundation to the satisfaction of the Development Authority Officer. Where a surveillance suite is a manufactured unit, the unit shall be secured to a foundation and properly skirted to the satisfaction of the Development Authority; and
 - ii. The exterior treatment of a surveillance suite must be compatible with the design, character and appearance of the principal building, and comply with any provisions required under **PART H.8** of this Bylaw.

50 WIND ENERGY CONVERSION SYSTEMS, MICRO

1. Notwithstanding any other provisions in this Bylaw, micro wind energy conversion systems, which are systems with a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.
2. Micro wind energy conversion systems shall be required to conform to set back requirements for accessory buildings.
3. Maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.

NUMBER PER LOT

4. One (1) micro wind energy conversion system is allowed per lot. A second system may be allowed at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

51 WIND ENERGY CONVERSION SYSTEMS, SMALL

WIND TURBINE TOWER HEIGHT

1. For property sizes between 0.1 ha (0.25 acre) and 0.2 ha (0.5 ac.) the wind turbine tower height shall be limited to 25.0 m (80.0 ft.). For property sizes of 0.2 ha (0.5 ac.) or more, there is no limitation on wind turbine tower height, subject to the setback requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.

PROPERTY LINE SETBACKS IN THE URBAN RESERVE DISTRICT

2. The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (10.0 ft.) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.0 ft.) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.

PROPERTY LINE SETBACKS IN THE COMMERCIAL AND SEMI-PUBLIC DISTRICTS

3. The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure may extend closer than 3.0 m (10.0 ft.) to the property boundaries of the installation site. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
4. Mounting using guy wires shall be allowed in:
 - a. The Industrial (M1) District; and
 - b. The Urban Reserve (UR) District.
5. The applicant will be required to provide the Development Authority with information regarding the proposed means of mounting the turbine prior to development approval.

NOISE

6. The mean value of the sound pressure level from small wind energy conversion systems shall not exceed more than 6.0 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m/s (22.0 mph) and except during short-term events such as utility outages and/or severe wind storms.

COMPLIANCE WITH BUILDING CODE AND ALBERTA UTILITY COMMISSION

7. The application will be required to provide the Development Authority with copies of necessary approvals from the Alberta Utility Commission, or confirm that it complies with the forgoing regulations either with the development permit application or as a condition of development permit approval.
8. Development permit applications for small wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings and anchoring method, all drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the Alberta Utility Commission and International Building Code requirements must be provided with the development permit application. All drawings must be certified by a licensed professional mechanical, structural or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.

COMPLIANCE WITH AIR TRAFFIC SAFETY REGULATIONS

9. Small wind energy conversion systems must comply with applicable air traffic safety regulations. A statement of compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Wind turbine towers shall not be artificially lit except as required by Navigation Canada.

COMPLIANCE WITH EXISTING ELECTRIC CODES

10. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.

UTILITY NOTIFICATION

11. No small wind energy conversion system that is tied into a grid shall be installed until evidence has been given that the power utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's power utility is sufficient. No response or evidence of approval from the power utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

NUMBER PER LOT

12. One (1) small wind energy conversion system is allowed per lot. A second system may be allowed at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

52 WIRELESS COMMUNICATIONS FACILITIES

1. The Town will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages. A letter of support will be provided to licensing and approving authorities for applications meeting these criteria. A letter of non-support will be provided to licensing and approving authorities for applications not meeting these criteria:
 - a. Developers of a wireless communications facility that plan for the facility and can accommodate other wireless operators on the site will be given priority status;
 - b. The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities. Existing operators are encouraged to participate in the process by charging reasonable rates for this privilege;

- c. For development of structures outside of the Alberta Building Code such as lattice towers shall include a document from authoritative sources demonstrating structural adequacy of the specified structure for the location and loading defined in the application. Such authorities include: the Canadian Standards Association and qualified structural engineers. Stamps and Seals of approval shall accompany the documentation;
 - d. The tower base shall be setback from abutting parcels and roadways by a distance of twenty percent (20%) of the tower height or the distance between the tower base and guy wire anchors, whichever is greater, unless it can be shown that all ice-fall or debris from tower failure can be contained substantially onsite. In all cases, base and anchor structures must be designed for the soil conditions present. A professionally engineered design with supporting soil profiles must accompany the application for development. Precise location (Latitude and Longitude) of the base and anchors must be revealed;
 - e. Self-supporting towers are to be located respecting Provincial and Federal building and safety codes. In all cases the base structures must be designed for the soil conditions present. A professionally engineered design with supporting soil profiles must accompany the application for development;
 - f. Multiple tower structures will require individual development permit applications; and
 - g. Applications for the development of wireless facilities must include in the development application letters from the following authorities:
 - i. Transport Canada, governing painting and lighting of the applicant's tower for aeronautical safety;
 - ii. NavCanada, governing aircraft communication and instrumentation immunity from the applicant's tower transmissions; and
 - iii. Industry Canada, governing the frequency of operations and public safety from non-ionized radiation in accordance with Safety Code 6. Licensed exempt operators must provide a stamped letter from a licensed professional radio frequency engineer guaranteeing these conditions will be met.
2. Appropriate fencing around the base, anchors and site limiting public access to the tower and exposure to high radio frequency energy fields must be provided with consideration of community aesthetics.
 3. The application for development must include consideration to minimizing environmental damage through the following measures:
 - a. Consultation with Federal and Provincial environmental agencies to ensure the site selected and the resultant construction does not impact upon sensitive ecologies nor interfere with migrating birds or animals. Confirming letters from these agencies must accompany the application for development; and
 - b. The application for development shall include a signed letter from the applicant detailing corrective action(s) to remediate any environmental damages.
 4. As a condition of obtaining a development permit the applicant agrees to the following:
 - a. The site will be reclaimed within six (6) months of cessation of operation;
 - b. The site reclamation will comply with Provincial legislation, regulations and policy.
 5. Applicants for development of a wireless communications facility within 0.5 miles (0.8 km) of a residential area must demonstrate attention to community aesthetics in their choice of structure.
 6. A public consultative process shall commence with an advertisement of the intent to establish a wireless communications facility in the local newspapers and a letter to the neighbouring property owners one hundred twenty (120) days prior to the anticipated date of construction. The applicant will be required to submit a copy of their public consultation program for approval by the Development Authority.

53 WORK CAMPS

GENERAL

1. All workcamps shall be considered temporary developments.

2. All workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.

CONDITIONS

3. A development permit for a workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period. An application may be made for a continuance of the use for one (1) additional year after the three (3) year period, after which a new development permit approval is required.
4. As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act that may be applicable.
5. Post security with the municipality sufficient to remove and/or reclaim the site if the workcamp remains on site after the project is either completed or if the work has stopped to the extent that the municipality no longer feels that the workcamp is necessary to the project, or to reclaim the site if needed after the workcamp has been removed from the site; and

INFRASTRUCTURE REQUIREMENTS

6. The developer shall provide on-site potable water supply in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
7. The developer shall provide sewage disposal facilities in accordance with the municipality's public works department requirements as well as all applicable Provincial regulations.
8. The developer shall provide natural gas facilities in accordance with the municipality's requirements as well as all applicable Provincial regulations.
9. All work camps must:
 - a. Ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - b. Be designed so that all points of access and egress are located to the satisfaction of the Development Authority and, when required, Alberta Transportation and/or adjacent municipality;
 - c. Be able to accommodate a minimum of fifty (50) persons;
 - d. Be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
 - e. Provide on-site security staff to the satisfaction of the Development Authority;
 - f. Provided onsite parking the lot, developed to the satisfaction of the Development Authority. Normally, onsite parking for private vehicles will adhere to the same standard as parking for a hotel or motel;
 - g. Be separated from adjacent land uses.
10. Maximum site coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and required landscaping as determined by the Development Authority.
11. When the development includes multiple buildings, the site shall be designed to maintain sufficient distance between the buildings as required for fire protection purposes, as determined by the *Safety Codes Act* and by the Development Authority.
12. Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.

