



BOWDEN

LAND USE BYLAW No. 04-2021

**Last Revised:
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Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta

LAND USE BYLAW

04 /2021

A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta,

Whereas Part 17, Division 5, Section 639 of the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time) provides that every municipality must pass a Land Use Bylaw,

And whereas Part 17, Division 5, Section 640(1) of the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time) provides that a Land Use Bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality,

Now therefore, the Municipal Council of the Town of Bowden hereby enacts as follows,

1 SHORT TITLE

This Bylaw may be known as, and cited as, the "Land Use Bylaw".

2 PURPOSE

This purpose of this Bylaw is to, amongst other things:

- i. divide the municipality into districts,
 - ii. prescribe and regulate the use for each district,
 - iii. establish the office of the Development Officer,
 - iv. establish a method of making decisions on applications for development permits including the issuance of development permits,
 - v. provide the manner in which notice of the issuance of a development permit is to be given,
 - vi. implement the statutory plans of the Town of Bowden.
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4 DEFINITIONS

Within this Bylaw the following definitions apply:

A-Board Sign

Means a self-supporting A-shaped advertising sign which is set upon the ground and has no external supporting structure.

Accessory Residential Building

Means a maximum of two (2) buildings that have a combined area less than the principal building and are accessory to a residence, and includes such things as garages, garden sheds and greenhouses.

Accessory Suite

Means a separate and subordinate dwelling unit contained within a detached dwelling.

Accessory Building or Use

Means a building or use which is subordinate, incidental, and directly related to the principal use of the premises, building or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the building.

Accessory Building or Use

Means a building or use which is subordinate, incidental, and directly related to the principal use of the premises, building or site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the principal building.

Adjacent Land

Means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river, or stream.

Adult Care Residence

Means a building with two or more units designed to provide long term housing wherein the adult residents are provided with meal services and may receive such services as housekeeping and personal care assistance.

Apartment

Means a development consisting of three or more dwelling units contained on a single lot within a building in which the dwelling units are arranged in a horizontal or vertical configuration which share a common hallway or access.

Area Redevelopment Plan

Means a plan adopted by the Council as an area redevelopment plan pursuant to the Municipal Government Act.

Area Structure Plan

Means a plan adopted by the Council as an area structure plan pursuant to the Municipal Government Act.

Auction Market

Means a parcel and/or a building used for the temporary storage of goods, which are to be sold on the premises by public auction from time to time.

Auto Wrecking Yard

Means land and buildings that are used for the storage and dismantling of old or wrecked cars or trucks for the purpose of recycling their components.

Awning Sign

Means a sign inscribed on or affixed flat upon the covering material of an awning.

Basement

Means a habitable portion of a building which is partly underground, but which has more than 50 per cent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation.

Bed and Breakfast Establishment

Means an owner-occupied detached dwelling where short-term accommodation and meals are provided to registered guests.

Better Agricultural Land

Means land having a Canada Land Inventory Soil Capability for Agriculture rating of Class 1, 2, 3 or 4 or lands having a farmland assessment rating greater than 28 per cent, or their equivalent as determined by government agencies or independent consultants, and at the discretion of the Municipal Planning Commission may include other cultivated or improved land or potentially irrigable land.

Better agricultural land excludes:

- a. cut-off parcels which are regarded by the local municipality as being of insufficient size to farm, and
- b. land which the Municipal Planning Commission determines is so badly fragmented by existing use or ownership that the land has a low agricultural capability or cannot logically be used for agricultural purposes.

Billboard

Means a sign to which advertising copy is affixed to permit its periodic replacement.

Boarding and Rooming House

Means a development within a single detached dwelling where three or more sleeping rooms without cooking facilities are provided with or without meals for compensation. This definition does not include short term rentals or vacation homes.

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.

Building Demolition

Means the pulling down, tearing down, or demolishing of a building.

Bus Depot

Means a facility providing for departure and arrival of passengers and freight carried by bus.

Cannabis

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

Cannabis Production Facility

Means a facility of one or more buildings used for the purposes of growing, labelling, packaging, testing, destroying, storing, researching, developing, shipping, and receiving of cannabis and cannabis oil by a licensed producer in natural, fresh, dry, or processed form.

This use does not include retail sales or a dispensary.

Cannabis Retail Sales

Means a retail store that is licensed by the Province of Alberta to lawfully sell cannabis and cannabis accessories.

CAO (Chief Administrative Officer)

Is the person appointed by the Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA (or his / her designate) and is the administrative head of the Municipality.

Cemetery

Means a use of land or a building for interment of the deceased.

Commercial Recreation and Entertainment Facility

Means a facility or establishment which provides for recreation or entertainment for a gain or a profit.

Council

Means the duly elected Municipal Council of the Town of Bowden.

Day Care Facility means a facility that provides care and supervision of children for more than 3 but less than 24 consecutive hours in each day that the facility is operating.

Detached Dwelling

Means a residential building containing one dwelling unit, which is physically separate from any other residential building, and does not include a manufactured home.

Development

Means:

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

Development Authority

Means the person or persons appointed pursuant to the Municipal Government Act.

Development Officer

Means a person appointed as a Development Officer pursuant to this Land Use Bylaw.

Development Permit

Means a document authorizing a development issued pursuant to this Land Use Bylaw.

Discretionary Use

Means a use which may be compatible with other uses in the District, for which a development permit may be issued upon an application having been made.

District

Means Land Use District.

District Shopping Centre

Means a group of commercial establishments planned, owned, developed, and managed as a unit with off street parking established on the same site which serves the needs of the urban centre and surrounding municipalities.