PART J | Land Use Districts

1 ESTABLISHMENT OF LAND USE DISTRICTS

- For the purposes of this Bylaw, the following Districts are hereby established:

LAND USE DISTRICT	DISTRICT TITLE
SINGLE DETACHED RESIDENTIAL DISTRICT	(R1)
SINGLE DETACHED LAKE LOT RESIDENTIAL DISTRICT	(R1A)
INNOVATIVE DESIGN RESIDENTIAL DISTRICT	(R1B)
SINGLE DETACHED LARGE LOT RESIDENTIAL DISTRICT	(R1C)
ESTATE LOT RESIDENTIAL DISTRICT	(R1D)
MEDIUM DENSITY RESIDENTIAL DISTRICT	(R2)
HIGH DENSITY RESIDENTIAL DISTRICT	(R3)
MANUFACTURED HOME SUBDIVISION RESIDENTIAL DISTRICT	(RMHS)
MANUFACTURED HOME PARK RESIDENTIAL DISTRICT	(RMHP)
PRIMARY COMMERCIAL DISTRICT	(C1)
GENERAL COMMERCIAL DISTRICT	(C2)
INDUSTRIAL DISTRICT	(M1)
INSTITUTIONAL DISTRICT	(I)
PARKS AND RECREATION DISTRICT	(P)
DIRECT CONTROL PARK DISTRICT	(DCP)
URBAN RESERVE DISTRICT	(UR)

- For the purposes of this Bylaw, the R1, R1A, R1B, R1C, R1D, R2, R3, RMHS and RMHP Districts shall be considered to be Residential Districts, the C1 and C2 Districts shall be considered to be Commercial Districts, the M1 District shall be considered the Industrial District, and the I, P, and DCP Districts shall be considered the Public Use Districts and/or Recreation Districts.
- The boundaries of the districts listed in **PART J.1** are as delineated in **PART M** on **Map 1 - Land Use Districts Map**.
- Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
 - Rule 1. Where a boundary is shown as following a highway, road, lane, or watercourse, it shall be deemed to follow the centre line thereof.
 - Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - Rule 3. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:
 - where dimensions are set out on the Land Use District Map, by the dimensions so set; or
 - where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either by motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- After the Council has fixed a District boundary pursuant to the provisions of **PART J.5** above, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

2 SINGLE DETACHED RESIDENTIAL (R1) DISTRICT

1. GENERAL PURPOSE

To allow development of low density serviced residential development and associated uses.

2. USES

A. Permitted	B. Discretionary
1. Day homes	1. Apiaries
2. Dwellings, single detached	2. Bed and breakfast establishments
3. Home occupations, minor	3. Communications facilities, small radio
4. Modular homes	4. Dwellings, duplex
5. Neighbourhood parks	5. Group care facilities
6. Public parks	6. Group homes
7. Show homes	7. Institutional uses
8. Solar energy collection systems	8. Home occupations, major
9. Suites, in-law	9. Neighbourhood commercial developments
10. Wind energy conversion systems, micro	10. Public or quasi-public services
11. Buildings and uses accessory to permitted uses	11. Public utilities and public utility buildings
	12. Suite, garage
	13. Suite, garden
	14. Suite, secondary
	15. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
	16. Buildings and uses accessory to discretionary uses

3. SUBDIVISION REGULATIONS

A. SINGLE DETACHED DWELLINGS AND MODULAR DWELLINGS

1. Minimum Lot Area	Lots with Direct Access to a Lane	590.0 m ² (6,351.0 ft. ²)
	Lots without Direct Access to a Lane	725.0 m ² (7,804 .0 ft. ²)
2. Minimum Lot Width	Lots with Direct Access to a Lane	16.0 m (52.5 ft.)
	Lots without Direct Access to a Lane	20.0 m (66.0 ft.)

B. DUPLEX DWELLINGS

1. Minimum Site depth	33.5 m (110 ft.)	
2. Minimum Site Width	In the case of Road and Lane Systems	
	Internal sites	9.8 m (32.0 ft.) for each dwelling unit

	Corner sites	11.2 m (37.0 ft.) for each dwelling unit
	In the case of Laneless systems	
	Internal sites	10.6 m (35.0 ft.) for each dwelling unit
	Corner sites	12.2 m (40.0 ft.) for each dwelling unit
3. Minimum Site Area	In the case of Road and Lane Systems	
	Internal sites	327.0 m ² (3520.0 ft. ²) for each dwelling unit
	Corner sites	375.2 m ² (4039.0 ft. ²) for each dwelling unit
	In the case of Laneless systems	
	Internal sites	357.6 m ² (3850.0 ft. ²) for each dwelling unit
	Corner sites	408.7 m ² (4399.0 ft. ²)

C. OTHER USES

- As required by the Development Authority

4. DEVELOPMENT REGULATIONS

A. SINGLE DETACHED DWELLINGS AND MODULAR DWELLINGS

1. Maximum Site Coverage	40%	
2. Maximum Building Height	10.0 m (32.8 ft.)	
3. Minimum Yards	Front	7.5 m (24.6 ft.)
	Rear	7.5 m (24.6 ft.)
	Side	10% of the lot width or, at the discretion of the Development Authority, a minimum of 1.5 m (4.9 ft.)
		On lots without direct access to a lane, if the dwelling does not have an attached garage, one yard shall be a minimum of 3 m (9.8 ft.)
Corner lots - a minimum of 4.5 m (14.8 ft.) adjacent to road or highway		
4. Minimum Floor Area	110.0 m ² (1184.0 ft. ²)	

B. DUPLEX DWELLINGS

1. Maximum Site Coverage	40%	
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2. Maximum Building Height	10.0 m (32.8 ft.)	
3. Minimum Yards	Front	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.) nor a front yard of more than 12.2 m (40.0 ft.).
	Rear	The minimum required rear yard shall be 7.5 m (24.6 ft.) or 23% of the depth of the lot, whichever is the greater, except in the case of a corner site, where the rear yard next to a lane may be reduced to 4.0 m (13.0 ft.).
	Side	The minimum required side yard for each semi-detached dwelling unit (one half of a dwelling containing two such units) shall be nil on one side and a minimum of 1.5 m (4.9 ft.) on the other side, except that this may be reduced to 1.2 m (4.0 ft.) for a carport which is attached to the main building; however, the main building must maintain a side yard of a minimum of 1.5 m (4.9 ft.).
		Notwithstanding the above, where a site has vehicular access from the front only and no attached garage or carport is provided at the front or side of the dwelling, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
		Corner and double fronting sites shall provide side yards as provided pursuant to PART H.6 of this Bylaw.
		On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.
On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.		
Verandas, steps, porches, eaves, bay or oval windows, chimneys and other appurtenances of a building shall not project more than 0.6 m (2.0 ft.) beyond into any required minimum side yard.		
4. Minimum Setback from Highways	Where development is adjacent to a Provincial Highway, there shall be a minimum setback of 63.0 m (206.0 ft.) between any dwelling unit and the highway right-of-way, except that this may be reduced by the Development Authority when, in his sole opinion, sufficient landscaping and noise attenuation will be provided to mitigate the noise and impact of the Highway.	
5. Minimum Floor Area	110.0 m ² (1184.0 ft. ²)	

C. OTHER USES

- As required by the Development Authority

5. ADDITIONAL REGULATIONS

- Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.

E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.

F. No signs shall be allowed in the R1 District except as provided for in **PART I.36 & PART I.38** of this Bylaw.

3 SINGLE DETACHED LAKE LOT RESIDENTIAL (R1A) DISTRICT

1. GENERAL PURPOSE

To allow development of low density residential lots, specifically to accommodate the residential lots surrounding Hardisty Lake.

2. USES

A. PERMITTED		B. DISCRETIONARY	
1. Day homes		1. Apiaries	
2. Home occupations, minor		2. Bed and breakfast establishments	
3. Neighbourhood parks		3. Cabins	
4. Public parks		4. Places of worship	
5. Dwellings, single detached		5. Public or quasi-public services	
6. Show homes		6. Public utilities and public utility buildings	
7. Solar energy collection systems		7. Suites, in-law	
8. Wind energy conversion systems, micro		8. Suites, secondary	
9. Buildings and uses accessory to permitted uses		9. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses	
10. Buildings and uses accessory to permitted uses		10. Buildings and uses accessory to discretionary uses	

3. SUBDIVISION REGULATIONS

A. ALL DEVELOPMENTS		
1. Minimum Site Depth	33.5 m (110 ft.)	
2. Minimum Site Width	Internal Sites	12.2 m (40 ft.)
	Corner Sites	13.7 m (45 ft.)
3. Minimum Site Area	18,924.0 m ² (203,696.0 ft. ²)	

4. DEVELOPMENT REGULATIONS

A. ALL DEVELOPMENTS	
1. Supporting Studies	<p>A geotechnical report prepared by a qualified professional engineer will be required to be submitted with any application for a dwelling within this district on lots adjacent to Hardisty Lake. No new dwellings will be allowed unless slope stability has been demonstrated to the satisfaction of the Town and the Town’s engineers.</p> <p>All applications for new development within this district that would impact the drainage of surface water within or off of the site will be required to submit a lot grading plan and may be required to provide a</p>

	construction management plan that demonstrates how sediment and surface contaminants will be managed on the site during and after construction.	
2. Servicing	For all development on vacant lots, all new single detached dwellings, modular dwellings and suites must be connected to municipal sewer and water, where services are available (i.e. installed adjacent to the subject site). The owner of the land shall be responsible for the cost of connecting any new development(s) to municipal water and sewer at time of development.	
	The Development Authority shall not issue a development permit for any septic field or pit toilet in this district.	
3. Maximum Site Coverage	35%	
4. Maximum Building Height	10.0 m (32.8 ft.)	
5. Minimum Yards	Front	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow, on a lake front lot, a front yard of less than 6.0 m (19.7 ft.), unless site limitations make this setback prohibitive to the development of the site <u>and</u> an alternate setback distance has been demonstrated to be appropriate based on recommendations in a geotechnical report or slope stability investigation (prepared by a qualified professional).
	Rear	The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be reduced to 4.5 m (14.8 ft.).
	Side	The minimum required side yard on each site shall be a minimum of 1.8 m (6.0 ft.).
		However, where a site has vehicular access from the front only and no attached garage or carport is provided at the front or side of the dwelling, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
		Corner and double fronting sites shall provide side yards as provided pursuant to PART H.6 of this Bylaw.
		On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.
Verandas, steps, porches, eaves, bay or oval windows, chimneys and other appurtenances of a building shall not project more than 0.6 m (2.0 ft.) beyond into any required minimum side yard.		
6. Minimum Setback from Highways	Where development is adjacent to a Provincial Highway, there shall be a minimum setback of 63.0 m (206.0 ft.) between any dwelling unit and the highway right-of-way, except that this may be reduced by the Development Authority when, in their opinion, sufficient landscaping and noise attenuation will be provided to mitigate the noise and impact of the Highway.	
	1 Storey	139.5 m ² (1,500.0 ft. ²)

7. Minimum Floor Area (Single Detached Dwellings and Modular Dwellings)	1½ storey and split level (Upper Floor)	55.8 m ² (600.0 ft. ²)
	1 ½ storey and split level (Lower Floor)	93.0 m ² (1,000.0 ft. ²)
	2 Storey (Upper Floor)	74.4 m ² (800.0 ft. ²)
	2 Storey (Lower Floor)	93.0 m ² (1,000.0 ft. ²)
	Other Uses	At the discretion of the Development Authority

5. PARKING

A. In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
B. In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
C. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

6. ADDITIONAL REGULATIONS

- A. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- B. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- C. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- F. No signs shall be allowed in the R1A District except as provided for in **PART I.36** & **PART I.38** of this Bylaw.

4 INNOVATIVE DESIGN RESIDENTIAL (R1B) DISTRICT

1. PURPOSE

To provide for a street-oriented mix of comprehensively planned lots for single detached dwellings and duplex developments. A high quality of design and livability is essential. This District will normally be applied in new areas and on sites which due to their size, configuration and location, form suitable sites appropriate for comprehensive planning. This District will be used where planned zero side yard developments are proposed.

2. USES

A. PERMITTED		B. DISCRETIONARY	
1. Apiaries		1. Family care facilities	
2. Day homes		2. Group homes	
3. Dwellings, duplex		3. Home occupations, major	
4. Dwellings, single detached		4. Neighbourhood commercial developments	
5. Home occupations, minor		5. Places of worship	
6. Modular homes		6. Public or quasi-public services	
7. Neighbourhood parks		7. Public utilities and public utility buildings	
8. Public parks		8. Suites, secondary	
9. Show homes		9. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses	
10. Solar energy collection systems		10. Buildings and uses accessory to discretionary uses	
11. Suite, in-law			
12. Wind energy conversion system, micro			
13. Buildings and uses accessory to permitted uses			

3. SUBDIVISION REGULATIONS

A. ALL DEVELOPMENTS		
1. Minimum Site Depth	33.5 m (110.0 ft.)	
2. Minimum Site Width	Internal Sites	10.0 m (32.8 ft.)
	Corner Sites	11.5 m (37.8 ft.)
3. Minimum Site Area	335.0 m ² (3,606.0 ft. ²)	

4. DEVELOPMENT REGULATIONS

A. ALL DEVELOPMENTS		
1. All dwellings that have garages shall have attached garages where no rear lanes have been provided.		
2. Maximum Site Coverage	Main Building	37%
	All Buildings	45%
3. Maximum Building Height	10.0 m (32.8 ft.)	
4. Minimum Yards	Front	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 5.5 m (18.0 ft.).
	Rear	The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be reduced to 4.5 m (14.8 ft.).
	Side	The minimum required side yard on each site shall be zero for one side and as indicated below on the other, except that no zero side yard will be allowed on a side yard abutting another District.
		Notwithstanding the above, where a site has a parking space provided in the required side yard which is adjacent to a zero side yard of another unit, the minimum side yard where the parking space is provided shall be 3.5 m (11.5 ft.).
		The minimum required side yard other than in the situations described above shall be: 2.74 m (9.0 ft.) for an interior side yard, 3.2 m (10.5 ft.) for an exterior side yard adjacent to a road, and 2.134 m (7.0 ft.) for an exterior side yard adjacent to a lane.
		Corner and double fronting sites shall provide side yards as provided pursuant to PART H.6 of this Bylaw.
		On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.
Verandas, steps, porches, eaves, bay or oval windows, chimneys and other appurtenances of a building shall not project more than 0.6 m (2.0 ft.) beyond into any required minimum side yard.		
5. Easements Required for Zero Side Yard Developments	Where a zero side yard is allowed, an easement shall be provided on the side abutting that side yard for the maintenance of all buildings and for any overhang of any building onto that adjacent site. The Development Authority may require that an easement plan be registered in addition to the normal plan of subdivision.	
	Where an accessory building is allowed to have a zero side yard abutting a lot, the landowner will be responsible for the negotiation and registration of any easements required pursuant to the above prior to the issuance of a development permit for the zero side yard development proposal.	
6. Grading and Drainage for Zero	Prior to the approval of any zero side yard development, plans showing grading and drainage on adjacent sites acceptable to the Development Authority must be submitted.	

Side Yard Developments		
7. Provision for Future Zero Side Yard Development	Where a plan is accepted for a zero side yard project or zero side yard site, and where than plan indicates the location or alternative locations for future accessory buildings (including garages) on the site, easements required pursuant to the above shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the principal building.	
8. Minimum Setback From Highways	Where development is adjacent to a Provincial Highway, there shall be a minimum setback of 63.0 m (206.0 ft.) between any dwelling unit and the highway right-of-way, except that this may be reduced by the Development Authority when, in his sole opinion, sufficient landscaping and noise attenuation will be provided to mitigate the noise and impact of the Highway.	
9. Minimum Floor Area	Single Detached Dwelling	74.3 m ² (800.0 ft. ²)
	Other Uses	At the discretion of the Development Authority.

5. PARKING

A. In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
B. In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
C. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

6. SEPARATION SPACE

A. A minimum of 2.7 m (9.0 ft.) shall separate each dwelling. Except where adjacent lots are developed as a project, separation space shall be provided within the lot which the development is proposed.

7. DESIGN REQUIREMENTS

A. The design of dwellings must ensure individuality and variety within a unified project to the satisfaction of the Development Authority. This will require consideration of elevations, colours, materials and textures, as well as setbacks, orientations, massing, floor plans, roof lines and wall openings.
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8. NON ZERO SIDE YARD DEVELOPMENT

A. Side yards shall total at least twenty percent (20%) of the side width, with a minimum side yard of 1.38 m (4.5 ft.), except that the minimum side yard for buildings over 7.5 m (24.6 ft.) in height shall be 2.0 m (6.6 ft.).
B. Where there is no lane abutting the site, one side yard shall be at least 3.0 m (9.8 ft.) for vehicular access, unless there is an attached garage or a garage which is an integral part of the dwelling on the site.
C. On a corner site where the building fronts on the front yard, the minimum side yard abutting the road other than a lane shall be 3.2 m (10.5 ft.).
D. On a corner site where the building fronts on the side yard facing the road, the minimum side yard abutting the road other than a lane shall be 5.5 m (18.0 ft.) and the minimum yard abutting the lane shall be 2.1 m (7.0 ft.).

9. ADDITIONAL REGULATIONS

- A. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- B. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- C. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- F. No signs shall be allowed in the R1B District except as provided for in **PART I.36** & **PART I.38** of this Bylaw.

5 LARGE LOT RESIDENTIAL (R1C) DISTRICT

1. PURPOSE

To preserve the nature and extent of the Town's existing "acreage" residential developments and other associated non-residential uses.

2. USES

A. PERMITTED		B. DISCRETIONARY	
1. Apiaries		1. Agriculture, extensive	
2. Day homes		2. Agriculture, intensive	
3. Dwellings, single detached		3. Bed and Breakfast Establishments	
4. Hobby farms		4. Communications facilities, small radio	
5. Modular homes		5. Family care facilities	
6. Home occupations, minor		6. Group homes	
7. Neighbourhood parks		7. Keeping of livestock	
8. Public parks		8. Home occupations, major	
9. Solar energy collection systems		9. Manufactured Homes	
10. Suites, in-law		10. Places of worship	
11. Suites, secondary		11. Public utilities and public utility buildings	
12. Wind energy conversion systems, micro		12. Suite, garage	
13. Buildings and uses accessory to permitted uses		13. Suite, garden	
		14. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses	
		15. Buildings and uses accessory to discretionary uses	

3. SUBDIVISION REGULATIONS

A. No further subdivision of existing lots within this District shall be allowed.
B. No new areas shall be redistricted to the R1C district.