Driveway

Means a vehicle access route between the carriageway of a road and a use on a parcel.

Duplex

Means a separate residential building consisting of two separate dwelling units located side by side or in an up / down format, each above grade and having exterior entrances.

Dwelling Unit

Means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities intended as a permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.

Eave line

Means the horizontal line that marks the intersection of the roof and the wall of a building.

Fascia Sign

Means a sign attached to, marked, or inscribed on and parallel to the face of a building wall but does not include a billboard.

Feed Mills and Grain Elevators

Means buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared.

Floor Area

Means:

- a. For residential buildings: the total area of all floors in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, sheds, carports, or decks in all residential buildings, or
- b. For commercial buildings: The total floor area of all floors in a building measured from the outside of exterior walls including basements and cellars but excluding mall areas.

Food and Beverage Service Facility

Means development used for eating and drinking where prepared food and beverages are offered for sale to the public, for consumption within the premises or off the site. Typical uses include, but are not limited to, pubs, restaurants, cafes, drive through fast food outlets, and catering establishments.

Four-plex

Means a building containing four dwelling units, each unit comprising two floor levels and sharing a common party wall with two other units.

Freestanding Sign

Means a sign that is supported independently of a building wall or structure but does not include a portable sign.

Front Parcel Boundary means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street. [refer to sketch in Schedule B].

Front Yard

Means a yard extending across the full width of a parcel measured perpendicularly from the front boundary of the parcel to the front wall(s) of the main building situated on the parcel.
[refer to sketch in Schedule B].

Funeral Home

Means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held.

Garden Suite

Means a single storey dwelling unit which is smaller than the principal dwelling and is located on the same parcel as the principal dwelling and has cooking, sleeping and sanitary facilities.

A garden suite shall include, but not limited to, a food preparation area which may be counter space, sink, refrigerator, stove, or provision of 220-volt wiring.

A garden suite shall be constructed within an accessory building and has a separate entrance from the vehicle entrance to the accessory building, either from a common indoor landing or directly from the exterior of the structure.

Gas Bar

Means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include service stations or automotive repair establishments.

Greenhouse, commercial

Means a building for the growing of flowers, plants, shrubs, trees, and similar vegetation which are sold directly from the parcel at retail or wholesale and may include the accessory sale of related supplies.

Hard Landscaping

Means the use of non-vegetative material, other than monolithic concrete, asphalt, or gravel, as part of a landscaped area.

Hard Surface Pad

Means a pad constructed out of concrete or asphalt or paving stones having due regard to the load carrying capacity of the intended driveway and may also mean two (2) full length strips of concrete or asphalt or paving stones for the wheel path area of a vehicle or trailer, the width of which shall be calculated as being measured from the outside edge of one strip to the outside edge of the other strip.

Heavy Equipment Assembly, Sales and Service

Means the assembly, sales, rental and service of any heavy vehicle or equipment used in commercial, industrial, or agricultural activities.

Heavy Manufacturing

Means the manufacture of products, the process of which generates fumes, gases, smokes, vapours, vibrations, noise or glare, or similar nuisance factors which have a high probability of occurring and which may cause adverse effects to the users of adjacent land.

Home Occupation

Means any occupation, trade, or profession, carried on by an occupant of a residential building as a use secondary to the residential use of the building.

Hotel

Means a development for the provision of rooms or suites for temporary sleeping accommodation where the rooms may have access from a common interior corridor and may be equipped with individual kitchen facilities, and may include accessory food and beverage service facilities, meeting rooms, personal service shops and retail shops.

Indoor Merchandise Sales

Means the indoor sale or display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet.

Intermunicipal Development Plan

Means a plan adopted by Council and the Council of Red Deer County as an intermunicipal development plan pursuant to the Municipal Government Act.

Landscaped Area

Means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental plantings, fences, walls and associated earthworks. However, it shall not include areas occupied by garbage containers, storage, parking lots or driveways.

Land Use Bylaw

Means this Bylaw and all amendments thereto.

Land Use District

Means an area as described in Schedule C and shown in Schedule A of this Land Use Bylaw.

Land Use Policies

Means policies established in Council pursuant to the Municipal Government Act.

Lane

Means a public thoroughfare which provides a secondary means of access to a parcel or parcels and which is registered in a land titles office.

Length of a Driveway

Shall be measured from the property line to the closest point of the building.

Light Manufacturing

Means the manufacture of products, the process of which does not create and emit fumes, gases, smokes, vapours, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land.

Livestock Auction Market

Means a facility where agricultural related items including cattle are bought and sold by public auction.

Live / Work Unit

Means a dwelling unit where a business other than a permitted home business is operated by the resident / caretaker or operator.

M

Means metres ("m²" means square metres)

Main Building

Means a building in which is conducted the main or principal use of the parcel on which it is erected.

Main Use

Means the principal purpose for which a building or parcel is used.

Manufactured Home

Means a residential building containing one dwelling unit built in a factory in one or more sections, suitable for long term occupancy designed to be transported on either its own wheels and chassis or other means to a suitable site.

Manufactured Home Park

Means a parcel comprehensively designed, developed, operated, and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term basis.

Mechanized Excavation, Stripping and Grading

Means the use of motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements.

Mini-storage Warehouse

Means a building containing separate, individual self-storage units divided from floor to ceiling by a wall with an independent entrance from either the exterior or interior of the building, designed to be rented or leased for the storage of household items, personal goods, materials, and equipment.