4. DEVELOPMENT REGULATIONS

A. DETACHED DWELLINGS AND MODULAR DWELLINGS		
1. Minimum Yards	Front	7.5 m (24.6 ft.)
	Rear	7.5 m (24.6 ft.)
	Side	10% of the lot width or, at the discretion of the Development Authority, a minimum of 1.5 m (4.9 ft.)
		On lots without direct access to a lane, if the dwelling does not have an attached garage, one yard shall be a minimum of 3 m (9.8 ft.)

		Corner lots - a minimum of 4.5 m (14.8 ft.) adjacent to road or highway
2. Minimum floor area	1 Storey	139.5 m ² (1500.0 ft. ²)
	1½ storey and split level (Lower Floor)	93.0 m ² (1,000.0 ft. ²)
	1 ½ storey and split level(Upper Floor)	55.8 m ² (600.0 ft. ²)
	2 Storey (Lower Floor)	93.0 m ² (1,000.0 ft. ²)
	2 Storey (Upper Floor)	74.4 m ² (800.0 ft. ²)
	Other Uses	At the discretion of the Development Authority
3. Maximum Lot Coverage	As required by the Development Authority	
4. Maximum Height	As required by the Development Authority	
5. Other Development Requirements	As required by the Development Authority	

B. OTHER USES

1. As required by the Development Authority

5. OTHER PROVISIONS

- | |
|---|
| A. Manufactured Homes provisions as per PART I.17 of this Bylaw apply to this District. |
| B. Relocation of Buildings provisions as per PART H.22 of this Bylaw apply to this District. |
| C. Home Occupations provisions as per PART I.11 of this Bylaw apply to this District. |
| D. Keeping of Livestock provisions as per Part I.2 of this Bylaw apply to this District. |

6. ADDITIONAL REGULATIONS

- A. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- B. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- C. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- F. No signs shall be allowed in the R1C District except as provided for in **PART I.36** & **PART I.38** of this Bylaw.

6 ESTATE RESIDENTIAL (R1D) DISTRICT

1. GENERAL PURPOSE

To allow development of low density serviced, residential estate development and associated uses.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Day homes	1. Apiaries
2. Dwellings, single detached	2. Communications towers, small radio
3. Home occupations, minor	3. Dwellings, duplex
4. Modular homes	4. Family care facility
5. Neighbourhood parks	5. Group homes
6. Public parks	6. Home occupations, major
7. Show homes	7. Institutional uses
8. Solar energy collection systems	8. Neighbourhood commercial development
9. Suites, in-law	9. Public or quasi-public services
10. Wind energy conversion systems, micro	10. Places of worship
11. Buildings and uses accessory to permitted uses	11. Public utilities and public utility buildings
	12. Suites, garage
	13. Suites, garden
	14. Suites, secondary
	15. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
	16. Buildings and uses accessory to discretionary uses

3. SUBDIVISION REGULATIONS

A. SINGLE DETACHED DWELLINGS AND MODULAR DWELLINGS

1. Minimum Site Depth	33.5 m (110.0 ft.)	
2. Minimum Site Width	In the case of Road and Lane Systems	
	Internal sites	16.0 m (52.5 ft.)
	Corner sites	21.0 m (68.9 ft.)
	In the case of Laneless systems	
	Internal sites	20.0 m (66.0 ft.)
	Corner sites	21.0 m (68.9 ft.)

3. Minimum Site Area	In the case of Road and Lane Systems	
	Internal sites	590.0 m ² (6,351.0 ft. ²)
	Corner sites	703.5 m ² (7,572.4 ft. ²)
	In the case of Laneless systems	
	Internal sites	725.0 m ² (7,804 .0 ft. ²)
	Corner sites	798.0 m ² (8,589.6 ft. ²)

B. SERVICING REQUIREMENTS

1. Connection to Municipal Services	At the time of subdivision, where services are available (i.e. installed adjacent to the subject site), the owner of the land shall be responsible for the cost of connecting any new lot(s) to municipal water and sewer.
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C. OTHER USES

1. As required by the Development Authority

4. DEVELOPMENT REGULATIONS

A. SINGLE DETACHED DWELLINGS AND MODULAR DWELLINGS

1. Maximum Site Coverage	40%	
2. Maximum Building Height	10.0 m (32.8 ft.)	
3. Minimum Yards	Front	7.5 m (24.6 ft.)
	Rear	7.5 m (24.6 ft.)
	Side	10% of the lot width or, at the discretion of the Development Authority, a minimum of 1.5 m (4.9 ft.)
		On lots without direct access to a lane, if the dwelling does not have an attached garage, one yard shall be a minimum of 3.0 m (9.8 ft.)
	Corner lots - a minimum of 4.5 m (14.8 ft.) adjacent to road or highway	
4. Minimum Floor Area	(Single Detached Dwellings and modular dwellings)	
	1 Storey	150.0 m ² (1614.6 ft. ²)
	1½ storey and split level (Upper Floor)	75.0 m ² (807.3 ft. ²)
	1 ½ storey and split level (Lower Floor)	110.0 m ² (1184.0 ft. ²)
	2 Storey (Lower Floor)	93.0 m ² (1,000.0 ft. ²)
	2 Storey (Upper Floor)	75.0 m ² (807.3 ft. ²)
	Other Uses	At the discretion of the Development Authority

B. OTHER USES

1. As required by the Development Authority

5. ADDITIONAL REGULATIONS

- A. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- B. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- C. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- F. No signs shall be allowed in the R1D District except as provided for in **PART I.36** & **PART I.38** of this Bylaw.

7 MEDIUM DENSITY RESIDENTIAL (R2) DISTRICT

1. PURPOSE

To allow development of medium density residential development and associated uses.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Day homes	1. Bed and breakfast establishments
2. Dwellings, duplex	2. Dwellings, single detached
3. Home occupations, minor	3. Dwellings, row housing
4. Neighbourhood parks	4. Family care facilities
5. Public Parks	5. Group homes
6. Show homes	6. Home occupations, major
7. Solar energy collection systems	7. Modular homes
8. Buildings and uses accessory to permitted uses	8. Neighbourhood commercial developments
	9. Public and quasi-public uses
	10. Public utilities and public utility buildings
	11. Senior citizen's apartments
	12. Senior citizen's homes
	13. Suites, in-law
	14. Suites, secondary
	15. Wind energy conversion system, micro
	16. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses
	17. Buildings and uses accessory to discretionary uses

3. SUBDIVISION REGULATIONS

A. DUPLEX DWELLINGS		
1. Minimum Site Depth	33.5 m (110 ft.)	
2. Minimum Site Width	In the case of Road and Lane Systems	
	Internal sites	7.5 m (24.6 ft.) for each dwelling unit
	Corner sites	9.0 m (29.5 ft.) for each dwelling unit
	In the case of Laneless systems	
	Internal sites	9.5 m (31.2 ft.) for each dwelling unit
	Corner sites	11.0 m (36 ft.) / for each dwelling unit

3. Minimum Site Area	In the case of Road and Lane Systems	230.0 m ² (2476.0 ft. ²) for each dwelling unit
	In the case of Laneless Systems	285.0 m ² (3068.0 ft. ²) for each dwelling unit

B. ROW HOUSING

1. Minimum Site Depth	33.5 m (110.0 ft.)
2. Maximum Site Width	24.3 m (80.0 ft.)
3. Minimum Site Area	818.4 m ² (8,800 ft. ²)

C. SINGLE DETACHED DWELLINGS & MODULAR DWELLINGS

- Single detached dwellings shall only be allowed on lots which satisfy the requirements for single detached dwellings in the R1 District.

4. DEVELOPMENT REGULATIONS

A. DUPLEX DWELLINGS

1. Maximum Site Coverage	40%	
2. Maximum Building Height	10.0 m (32.8 ft.)	
3. Minimum yards	Front	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.) nor a front yard of more than 12.2 m (40 ft.).
	Rear	The minimum required rear yard shall be 7.5 m (24.6 ft.) or 23% of the depth of the lot, whichever is the greater, except in the case of a corner site, where the rear yard next to a lane may be reduced to 4 m (13 ft.).
	Side	The minimum required side yard for each semi-detached dwelling unit (one half of a dwelling containing two such units) shall be nil on one side and a minimum of 1.5 m (4.9 ft.) on the other side, except that this may be reduced to 1.2 m (4 ft.) for a carport which is attached to the main building; however, the main building must maintain a side yard of a minimum of 1.5 m (4.9 ft.). Notwithstanding the above, where a site has vehicular access from the front only and no attached garage or carport is provided at the front or side of the dwelling, one side yard of at least 3.0 m (9.8 ft.) shall be provided.

		Corner and double fronting sites shall provide side yards as provided pursuant to PART H.6 of this Bylaw.
		On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.
		Verandas, steps, porches, eaves, bay or oval windows, chimneys and other appurtenances of a building shall not project more than 0.6 m (2.0 ft.) beyond into any required minimum side yard.
4. Minimum setback from highways	Where development is adjacent to a Provincial Highway, there shall be a minimum setback of 63.0 m (206.0 ft.) between any dwelling unit and the highway right-of-way, except that this may be reduced by the Development Authority when, in his sole opinion, sufficient landscaping and noise attenuation will be provided to mitigate the noise and impact of the Highway.	
5. Minimum floor area	Single Detached Dwelling	74.3 m ² (800.0 ft. ²)
	Other Uses	At the discretion of the Development Authority

B. ROW HOUSING AND OTHER USES

1. Maximum Site Coverage	35%	
2. Maximum Height	10.6 m (35.0 ft.)	
3. Minimum Yards	Front	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 7.5 m (24.6 ft.) for a one (1) or two (2) storey building, 9.1 m (30.0 ft.) for a three (3) storey building, and 10.6 m (35.0 ft.) for a four (4) storey building.
	Rear	7.5 m (24.6 ft.) or one half the height of the building, whichever is the greater.
	Side	15% of the site width or one-half the height of the building, whichever is the greater, except in no case shall be side yard be less than 3.0 m (9.8 ft.) on interior sites and 4.5 m (15 ft.) on corner sites.
		On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.
4. Maximum Density	30 dwelling units per ha (12 per ac.) except, at the sole discretion the Development Authority who may increase this density to a maximum of 34.6 per ha (14 per ac.) where special circumstances warrant the increase.	
5. Minimum Floor Area	Row housing, per dwelling unit	74.0 m ² (797.0 ft. ²)

	Senior citizens' homes	42.0 m ² (452.0 ft. ²)
	Other Uses	At the discretion of the Development Authority
6. Minimum Proportion of Site Covered in Landscaping	25%	

C. SINGLE DETACHED DWELLINGS & MODULAR DWELLINGS

1. Single detached dwellings shall be developed in such a manner as to satisfy all the regulations of the R1 District.

5. PARKING

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| A. In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling. |
| B. In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling. |
| C. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw. |

6. ADDITIONAL REGULATIONS

- A. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- B. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- C. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- F. No signs shall be allowed in the R2 District except as provided for in **PART I.36** & **PART I.38** of this Bylaw.

8 HIGH DENSITY RESIDENTIAL (R3) DISTRICT

1. PURPOSE

To allow for high density development including apartments and row housing and associated uses.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Dwellings, apartment	1. Boarding and lodging houses
2. Dwellings, row housing	2. Day homes
3. Home occupations, minor	3. Dwellings, duplex
4. Neighbourhood parks	4. Family care facilities
5. Public parks	5. Group homes
6. Show homes	6. Home occupations, major
7. Wind energy conversion systems, micro	7. Institutional uses
8. Buildings and uses accessory to permitted uses	8. Mixed-use developments
	9. Neighbourhood commercial developments
	10. Public utilities and public utility buildings
	11. Senior citizens' apartments
	12. Senior citizens' homes
	13. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses
	14. Buildings and uses accessory to discretionary uses

3. SUBDIVISION REGULATIONS

A. Minimum Site Area	Apartment buildings	880.0 m ² (9472.2 ft. ²)
	Row housing	As per the R2 District
	Duplex dwellings	As per the R2 District
	All other uses	At the discretion of the Development Authority

4. DEVELOPMENT REGULATIONS

A. APARTMENTS		
1. Maximum Site Coverage	25%	
2. Minimum Floor Area	Dwelling Unit	55.0 m ² (592 ft. ²)
	Other Uses	At the discretion of the Development Authority

3. Minimum Yards	Front	The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 7.5 m (24.6 ft.) for a one (1) or two (2) storey building, 9.1 m (30 ft.) for a three (3) storey building, and 10.6 m (35 ft.) for a four (4) storey building.
	Rear	7.5 m (24.6 ft.) or one half the height of the building, whichever is the greater.
	Side	15% of the site width or one-half the height of the building, whichever is the greater, except in no case shall be side yard be less than 3.0 m (9.8 ft.) on interior sites and 4.5 m (15 ft.) on corner sites. On corner sites, site lines shall be protected pursuant to PART H.6 of this Bylaw.
4. Minimum Proportion of Site Covered in Landscaping	25%	

B. ROW HOUSING

1. The development regulations for row housing within the R4 District shall be the same as for row housing within the R3 District.	
2. Maximum Height	15.2 m (50 ft.) or four (4) storeys, whichever is the lesser
3. Maximum Density	86.5 dwelling units per ha (35.0 per ac.)

C. DUPLEX DWELLINGS

1. The development regulations for duplexes within the R3 District shall be the same as for duplexes within the R2 District.
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D. ALL OTHER USES

1. At the discretion of the Development Authority

5. PARKING

A. A parking area shall be provided for each development in a location satisfactory to the Development Authority.
B. Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

6. OTHER REGULATIONS

A. In addition to the above, all development shall take place to the satisfaction of the Development Authority with respect to:

1. Provision of storage of garbage, and access thereto;
2. Access for firefighting purposes;
3. Light between buildings;
4. Privacy for dwelling units within and adjacent to the development;
5. Orientation of the buildings and the general appearance of the development; and
6. Pedestrian access to and from the road adjacent to the development.

7. ADDITIONAL REGULATIONS

- A. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- B. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- C. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- D. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- F. No signs shall be allowed in the R3 District except as provided for in **PART I.36** & **PART I.38** of this Bylaw.

9 RESIDENTIAL MANUFACTURED HOME SUBDIVISION (RMHS) DISTRICT

1. PURPOSE

To permit development of manufactured home subdivisions in which each manufactured home is located on a separately registered lot.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Day homes	1. Child care facilities
2. Home occupations, minor	2. Dwellings, single detached
3. Manufactured homes	3. Home occupations, major
4. Modular homes	4. Institutional uses
5. Neighbourhood parks	5. Public or quasi-public services
6. Solar energy collection systems	6. Utilities, public
7. Show homes	7. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses
8. Wind energy collection systems, micro	8. Buildings and uses accessory to discretionary uses
9. Buildings and uses accessory to permitted uses	

3. SUBDIVISION REGULATIONS

A. Minimum Lot Area	Manufactured Homes	460.0 m ² (4,951 ft. ²)
	Single Detached Dwellings	560.0 m ² (6,028 ft. ²)
B. Minimum Lot Width	Manufactured Homes	15.0 m (49.2 ft.)
	Single Detached Dwellings	15.0 m (49.2 ft.)

4. DEVELOPMENT REGULATIONS

A. Minimum yards (Single detached dwellings)	Front	7.5 m (24.6 ft.)
	Rear	7.5 m (24.6 ft.)
	Side	10% of the lot width or, at the discretion of the Development Authority, a minimum of 1.2 m (3.9 ft.)
		On corner sites, a minimum of 4.5 m (14.8 ft.) adjacent to road or highway
B. Minimum Yards (manufactured homes)	Front	4.5 m (14.8 ft.)
	Rear	6.0 m (19.7 ft.)
		Corner lots - a minimum of 4.5 m (14.8 ft.)

	Side	3.0 m (9.8 ft.)
C. Minimum Floor Area (Single detached dwellings and manufactured homes)	65.0 m ² (700.0 ft. ²)	
D. Maximum Building Height (Manufactured Homes)	6.0 m (19.7 ft.)	
E. Maximum Lot Coverage	As allowed by the Development Authority	
F. Other Development Requirements	As required by the Development Authority	
G. Other Uses	All regulations shall be as required by the Development Authority	

5. ADDITIONAL PROVISIONS

A.	If additions such as fireplaces, sun decks, patios, carports or garages are made or planned to be attached to a manufactured home, the given side, front and back yard requirements will be measured from the leading edge of such improvements.
B.	A manufactured home foundation will be of concrete or compacted mixed gravel and will be constructed so as to support the expected load of a manufactured home. Piers of concrete or wood may be used where such supports have been approved by the municipality or are acceptable under CSA standards. All connections for sewer, water and other facilities must be in place prior to the placement of the unit on the site and must comply with all public health and other applicable regulations affecting manufactured home developments.
C.	Skirting shall: <ol style="list-style-type: none"> 1. Be from the floor level to the ground level and be factory prefabricated or the equivalent thereof so that it is in harmony with the finish and colour of the manufactured home unit; 2. Provide for access to the underside of the manufactured home in order to effect repairs or maintenance, being at least one (1) easily removable access panel with a minimum width of 1.2 m (4.0 ft.) to allow access to the utility connections; and 3. Have a minimum of two (2) ventilators in the skirting to provide for cross ventilation beneath the unit with the minimum size of ventilator being 0.31 m² (0.3 ft.²) each.
D.	Site Restoration <ol style="list-style-type: none"> 1. After the removal of a manufactured home from any site the owner must demolish and remove any piers, poles, concrete structures, etc. so that the site will be restored to a satisfactory condition. 2. The Development Authority will inspect the site to ensure that the requirements and intent of this PART have been carried out by the owner. 3. The Development Authority can require that a cash deposit of an amount, which will cover the cost of the necessary site restoration, be paid to the Municipality, and this deposit will be returned to the property owner upon satisfactory evidence that the site has been re-instated to a satisfactory condition.