Multiple Housing Development

Means two or more buildings containing dwelling units, located on a parcel of land, where all the buildings, recreation areas, vehicular areas, landscaping, and all other features have been planned as an integrated development.

Municipality

Means the Town of Bowden.

Municipal Development Plan

Means a plan adopted by Council as a municipal development plan pursuant to the Municipal Government Act.

Municipal Government Act

Means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, and amendments thereto.

Municipal Planning Commission

Means a Municipal Planning Commission established pursuant to the Municipal Government Act.

Motel

Means a development for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. It may include accessory food and beverage service facilities.

Natural Environment Preservation Area

Means an environmentally sensitive area or otherwise locally significant area that is to be preserved because of its natural or amenity value to the Town.

Neighbourhood Convenience Store

Means a commercial establishment with off street parking established on the same site which serves the convenience shopping needs of the immediate neighbourhood only.

Neighbourhood Shopping Centre

Means a group of retail and personal service uses deemed, developed, and managed as a single unit and characterized by the sharing of common parking areas and driveways and serving the needs of the immediate neighbourhood.

Non-conforming Building

Means:

- a. a building that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the building or land on which the building is situated becomes effective, and
- b. that on the date a Land Use Bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.

Non-conforming Use

Means:

- a. a lawful specific use 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 a Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with this Land Use Bylaw.

Non-renewable Resource Extraction

Means the mining or removal from the ground of deposits of coal, sand, gravel, clay, and other minerals.

Occupancy Permit

Means a document authorizing the use of a development undertaken in accordance with a development permit issued pursuant to this Land Use Bylaw.

Office

Means a facility providing for the administration of business, or government, or the provision of professional services.

Open Storage Yard

Means land that is used for the storage of products, goods, or equipment.

Owner

Means the person who is registered under the Lands Titles Act as the owner in fee simple estate of the land.

Parcel of Land

Means:

- a. where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered at a Land Titles Office,
- b. where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a Land Titles Office,
- c. a quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a certificate of title,
- d. the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office

Parcel Coverage

Means the combined area of all buildings or structures upon the parcel, including porches, verandas, terraces, and decks.

Parcel Width

Means the distance between the side parcel boundaries connecting points located at the minimum required front yard measured along each side parcel boundary of a parcel.

Parking Facility

Means a structure or an area providing for the parking of motor vehicles.

Parks and Playgrounds

Means areas of public land known for their natural scenery and / or preservation for public recreation either active or passive.

Permanent Foundation

Means:

- a. a foundation meeting the current Alberta Building Code requirements as they pertain to,
- b. an engineer approved wood foundation; or,
- c. a poured concrete basement; or
- d. a concrete or screw pile foundation

Permitted Use

Means a use which is compatible with other uses in the District and for which a development permit shall be issued provided it otherwise conforms with this Land Use Bylaw;

Person

Means any of the following:

- a. an individual
- b. a legal entity or business entity, including a firm, developer, contractor, association, partnership, society, or corporation,
- c. a trustee, executor, administrator, agent, or employee of either i) or ii)

Premise

Means any of the following:

- a. private land
- b. any building or a structure (either occupied or unoccupied)
- c. both or part of i) & ii)

Property

Means a parcel of land as registered with Alberta Land Titles.

Property Line

The legal boundary between a premise and a municipally owned street or municipal land (eg: a public right of way or easement)

Personal Service

Means the provision of a service to individuals on a commercial basis, and includes such services as, but not limited to, photographers, travel agencies, beauty salons, restaurants, and dry cleaners.

Personal Service

Means the provision of a service to individuals on a commercial basis, and includes such services as, but not limited to, photographers, travel agencies, beauty salons and dry cleaners.

Portable Sign

Means a sign which is not in a permanently installed or affixed position.

Projecting Sign

Means a sign which projects from a structure or a building face.

Public Utility

Means a public utility as defined in Part 17 of the Municipal Government Act.

Public Utility Building

Means a building in which the proprietor of a public utility:

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

Railway Uses

Means a use of land or a building directly related to the building or operation of a railroad system.

Rear Yard

Means a yard extending across the full width of a parcel measured perpendicularly from the rear wall(s) of the main building situated on the parcel to the rear property boundary of the parcel.
[refer to sketch in Schedule B].

Recreation Facilities

Means a public building and grounds for community entertainment, relaxation, social activity, and other leisure needs.

Repair Services

Means the restoration and maintenance of objects, which are compatible with other uses in the District.

Retail Sales

Means a development used for the retail sale of consumer goods frequently required by area residents in an enclosed building on a site. Typical uses include, but are not limited to, small food stores, liquor stores, clothing stores.

Road

Means land shown as a road on a plan of survey that has been filed or registered in Land Titles Office or used as a public road.

Row Housing

Means a group of three or more dwelling units, each unit separated by a common or party wall and having a separate front and rear access to the outside grade.

Sales and Service Outlet

Means a facility providing for the sale, rental, service and repair of automobiles, trucks, recreation vehicles, manufactured homes, or farm equipment.

Screen

Means a fence, berm, hedge, wall, or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas.

Sea Can

Means a shipping container, originally used, or intended to be used for the transportation of goods, now used as a temporary moveable storage unit.

Seed Cleaning Plant

Means a building for the storage and preparation of seed used in agriculture.

Setback

Means a distance additional to minimum yard requirements which may be required on parcels adjacent to the roads.

Shopping Centre

Means a group of retail and personal service uses deemed, developed, and managed as a single unit and characterized by the sharing of common parking areas and driveways and serving the needs of the public.

Side Yard

Means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the wall of main building thereon.
[refer to sketch in Schedule B]

Sight Triangle

Means an area at the intersection of roads or roads and railways in which all buildings, fences, vegetation and finished ground elevations shall be less than 1 m (3.3 ft.) in height above the average elevation of the carriageways/rails, in order that vehicle operators may see approaching vehicles in time to avoid collision.

Sign

Means any word, letter, model, placard, board, notice, device, or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction and its supporting structure.

Social Care Residence

Means a dwelling unit wherein the occupants are provided with specialized care, such as supervisory, medical, counselling, or psychiatric services, on a short-term basis.

Soft Landscaping

Means the use of vegetative material as part of a landscaped area.

Soft-sided Building

Means any temporary building that is faced or finished, on any portion of the building exterior, with flexible sheeting capable of being rolled or folded.

Solid Waste Transfer Station

Means a facility for the collection and temporary holding of solid waste in a storage container.

Statutory Plan

Means a Municipal Development Plan, Intermunicipal Development Plan, an Area Structure Plan, or an Area Redevelopment Plan adopted by a Bylaw of the municipality, or any one or more of them.

Street

Means any category of road except a lane.

Structural Alterations

Means altering the main building components which support a building.

Subdivision and Development Appeal Board

Means the board established pursuant to the Municipal Government Act.

Subdivision and Development Regulation

Means the Subdivision and Development Regulation (AR 44/2002), as amended.

Town

Means the municipal corporation of the Town of Bowden, its administrative staff, designated officers and designated authorities.

Use

Means a building or an area of land and the function and activities therein or thereon.

Veterinary Clinic

Means a facility for the medical care and treatment of animals and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or enclosures.

Veterinary Hospital

Means a facility for the medical care and treatment of animals and includes provision for their accommodation and confinement in outdoor pens, runs and enclosures.

Warehousing means a facility for the indoor storage of goods and merchandise.

Yard

Means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

All other words and expressions have meaning respectively assigned to them in Part 17 of the Municipal Government Act and the Subdivision and Development Regulation.

5 GENERAL

5.1 Establishment of Development Officer

The office of the Development Officer is hereby established, and such office shall be filled by a person or persons to be appointed by resolution of Council.

The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:

- i. keeping and maintaining for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto, and,
- ii. keeping a register of all applications for development, including the decisions thereon and the reasons therefore.

5.2 Establishment of Forms

For purposes of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as he or she may deem necessary.

Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized, and issued.

5.3 Establishment of Supplementary Regulations

Supplementary Regulations as set forth in Schedule B of this Bylaw, are hereby adopted by reference to be part of this Land Use Bylaw, and to be amended in the same manner as any other part of this Land Use Bylaw.

5.4 Establishment of Land Use District Regulations

Land Use District Regulations as set forth in Schedule C of this Bylaw are hereby adopted by reference to be part of this Land Use Bylaw, and to be amended in the same manner as any other part of this Land Use Bylaw.

5.5 Establishment of Districts

5.5.1

For the purpose of this Land Use Bylaw, the Town of Bowden is divided into the following Districts:

R1	LOW DENSITY RESIDENTIAL DISTRICT
R1A	NARROW LOT SINGLE FAMILY DISTRICT
R2	GENERAL RESIDENTIAL DISTRICT
R3	MANUFACTURED HOME DISTRICT
R4	RESIDENTIAL MULTI-FAMILY DISTRICT
C1	CENTRAL COMMERCIAL DISTRICT
C2	HIGHWAY COMMERCIAL DISTRICT
LC	LOCAL COMMERCIAL DISTRICT
I1	LIGHT INDUSTRIAL DISTRICT
I2	HEAVY INDUSTRIAL DISTRICT
PFR	PUBLIC FACILITY AND RECREATION DISTRICT
UR	URBAN RESERVE DISTRICT

5.5.2

The boundaries of the Districts listed above are as delineated on the Land Use District Map being Schedule A of this Bylaw. All roads, water courses and lakes are excluded from the Land Use Districts.

5.5.3

Where the location of District boundaries on the Land Use District Map is not clearly understood, the following rules shall apply:

- i. a boundary shown as approximately following a parcel boundary shall be deemed to follow the parcel boundary,
- ii. a boundary which does not follow a parcel boundary shall be located by measurement of the Land Use District Map; and
- iii. a boundary location which cannot be satisfactorily resolved, shall be referred to Council for an official interpretation.

5.6 Amendment of the Land Use Bylaw

5.6.1

The Council on its own initiative may give first reading to a Bylaw to amend this Land Use Bylaw.

5.6.2

A person may make application to the Development Officer for amendment to this Land Use Bylaw.

5.6.3

The application shall include:

- i. a statement of the specific amendment requested,
- ii. the purpose and reasons for the application,
- iii. if the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands,
- iv. the applicant's interest in the lands,
- v. an application fee of \$75.00 of which \$50.00 will be refunded if the proposed amendment is not given first reading and advertised.

5.6.4

If the amendment is for a redesignation of land, the Development Officer may require:

- i. an outline plan for the area to be redesignated, to the level of detail specified by the Development Officer, and,
- ii. payment of a fee equal to the costs incurred by the Town to review the proposed redesignation and/or related outline plan, or if necessary, to prepare an outline plan.

5.6.5

Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than five (5) days' notice to the applicant advising that he may appear before the Council at that time and speak to the application.

An application for amendment shall be placed before the Council within 60 days of its receipt by the Development Officer.