6. ADDITIONAL REGULATIONS

- A. Manufactured Homes shall be developed in accordance with **PART I.17** of this Bylaw
- B. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- C. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- D. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- E. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- F. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- G. No signs shall be allowed in the RMHS District except as provided for in **PART I.36** & **PART I.38** of this Bylaw.

10 RESIDENTIAL MANUFACTURED HOME PARK (RMHP) DISTRICT

1. PURPOSE

To allow and regulate manufactured home parks wherein stalls are provided on a rental or leased basis.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Day homes	1. Child care facilities
2. Home occupations, minor	2. Home occupations, major
3. Manufactured homes	3. Institutional uses
4. Manufactured home parks	4. Public or quasi-public services
5. Neighbourhood parks	5. Utilities, public
6. Public parks	6. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses
7. Solar energy collection systems	7. Buildings and uses accessory to discretionary uses
8. Wind energy collection systems, micro	
9. Buildings and uses accessory to permitted uses	

3. SUBDIVISION & DEVELOPMENT REGULATIONS

A. Minimum Lot Area	1.2 hectares (2.99 acres)	
B. Maximum Density	20 manufactured home stalls per hectare (8.1 per ac.) at each stage of development	
C. Minimum Manufactured Home Stall Area	Single-wide manufactured homes	370.0 m ² (3,982.0 ft. ²)
	Double-wide manufactured homes	420.0 m ² (4,521.0 ft. ²)
D. Minimum Manufactured Home Stall Width	Single-wide manufactured homes	12.0 m (39.4 ft.)
	Double-wide manufactured homes	14.0 m (45.9 ft.)
E. Minimum Manufactured Home Stall Yards	Front	3.0 m (9.8 ft.)
	Rear	3.0 m (9.8 ft.)
	Side	3.0 m (9.8 ft.) Corner stalls - a minimum of 4.5 m (14.8 ft.) adjacent to internal road
F. Maximum Building Height for Manufactured Homes	6.0 m (19.7 ft.)	
G. Maximum Stall Coverage	As allowed by the Development Authority	

H. Other development requirements	As required by the Development Authority
I. Other uses	All regulations shall be as required by the Development Authority

4. SETBACKS

A. Manufactured homes, including any porch or addition, must be separated from each other by at least 6.0 m (19.7 ft.).

5. ADDITIONAL PROVISIONS

<p>A. Prior to the granting of a development permit for a manufactured home park, the developer must enter into an agreement with Council specifying mutual obligations regarding:</p> <ol style="list-style-type: none"> 1. The establishment, operation and maintenance of the following services and utilities during the life of the park; 2. Storm sewer, ditches; 3. Sanitary sewers; 4. Water, power, gas; 5. Roadways, sidewalks, walkways, curbs; 6. Snow clearance; 7. Garbage collection; 8. Firefighting equipment; 9. Parks, playgrounds and buffers; 10. Control of pets; 11. Any other services as required by the Development Authority; 12. The standards of construction for same; 13. The manner in which costs of same are to be met, recovered or shared; 14. The period of time allotted for the completion of construction or installation; and 15. Such other matters as are required by the Development Authority.
B. Each manufactured home park development permit application must be accompanied by a landscaping plan and Site Development Plan to the satisfaction of the Development Authority.
C. Adequate common storage areas, separate from the manufactured home park, must be provided for the storage of seasonal recreational equipment and other equipment not capable of being stored within manufactured home units. Storage areas must be enclosed or screened by trees, landscaping, fences or a combination thereof.

6. SIGNS

A. An identification sign to a maximum height of 2.0 m (7.0 ft.) above grade and to a maximum area of 3.0 m ² (32.0 ft. ²) can be located at the principal entrance to the Park.
B. Directional signs within the manufactured home park must be integrated in design and appearance and kept in scale with the immediate surroundings to the satisfaction of the Development Authority.

7. ADDITIONAL REGULATIONS

- A. Manufactured Homes shall be developed in accordance with **PART I.17** of this Bylaw
- B. Manufactured Home Parks shall be developed in accordance with **PART I.18** of this Bylaw.
- C. Accessory buildings shall be developed in accordance with **PART H.3** and **PART H.4** of this Bylaw.
- D. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- E. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- F. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- G. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.

11 PRIMARY COMMERCIAL (C1) DISTRICT**1. PURPOSE COMMERCIAL (C1)**

To provide all residents of the community and trading area with access to a wide variety of retail and service establishments, predominantly in storefront developments in the downtown core of the Town and where deemed appropriate within nodes in residential neighbourhoods.

This District encompasses the existing central business area in the Town of Hardisty, complemented by further provisions as contained in the Town Centre Area Overlay.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Amusement establishments, indoor	1. Alcohol retail sales
2. Business support services establishments	2. Auctioneering establishments
3. Butcher Shop	3. Automotive and recreational vehicle sales/rentals establishments, minor
4. Commercial schools	4. Bus depots
5. Eating and drinking establishments	5. Child care facilities
6. Eating establishments	6. Contractor services, limited
7. General retail establishments	7. Drinking establishments
8. Government services	8. Drive in businesses
9. Health services, excluding drug or alcohol addiction treatment centres	9. Entertainment establishments
10. Hotels	10. Equipment rental establishments
11. Libraries and cultural exhibits	11. Fleet services
12. Office uses	12. Funeral services
13. Neighbourhood parks	13. Group care facilities
14. Personal service shops	14. Head shops
15. Places of worship	15. Licensed cannabis retail sales establishments
16. Public and quasi-public uses	16. Minor repair shops
17. Protective services	17. Mixed-use developments
18. Retail establishments, general	18. Neighbourhood shopping centres
19. Utilities, public	19. Motels
20. Utility buildings, public	20. Private clubs
21. Sidewalk patios	21. Public parks
22. Solar energy collection systems	22. Recreational facilities, indoor
23. Veterinary clinics, small animal	23. Sidewalk Patios
24. Wind energy conversion systems, micro	24. Wind energy conversion systems, small

25. Buildings and uses accessory to permitted uses	25. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
	26. Buildings and uses accessory to discretionary uses

3. SUBDIVISION REGULATIONS

A. Minimum site Depth	30.0 m (98.4 ft.)
B. Minimum Site Width	5.0 m (16.4 ft.)
C. Minimum Site Area	140 m ² (1507.0 ft. ²)

4. DEVELOPMENT REGULATIONS

A. The design, siting, external finish, architectural appearance and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.	
B. Where groups of buildings are built, or buildings which are to accommodate a number of individual establishments on one site, development requirements shall be determined by the Development Authority having in mind the overall development and the parking requirements of this Bylaw.	
C. Maximum site coverage	100%, provided that there is adequate provision, in the opinion of the Development Authority, for access, parking, loading and garbage facilities.
D. Minimum yards	Front None
	Rear None, except as required to provide loading, parking or garbage facilities.
	Side None, unless the site abuts a Residential District, in which case the minimum required side yard shall be 2.5 m (8.2 ft.) or one-half the height of the building, whichever is the greater.
E. Maximum Height	11.0 m (36.1 ft.), or the maximum height of a more restrictive abutting District.
F. Access, Parking, & Loading	Each site shall have direct access to a lane at one side or at the rear.
G. Landscaping	When a commercial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial use between the commercial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees and/or earth berming. All details of the buffer, including its size, width and components, shall be to the satisfaction of the Development Authority.
H. Outdoor storage	No outdoor storage shall be allowed in the C1 District, even as an accessory use to a permitted or a discretionary use which is allowed.
I. Dwelling units	The following regulations shall apply to dwelling units within the C1 District: a. Dwelling units shall be allowed only in buildings where at least part of the first storey is used for commercial purposes;

	<ul style="list-style-type: none">b. Dwelling units shall have access at grade which is separate from any access for any commercial use;c. Dwelling units shall meet the requirements for dwelling units in the High Density Residential (R4) District, except for minimum site area, minimum required yards and maximum site coverage, which shall all be at the sole discretion of the Development Authority; andd. Where more than two (2) dwelling units are to be provided, a minimum of 7.5 m² (80.7 ft.²) of amenity area per dwelling unit shall be provided in accordance with the regulations of this Bylaw.
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5. ADDITIONAL REGULATIONS

- A. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- B. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- C. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- D. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- E. Signs shall be allowed in the C1 District except as provided for in **PART I.37** of this Bylaw.
- F. Sidewalk Patios shall be developed in accordance with **PART I.35** of this Bylaw.