5.6.6

Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:

- i. refuse the application; or
- ii. refer the application for further information; or
- iii. pass first reading to a bylaw to amend this Land Use Bylaw, with or without conditions or amendments; or
- iv. defeat first reading of a bylaw to amend this Land Use Bylaw; or
- v. pass first reading of an alternative amendment to this Land Use Bylaw, with or without conditions.

5.6.7

Following first reading of an amendment to this Bylaw, Council shall establish the date, time, and place for a public hearing on the proposed bylaw amendment in accordance with the Council Procedural Bylaw (08 / 2020) as amended over time.

5.6.8

Following first reading of an amending bylaw, the Development Officer must give notice of the public hearing by doing at least one of the following:

- i. publishing notice at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates,
- ii. mailing or delivering notice to every residence in the area to which the proposed bylaw relates,
- iii. advertising on the Town's municipal website for at least 4 consecutive weeks

5.6.7

Notice of a public hearing must be advertised in accordance with the requirements as legislated by the Municipal Government Act.

5.6.8

A notice must contain:

- i. a statement of the general purpose of the proposed bylaw and public hearing,
- ii. the address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected,
- iii. the date, place, and time where the public hearing will be held.

5.6.9

In the case of an amendment to change the district designation of a parcel of land, the Development Officer must, in addition to the requirements of subsection 5.6.8, include in the notice:

- i. the municipal address, if any, and the legal address of the parcel of land, and
- ii. a map showing the location of the parcel of land,
- iii. give written notice containing the information described in clause 5.6.9 i above and subsection 5.6.8. to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and
- iv. give written notice containing the information described in clause 5.6.9 i above and subsection 5.6.8. above to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.

5.6.10

If the land referred to in subsection 5.6.9 iv above is in the County of Red Deer, the written notice must be given to the County of Red Deer and to each owner of adjacent land at the name and address shown for each owner on the tax roll of Red Deer County.

5.6.11

Notwithstanding subsection 5.6.7 above the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.

5.6.12

In the public hearing, Council:

- i. must hear any person, group of persons, or person representing them, who claims to be affected by the proposed Bylaw and who has complied with the procedures outlined by the Council, and
- ii. may hear any other person who wishes to make representations and whom the Council agrees to hear.

5.6.13

After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, the Council may:

- i. pass the bylaw,
- ii. refer it for further information or comment,
- iii. make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing, or
- iv. defeat the bylaw.

5.6.14

Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal that initiated the application for amendment.

5.6.15

After third reading of the proposed Bylaw, the Development Officer shall send a copy of it to:

- i. the applicant
- ii. the registered owner of the land if not the applicant,
- iii. Red Deer County, if it received a copy of the proposed bylaw pursuant to subsection 5.6.10.

5.6.16

The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by the Council, for a period of three months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

5.6.17

In this section:

- i. "adjacent land" means land that is contiguous to the parcel of land that is being redesignated and includes:
 - a. land that would be contiguous if not for a highway, road, river, or stream; and
 - b. any additional land identified by the Development Officer.
- ii. "owner" means the person shown as the owner of land on the assessment roll prepared pursuant to the Municipal Government Act.

5.7 Sections Found Invalid

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

6 DEVELOPMENT PERMITS, CONTRAVENTION AND APPEAL

6.1 Purpose of Development Permits

Development permits are required to ensure that all development is achieved in an orderly manner.

6.2 Development Not Requiring a Development Permit

All development undertaken in the municipality requires an approved development permit prior to commencement, except:

- i. the carrying out of works of improvement, maintenance, or renovation to any building provided that such works do not include structural alterations or additions,
- ii. the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within 12 months of the date of commencement,
- iii. the use of any such development as is referred to in subsection ii above for the purpose for which development was commenced,
- iv. the erection or construction of gates, fences, walls, or other means of enclosure less than 1 m (3.3 ft.) in height in front yards and less than 2 m (6.6 ft.) in other yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure,
- v. a temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw,
- vi. a temporary use of a parcel not exceeding six months for the sole purpose of mobile commercial sales (e.g., fish trucks, fruit trucks, etc.), providing a business license is obtained from the municipality and the location of the business is to the satisfaction of the Development Officer,
- vii. the installation, maintenance, and repair of utilities,
- viii. one accessory building used as a garden or tool shed on a residential parcel, such building not to exceed 11 m² (120 sq ft) in floor area and 2.5 m (8.2 ft.) in height,
- ix. development specified in Section 618 of the Municipal Government Act, which includes:
 - a. a highway or road,
 - b. a well or battery within the meaning of the Oil and Gas Conservation Act,
 - c. a pipeline or an installation or structure incidental to the operation of a pipeline, or
 - d. any other action, person, or thing specified by the Lieutenant Governor in Council by regulation.
- x. the erection of one unilluminated sign of the following nature and size for each use within a building or on a parcel, provided such signs do not resemble or conflict with traffic signs,
 - a. a fascia sign for the purpose of identification, direction and warning not exceeding 0.2 m² (2.2sq. ft.)
 - b. a fascia sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.2 sq. ft.),
 - c. a fascia or freestanding sign relating to a religious, educational, cultural, recreational, or similar institution, or to an apartment not exceeding 1 m² (10.8 sq. ft.),
 - d. a portable sign or notice, relating to the sale or lease of land or buildings, sale of goods or livestock by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 3 m² (32.3 sq. ft.) and limited in display to the period of completion of the sale, lease, construction, or event,
 - e. a flag attached to a single upright flagpole,
 - f. one a-board sign.
- xi. any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation,
- xii. one deck less than 0.6 m (2.0 ft) above grade,
- xiii. demolition in conjunction with a development permit.

6.3 Permission for Development

6.3.1

An application for a development permit shall be made to the Development Officer in writing on the form prescribed by Council and shall be accompanied by:

- i. a scaled site plan in duplicate showing the treatment of landscaped areas if required, the legal description, the front, rear, and side yards, and if applicable any provision for off-street loading and vehicle parking and access and egress points to the parcel,
- ii. scaled floor plans, elevations, and sections in duplicate,
- iii. a statement of existing and proposed uses,
- iv. a copy of the Certificate of Title to the land and, if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application,
- v. the estimated commencement and completion dates,
- vi. the estimated cost of the project or contract price, and,
- vii. such other plans and information as the Development Officer / Municipal Planning Commission may consider necessary to properly evaluate the proposed development.

6.3.2

The Development Officer / Municipal Planning Commission may refuse to accept an application for a development permit where the information required by section 6.3.1 has not been supplied or where, in the opinion of the Development Officer / Municipal Planning Commission, the quality of the material supplied is inadequate to properly evaluate the application.

6.3.3

The Development Officer / Municipal Planning Commission may deal with an application and make a decision without all of the information required by section 6.3.1 if it is the opinion of the Development Officer / Municipal Planning Commission that a decision on the application can be properly made without such information.

6.3.4

The Development Officer / Municipal Planning Commission shall consider and decide on any application for a development permit within 40 days of the receipt of the application in its complete and final form, or within such longer period as the applicant may have agreed to in writing.

6.3.5

An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Officer / Municipal Planning Commission within 40 days after receipt of the application in its complete and final form by the Development Officer, or within such longer period as the applicant may have agreed to in writing. The applicant may appeal the lack of a decision as provided in this Land Use Bylaw.

6.3.6

Each application for a development permit shall be accompanied by a non-returnable processing fee, the amount of which shall be determined from time to time by resolution of Council.

6.3.7

The Development Officer shall:

- i. receive all applications for a development permit; and refer all applications for development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Alberta Energy and Utilities Board, if any of the land which is the subject of the application is within 1.5 km (1 mile) of a sour gas facility and the proposed development is not, in the opinion of the Development Officer, an infill development, and
- ii. consider and decide on applications for a development permit for those uses, listed in Schedule C, which constitute a permitted use in a District; and

- iii. refer with his / her recommendations, the Municipal Planning Commission for its consideration and decision applications for a development permit for those uses listed in Schedule C which constitute a discretionary use; and
- iv. at his / her discretion refer to the Municipal Planning Commission any application which in his / her opinion should be decided by the Municipal Planning Commission; and
- v. refer any application to an adjacent municipality or any other agency or person which in his opinion may provide relevant comments or advice respecting the application.
- vi. consider and decide on applications for a Home Occupation permit for all residential districts.

6.3.8

For a permitted use in any District,

- i. the Development Officer / Municipal Planning Commission shall approve, with or without conditions, an application for a development permit where the proposed development conforms in every respect to this Land Use Bylaw, or
- ii. subject to the provisions of subsection 6.3.10 the Development Officer / Municipal Planning Commission shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use Bylaw.

6.3.9

For a discretionary use in any District,

- i. The Municipal Planning Commission may approve an application for a development permit,
 - a. with or without conditions,
 - b. based on the merits of the proposed development including its relationship to any approved statutory plan or approved policy affecting the site,
 - c. where the proposed development conforms in every respect to this Land Use Bylaw; or
- ii. the Municipal Planning Commission may refuse an application for a development permit based on the merits of the proposed development, even though it meets the requirements of this Land Use Bylaw; or
- iii. subject to the provisions of subsection 6.3.10, the Municipal Planning Commission shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use Bylaw.

6.3.10

The Development Officer or Municipal Planning Commission, as the case may be, may:

- i. approve, with or without conditions, an application for a development permit, or,
- ii. advise that a real property report appears to conform with the Land Use Bylaw, or,
- iii. recommend approval of an application for subdivision approval.

Notwithstanding that the proposed development or subdivision does not comply with the Bylaw or is a non-conforming building, if in the opinion of the Development Officer / Municipal Planning Commission the proposed development or subdivision or non-conforming building:

- i. would not:
 - a. unduly interfere with the amenities of the neighbourhood, or
 - b. materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and
- ii. conforms with the use prescribed for that land or building in this Land Use Bylaw.

6.3.11

The Development Officer / Municipal Planning Commission may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement with the municipality to do all or any of the following:

- i. to construct or pay for the construction of a road required to give access to the development, or
- ii. to construct or pay for the construction of pedestrian walkway systems, or

- iii. to install or pay for the installation of utilities, other than telecommunications systems or works, that are necessary to serve the development, or
- iv. to construct or pay for the construction of:
 - a. off-street or other parking facilities, and
 - b. loading and unloading facilities, or
- v. to pay an off-site levy or redevelopment levy-imposed bylaw,
- vi. to give security to ensure that the terms of the agreement under this Section are carried out, or
- vii. to pay to the Town the costs paid by the Town to any Engineer or other person for materials testing, inspections, monitoring of construction and review of construction drawings, and legal and planning costs and expenses to which the municipality is put in connection with the Development Agreement and the Agreement relates.

6.3.12

Prior to imposing any condition upon the issue of a development permit pursuant to subsection 6.3.11 the Development Officer / Municipal Planning Commission shall consult with the Council as may be required in the circumstances and shall specify the terms and content of the agreement in the condition in the development permit.