12 GENERAL COMMERCIAL (C2) DISTRICT**1. PURPOSE**

To provide a variety of goods and services to the community and the surrounding region.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Automotive and recreational vehicles sales/rentals establishments, major	1. All uses listed as Permitted Uses and Discretionary in the C1 District
2. Automotive and recreational vehicles sales/rentals establishments, minor	2. Animal hospitals
3. Business support services establishments	3. Alcohol retail sales establishments
4. Contractor services, general	4. Automotive and recreational vehicle sales/rentals establishments, major
5. Drive-in businesses	5. Bulk fuel stations
6. Drive-in restaurants	6. Bus depots
7. Eating establishments	7. Butcher shops
8. Eating and drinking establishments	8. Carwashes
9. Gas bars	9. Carwashes, Heavy Vehicle
10. Highway commercial uses	10. Communications facilities, small radio
11. Hotels	11. Drinking establishments
12. Motels	12. Entertainment establishments
13. Neighbourhood convenience stores	13. Funeral services
14. Private clubs	14. Industrial vehicle and equipment sales/rentals establishments
15. Neighbourhood parks	15. Institutional uses
16. Service stations	16. Licensed cannabis retail sales establishments
17. Self-storage facilities	17. Public and quasi-public uses
18. Retail establishments, general	18. Public parks
19. Veterinary clinics, large animal	19. Recreational facilities, indoor
20. Utilities, public	20. Recycling plants
21. Utility buildings, public	21. Sidewalk patios
22. Wind energy conversion systems, micro	22. Suites, surveillance
23. Buildings and uses accessory to permitted uses	23. Truck and recreational vehicles sales/rentals establishments
	24. Trucking and cartage establishments
	25. Vehicle and equipment repair shops
	26. Warehouse developments

	27. Wind energy conversion systems, small
	28. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
	29. Buildings and uses accessory to discretionary uses

3. SUBDIVISION REGULATIONS

A. Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to allow for the clustering of a variety of uses in a compact area.
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4. DEVELOPMENT REGULATIONS

A. The siting and architectural appearance of all developments and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent developments and that there may be adequate protection afforded to the amenities of any adjacent residential uses.		
B. Maximum Site Coverage	30%	
C. Minimum Yards	Front Yard	7.6 m (24.9 ft.)
	Rear Yard	7.6 m (24.9 ft.) when adjacent to a Residential District; otherwise, 6.0 m (19.7 ft.) at the level of the first storey of the development. Upper storeys of a development may extend to the rear line except in a site abutting a Residential District. Where not adjacent to a Residential District, the minimum required rear yard may be reduced to 1.5 m (4.9 ft.) provided, in the sole opinion of the Development Authority, the location of the buildings and the appearance of the site would be improved.
	Side Yard	The minimum required side yard shall be 10% of the width of the site or 4.0 m (13.1 ft.), whichever is the less. The minimum required side yard may be reduced to 1.5 m (4.9 ft.) provided, in the sole opinion of the Development Authority, the location of buildings and the appearance of the site would be improved.
		Corner and double fronting sites shall provide side yards as provided pursuant to PART H.6 this Bylaw. On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.
D. Maximum Height	11 m (36.1 ft.)	

5. ADDITIONAL REGULATIONS

- A. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- B. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- C. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.

- D. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- E. Signs shall be allowed in the C2 District except as provided for in **PART I.37** of this Bylaw.
- F. Sidewalk Patios shall be developed in accordance with **PART I.35** of this Bylaw.

13 INDUSTRIAL (M1) DISTRICT**1. PURPOSE**

To provide for business and industrial uses which create little or no nuisance or hazard beyond the site upon which they are located, but which, by their nature, are better suited to locations away from concentrations of population.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Abattoir	1. All uses listed as Permitted Uses in the C2 District
2. Automotive and recreation vehicles sales/rentals, major	2. Agricultural industry
3. Automotive and recreation vehicles sales/rentals, minor	3. Amusement establishments, outdoor
4. Business support services establishments	4. Animal hospitals
5. Contractor services, general	5. Auctioneering establishments
6. Contractor services, limited	6. Bulk fuel stations
7. Drive-in businesses, but only if they are drive-through vehicle service establishments	7. Carwashes, Heavy Vehicle
8. Equipment rental establishments	8. Eating and drinking establishments
9. Fleet services	9. Fertilizer and other agricultural-oriented storage facilities
10. Greenhouses and plant nurseries	10. Industrial uses, heavy
11. Industrial uses, light	11. Licensed cannabis production and distribution facilities
12. Industrial vehicle and equipment sales/rentals establishments	12. Licensed industrial hemp production and distribution facilities
13. Neighbourhood parks	13. Utilities, public
14. Public and quasi-public uses	14. Outdoor storage
15. Recycling depots	15. Public parks
16. Self-service storage facilities	16. Recreational facilities, indoor
17. Service stations	17. Small animal breeding and boarding establishments
18. Trucking and cartage establishments	18. Vehicle and equipment repair shop
19. Veterinary clinics, large animal	19. Vehicle body repair and paint shop
20. Warehouse developments	20. Veterinary clinics, large animal
21. Wind energy conversion systems, micro	21. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
22. Utilities, public	22. Buildings and uses accessory to discretionary uses
23. Utility buildings, public	
24. Buildings and uses accessory to permitted uses	

3. SUBDIVISION REGULATIONS

A. Minimum Site Area	650.0 m ² (6996.0 ft. ²)
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4. DEVELOPMENT REGULATIONS

A. Maximum Site Coverage	60%	
B. Minimum Yards	Front Yard	6.0 m (19.7 ft.), unless a greater yard is deemed necessary by the Development Authority. No loading, parking, or storage area shall be allowed within the required minimum front yard.
	Rear Yard	At the discretion of the Development Authority, except that where the rear yard is adjacent to a Residential District, the minimum required rear yard shall be 5.0 m (16.4 ft.).
	Side Yard	The minimum required side yard shall be 6.0 m (19.7 ft.) on one side and 1.5 m (4.9 ft.) on the other for a building up to a height of 4.5 m (14.8 ft.). For a building over 4.5 m (14.8 ft.), the minimum required side yard shall be increased by 0.3 m (1.0 ft.) for every 1.0 m (3.3 ft.) of height up to a maximum requirement of 6.0 m (19.7 ft.).
		Corner and double fronting sites shall provide side yards as provided pursuant to PART H.6 of this Bylaw.
	On corner sites, site lines shall be protected pursuant to PART H.7 of this Bylaw.	
C. Maximum Height	12.0 m (39.4 ft.)	
D. Setbacks from Pipeline Rights-of-Way	No building shall be located closer than 15.0 m (49.2 ft.) to the centerline of a pipeline right-of-way or the centerline of a pipeline within a pipeline right-of-way, whichever distance is the lesser.	
E. Access	Each site shall have direct access to a road designed and constructed to have regard for continuity of traffic flow, safety of vehicles and avoidance of dangerous intersections, all in the opinion of the Development Authority.	
F. Outdoor Storage	All outdoor storage shall be screened to the height considered necessary by the Development Authority.	
G. Landscaping	All yards shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Authority.	
H. Upkeep of Site	The entire site and all buildings shall be maintained in a neat and tidy manner to the satisfaction of the Development Authority. This shall include the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.	

5. APPLICATION REQUIREMENTS

A. In addition to the development permit application requirements in PART D.4.8 of this Bylaw, an application shall also include information regarding the protection of the soils on the site from potential contamination.

<p>B. Where potential for contamination is identified by the Development Authority, the applicant shall provide a remediation plan, enter into a Development Agreement with the Town of Hardisty, and provide securities for site remediation.</p>
<p>C. Industrial establishments must not cause extreme, objectionable, dangerous, unsafe or undesirable conditions to exist temporarily or permanently beyond the site boundary, by way of:</p> <ol style="list-style-type: none"> 1. Noise traffic or unusual working hours; 2. Vibrations; 3. Odour; 4. Unsightliness; 5. Smoke, dust or other particulate matter emissions; 6. Toxic and noxious matter or emissions gas or vapour emissions; 7. Radiation hazards; 8. Fire and explosive hazards; 9. Heat; 10. Humidity; and 11. Glare.
<p>D. What level, amount, or degree of any expected or potential condition constitutes extreme, objectionable, dangerous, unsafe or undesirable is to the determination of the Development Authority aided by the application of usual or regulated standards, and also will be used in determining whether or not permitted uses will be approved.</p>
<p>E. The Development Authority will consider the visual and environmental effects on the surrounding lands in the case of malfunction of any industrial process, and can issue a development permit subject to any preventative conditions as are seen fit.</p>

6. ADDITIONAL REGULATIONS

- A. Fences shall be developed in accordance with **PART H.12** of this Bylaw.
- B. Landscaping shall be provided in accordance with **PART H.14** of this Bylaw.
- C. The provisions as per **PART H.22** of this Bylaw relating to “moved in buildings” apply to this District.
- D. Grading and drainage of the site shall be provided in accordance with **PART H.25** of this Bylaw.
- E. Private swimming pools and hot tubs shall be developed in accordance with **PART I.25** of this Bylaw.
- F. Signs shall be allowed in the M1 District except as provided for in **PART I.37** of this Bylaw.

14 INSTITUTIONAL (I) DISTRICT**1. PURPOSE**

To provide for public service uses primarily intended to serve the local community.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Government services	1. Cemeteries
2. Institutional uses	2. Dwellings, single detached
3. Libraries and cultural exhibits	3. Family care facilities
4. Not-for-profit camps	4. Group care facilities
5. Protective and emergency services	5. Group homes
6. Public uses	6. Health services
7. Public and quasi-public services	7. Places of worship
8. Public education facilities	8. Sporting equipment rental facilities
9. Public parks	9. Public utilities
10. Senior citizens apartments	10. Religious retreat centres
11. Senior citizens homes	11. Utilities, major public
12. Supportive living facility	12. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses.
13. Utilities, public	13. Buildings and uses accessory to discretionary uses
14. Utility buildings, public	
15. Buildings and uses accessory to permitted uses	

3. REGULATIONS

A. All regulations shall be at the discretion of the Development Authority.

15 PARKS AND RECREATIONAL (P) DISTRICT**1. PURPOSE**

To utilize publicly owned land primarily for the leisure and recreational needs of the Town's residents.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Agricultural industry	1. Band shells and gazebos
2. Government services	2. Campground, general
3. Institutional uses	3. Campground, recreational vehicle
4. Libraries and cultural exhibits	4. Campground, timeshare
5. Neighbourhood parks	5. Clubhouses
6. Not-for-profit camps	6. Confectionery booths
7. Public and quasi-public services	7. Day use areas
8. Public education facilities	8. Drinking establishments
9. Public parks	9. Eating and drinking establishments
10. Public uses	10. Religious retreat centres
11. Recreational uses, indoor	11. Parking areas
12. Recreational uses, outdoor	12. Rodeo grounds
13. Sporting equipment rental facilities	13. Recreation uses
14. Utility buildings, public	14. Sporting equipment rental facilities
15. Utility, major public	15. Utilities, public
16. Buildings and uses accessory to permitted uses	16. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses.
	17. Buildings and uses accessory to discretionary uses

3. REGULATIONS

A. All regulations shall be at the discretion of the Development Authority.

16 DIRECT CONTROL PARK (DCP) DISTRICT

1. PURPOSE

To allow Council direct control over the use and development of Hardisty Lake Park. While most of the municipally owned park grounds are used for public recreational and leisure needs.

2. USES

A. PERMITTED	B. DISCRETIONARY
1. Band shells and gazebo	1. All uses listed as Discretionary Uses in the P District
2. Campground, general	2. Not-for-profit camps
3. Campground, recreational vehicle	3. Park models (no older than 5 years from the date of manufacture when a development permit is applied for)
4. Campground, recreational vehicle (seasonal)	4. Public parks
5. Clubhouses	5. Utilities, public
6. Confectionery booths	6. Buildings and uses accessory to discretionary uses
7. Day use areas	
8. Eating and drinking establishments	
9. Hardisty Lake park grounds and entrance gate	
10. Libraries and cultural exhibits	
11. Neighbourhood parks	
12. Recreational uses	
13. Recreational uses, outdoor	
14. Rodeo grounds	
15. Sporting equipment rentals facilities	
16. Other uses which, in the opinion of the Development Authority, are similar to the above listed uses.	
17. Buildings and uses accessory to permitted uses	

3. REGULATIONS

A. No subdivision of land for private use will be allowed.
B. Private or shared ownership and or operation of land uses listed in the definition for "Public or Quasi-public Services" in Part B.1 of this Bylaw may also be allowed.
C. All other regulations shall be at the discretion of the Development Authority.

1. PURPOSE

To provide for existing and future land uses which will not impede the eventual conversion of the area to a more typically urban environment.

2. USES

PERMITTED	DISCRETIONARY
1. Agriculture, extensive	1. Agricultural industry
2. Day homes	2. Commercial Communication facilities
3. Home occupations, minor	3. Dwellings, single detached; on existing parcels only
4. Public education facilities	4. Highway commercial uses
5. Public parks	5. Home occupations, major
6. Utility, major public	6. Institutional uses
7. Utility, public	7. Manufactured homes
8. Utility buildings, public	8. Modular homes
	9. Recreational uses, outdoor
	10. Other uses which, in the opinion of the Development Authority, are similar to the above listed permitted and discretionary uses.
	11. Buildings and uses accessory to permitted and discretionary uses

3. REGULATIONS

- A. Highway commercial uses will be limited to those, which provide essential services to the traveling public, including service stations, garages, motels, tourist camps, roadside restaurants and refreshment stands, and to locations reviewed by Alberta Transportation.
- B. Residential use is limited to single dwellings on existing lots only.
- C. No subdivision of existing lots or titles shall be allowed until the site has been redistricted to a district that allows for further subdivision.
- D. "Manufactured Homes" provisions as per **PART I.17** of this Bylaw apply to this District.
- E. "Home Occupations" provisions as per **PART I.11** of this Bylaw apply to this district.

Part K | Overlays

1. The Overlays in this **PART** apply to special areas, to which additional special regulations and procedures are applied in addition to those of the underlying Land Use Districts. The additional special regulations and procedures may involve special processes and special interest groups. The overlay areas are shown on the Land Use Map in **PART M** of this Bylaw.

1 TOWN CENTRE OVERLAY

1. The Town Centre Area overlay acknowledges the bounds of a few blocks in the central part of the Town of Hardisty which are the subject of policies in the Municipal Development Plan and capital expenditures for public improvements approved by Council.

LAND USE AND DEVELOPMENT

1. The land uses within the Town Centre Area Overlay shall be those permitted and discretionary uses in the underlying Districts.
2. Within this area, proponents of new commercial development will be asked by the Development Authority and the Town, through the development agreement process, to provide improvements to the adjacent physical infrastructure of public rights-of-way, such as tree plantings, planters, sidewalk furniture, waste receptacles and the like. As well, landowners and developers will be encouraged in new developments or in renovations to consider uniform character storefront facades.
3. The demolition and redevelopment of existing below standard buildings and other structures will be encouraged.

2 ENVIRONMENTALLY SENSITIVE AREAS OVERLAY

1. The Environmentally Sensitive Area Overlay identifies areas in the Town of Hardisty where the physical characteristics of the land may make development difficult or unfeasible. Development in these areas may require additional information to be submitted by the applicant in order to ensure the suitability of potential development sites.

LAND USE AND DEVELOPMENT

1. The land uses for the Environmentally Sensitive Area Overlay shall be those permitted and discretionary uses in the underlying Districts.
2. The Development Authority may require that any proposal for development within the Environmentally Sensitive Areas Overlay be accompanied, as provided for in **PARTS D.4.6.d and e** of this Bylaw, by either or both a flood susceptibility analysis or a bank stability analysis that is prepared by a registered professional engineer to assess the suitability of the subject site and the proposed development from the point of view of flood susceptibility and/or bank stability. Site conditions must be considered as outlined in **PARTS H.24 and H.25**. Provisions of Alberta Environment, the *Alberta Land Stewardship Act*, S.A. 2009, c. A-26.8, as amended, and other applicable legislation must be considered in review of a development within the Environmentally Sensitive Areas Overlay. Further, if a development is approved after such an analysis is conducted, the Development Authority must require that any recommendations of the analysis be implement by the landowner/developer.

3 HISTORICALLY SIGNIFICANT AREAS OVERLAY

1. The Historically Significant Area Overlay identifies areas in the Town of Hardisty where Alberta Culture and Tourism has identified as having the potential to contain a historic resource.

LAND USE AND DEVELOPMENT

2. The land uses within the Historically Significant Areas Overlay shall be those permitted and discretionary uses in the underlying Districts.
3. If the subject lands do not overlap areas identified in the Listing of Historic Resources, Historical Resources Act approval is not required, although the provisions of Section 31 of the *Historical Resources Act*, R.S.A. 2000, c. H-09, as amended, shall still apply.
4. The Subdivision Authority or the Development Authority may require that any proposal for subdivision or development that is:
 - a. within the Historically Significant Area Overlay on **Map 2 – Overlay Map** in **Part M** of this LUB; or
 - b. on lands that are identified as having a Historic Resource Value (HRV) through the provincial Online Permitting and Clearance (OPaC) system;

be accompanied by a Historic Resources Act approval.

5. Lands within the overlay or that have been identified as having a Historic Resource Value (HRV) may be required to submit of a Historic Resources Impact Assessment (HRIA) and letter of clearance (permit) from Alberta Culture and Tourism.
6. Further, where required, a HRIA must be conducted by a qualified heritage consultant on behalf of the developer, at the developer's expense. The HRIA shall be provided to Alberta Culture and Tourism and if they determine that a Historical Resources Act approval (permit) is required, then a copy of the approval must be provided to the Subdivision or Development Authority before subdivision or development may occur on the subject site.

PART L | Coming into Force

1 REPEALING EXISTING CONTROLS

1. Bylaw 1139-09, as amended, is hereby repealed.

2 COMING INTO FORCE

1. This Bylaw comes into effect upon the date it receives third and final reading by Council.


READ A FIRST TIME IN COUNCIL THIS 12TH DAY OF MAY, 2020.

READ A SECOND TIME IN COUNCIL THIS 14TH DAY OF JULY, 2020.

READ A THIRD TIME IN COUNCIL THIS 14TH DAY OF JULY, 2020.



Mayor



CAO

PART M | Land Use District Maps

- 1. Map 1 - Land Use District Map
- 2. Map 2 - Overlay Map

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

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

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

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

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

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

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

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

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