6.3.13

The Municipality may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of an agreement under this section against the Certificate of Title for the land that is the subject of the development, which said caveat shall be discharged when the agreement has been complied with.

6.3.14

In the case where an application for a development permit has been refused, or ultimately after appeal, to the Subdivision and Development Appeal Board the submission of another application for a permit on the same parcel and for the same or similar use of land by the same or any other applicant may not be accepted by the Development Officer for at least 6 months after the date of the final decision unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

6.4 Development Permits and Notices

6.4.1

- i. A permit issued pursuant to this Part does not come into effect until 21 days after the date on which notice of issuance of the permit is given under section 6.4.3 or 21 days after the date on which notice of issuance of the permit is given, if such notice is given under section 6.4.3 i by ordinary mail, whichever last occurs. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- ii. the date of issue of any permit shall be the date of notification pursuant to section 6.4.3.

6.4.2

Where an appeal is made pursuant to the Subdivision and Development Appeal Board, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

6.4.3

On the same date a development permit is issued, the Development Officer shall publicize a notice of issuance of the permit in any or all of the forms described as follows:

- i. mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Officer / Municipal Planning Commission, be affected; and / or
- ii. post a notice of the decision conspicuously on the property for which the application has been made; and / or

- iii. publish in the Town's web site or a Newspaper circulating in the municipality a notice of the decision.

6.4.4

If the development authorized by a permit is not commenced within 12 months from the date of its issue, or the date of decision of the Subdivision and Development Appeal Board upon appeal, nor carried out with reasonable diligence as determined by the Development Officer / Municipal Planning Commission, the permit ceases to be effective, unless an extension to this period, being no longer than an additional 12 months, has previously been granted by the Development Office / Municipal Planning Commission.

6.4.5

A decision of the Development Officer / Municipal Planning Commission on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

6.4.6

When the Development Officer / Municipal Planning Commission refuses an application for a development permit, the decision shall contain reasons for the refusal.

6.5 Cancellation

The Municipal Planning Commission may cancel a development permit if:

- i. the permit was issued in error, or
- ii. the permit was issued on the basis of incorrect information.

6.6 Contravention and Enforcement

6.6.1

The provisions of this Bylaw may be enforced by way of stop order, injunction, specified penalty, or such other relief as may be available under the Municipal Government Act.

6.6.2

A Designated Officer may inspect premises and lands in accordance with the provisions of the Municipal Government Act where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:

- i. complaints from the public that premises are being used contrary to the Bylaw,
- ii. the observations of a designated officer that there is excessive traffic, parking problems, accumulated debris in a yard or any other apparent breach of this Bylaw.

6.6.3

For the purpose of inspecting premises pursuant to this Bylaw and the Municipal Government Act, the following shall be Designated Officers:

- i. a Bylaw Enforcement Officer,
- ii. a Development Officer or anyone designated by the Development Officer,
- iii. the Chief Administrative Officer or anyone designated by the Chief Administrative Officer.

6.6.4

If the Development Officer / Municipal Planning Commission find that a development, land use or use of a building is not in conformity with:

- i. the Land Use Bylaw, Part 17 of the Municipal Government Act or Subdivision and Development Regulation, or

- ii. a development permit or subdivision approval, the Development Officer / Municipal Planning Commission may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to
 - a. stop the development or use of the land or building in whole or in part as directed by the notice,
 - b. demolish, remove, or replace the development, or
 - c. carry out other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw, Part 17 of the Municipal Government Act or Subdivision and Development Regulation, a development permit or subdivision approval, and in such order establish a time for reasonable compliance with such order.
- iii. if a person fails or refuses to comply with an order under this section or an order of the Subdivision and Development Appeal Board made pursuant to Part 17 of the Municipal Government Act, the Municipality may enter on the land or building and take any action necessary to carry out the order.
- iv. the municipality may register a caveat under the Land Titles Act in respect of an order referred to in this section against the certificate of title for the land that is the subject of the order, but if it does so the municipality must discharge the caveat when the order has been complied with.

6.7 Appeal Procedure

An appeal of an order, a decision, or a failure to make a decision of the Development Officer / Municipal Planning Commission may be made in writing to the Subdivision and Development Appeal Board in accordance with the provisions set out in the Subdivision and Development Appeal Board Bylaw.

6.8 Offences and Penalties

6.8.1

A person who contravenes or does not comply with:

- i. this Land Use Bylaw,
- ii. Part 17 of the Municipal Government Act,
- iii. the Subdivision and Development Regulation,
- iv. an order enacted under this Bylaw,
- v. a development permit or subdivision approval, or a condition therein,
- vi. a decision of the Subdivision and Development Appeal Board, or
- vii. who obstructs or hinders any person in the exercise or performance of his powers or duties under this Land Use Bylaw,

is guilty of an offence.

6.8.2

A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to the specified penalty set out in Schedule D,

or

in the case of an offence for which there is no specified penalty, to a fine of not less than \$250.00 and not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

6.8.3

Where a Designated Officer reasonably believes that a person has contravened any provision of this Bylaw, the Designated Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offences Procedures Act, allowing payment of the specified penalty for the offence as provided in Schedule D of this Bylaw, and the recording of

such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.

6.8.4

The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs for which he is liable under the provisions of this Bylaw or the Municipal Government Act.

6.8.5

Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within 12 months after the date of the occurrence of the first offence under that section of this Bylaw the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in Schedule D.

6.8.5

This section shall not prevent any Designated Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from the laying of information in lieu of issuing a violation ticket or enforcement by way of stop order, injunction, specified penalty or such other relief as may be available under the Municipal Government Act.

6.9 Compliance with Other Legislation

6.9.1

Compliance with the requirements of this Land Use Bylaw does not exempt any person from:

- i. the requirements of any Federal, Provincial or Municipal legislation; and,
- ii. complying with any easement, covenant, agreement, or contract affecting the development.

6.9.2

It is the sole responsibility of the applicant to obtain any other permits/approvals as may be required by any other applicable Municipal, Provincial, and / or Federal statutes / regulations / codes, and / or agencies.

Failure to obtain these permits / approvals prior to proceeding with development shall be considered a contravention of the Land Use Bylaw.

6.10 Development Variance

6.10.1

The list of discretionary uses for any land use district shall be deemed to include any use that is, in the opinion of the Development Authority, consistent with the overall intent of the land use district and similar in character and purpose to a listed Permitted or Discretionary use.

6.10.2

The Development Officer may allow a variance in in regard to height, front and rear and side yard setbacks of up to 15%.

6.10.3

The Municipal Planning Commission may consider allowing a variance of any standard prescribed by this Bylaw.

6.10.4

A variance may only be granted if, in the opinion of the Development Authority the subject site has irregular lot lines of shape which creates difficulties in siting a structure within the required setbacks, in

which case the Development Authority may permit the development and vary the setback or average the setbacks, such that the proposed variance will not result in a development that will,

- i. restrict safe passage for pedestrians and vehicles on adjoining sidewalks and roadways,
- ii. unduly interfere with or affect the use, enjoyment, or value of neighboring parcels of land; and
- iii. the proposed development conforms to the use prescribed in this Bylaw.

6.10.5

The Development Authority may approve an application for a development permit that does not comply with this Bylaw if, in the opinion of the Development Authority:

- i. the proposed development would not:
 - a. unduly interfere with the amenities of the neighborhood; or
 - b. materially interfere with or affect the use, enjoyment, or value of neighboring properties,
 - and
 - ii. the proposed development conforms to the use prescribed for the land or building in this Bylaw.
-

7 PENALTIES

7.1

Any contravention of any provision of this Bylaw may be enforced by the provisions contained within the Municipal Government Act (Division 4 Enforcement of Municipal Law), the Provincial Offences Procedures Act, R.S.A. 2000 Chapter P-24, this Bylaw, or any other Provincial or Federal regulation or order where valid and enforceable.

7.2

Nothing in this Bylaw relieves any person from complying with any provisions of any other Federal or Provincial legislation or regulatory body or any other applicable Bylaw of the Town.

7.3

Any person who contravenes any provision of this Bylaw, by doing any act or thing which is prohibited, or by failing to do any act or thing that is required, is guilty of an offence in accordance with this Bylaw or any other enactment.

Under Provincial legislation (Provincial Offences Procedures Act), the provision of the Criminal Code extends liability beyond the person who committed the offence as follows:

Everyone is a party to an offence who:

- i. actually commits it,
- ii. does anything for the purpose of aiding a person to commit an offence, or,
- iii. abets any person in committing an offence.

7.4

A contravention of this Bylaw may lead to the issue of a specific penalty (Schedule D applies) or an unspecified penalty the amount of any which will be determined and applied at the discretion of the Chief Administrative Officer dependent upon the context, nature, and severity of the offence, as determined by the Chief Administrative Officer.

8 APPLICABILITY

This Bylaw applies to all land or building development within the Town of Bowden Municipal boundaries.

9 SEVERABILITY

Every provision of this Bylaw is independent of all other provisions.

If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

10 BYLAW PRECEDENCE

10.1

This Bylaw supersedes and takes precedence over all previously passed Bylaws that enact regulation and set procedures for the regulation and control of land and building development within the Municipality.

Bylaw 08 / 2012 Land Use Bylaw and all amendments thereto are hereby repealed.

10.2

This Bylaw does **not** supersede any other Town of Bowden Bylaw that enacts delegated authority to Red Deer County to act for the Town as the designated:

- i. Development Authority,
- ii. Subdivision Development Authority,
- iii. Subdivision and Development Appeal Board.

10.3

Schedules attached to this Bylaw:

Schedule A	Land Use District Map
Schedule B	Supplementary Regulations
Schedule C	Land Use District Regulations
Schedule D	Specified Penalties for Offences under this Land Use Bylaw

All Schedules form part of this Bylaw.

10.4

This Bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this 22nd day of March 2021.

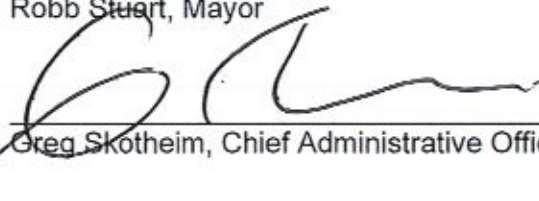
Read a second time in open council this 25th day of May 2021.

and finally passed by unanimous consent of the Councillor's present.

Read a third time in open council this 25th day of May 2021.



Robb Stuart, Mayor



Greg Skotheim, Chief Administrative Officer

LAND USE BYLAW SCHEDULE A Land Use District Map



Town of Bowden Land Use Bylaw Map March 2021



0 0.1 0.2 0.4 0.6
KM

- | | | |
|---|--|--|
| R1 - Low density Residential | C1 - Central Commercial District | PFR - Public Facility and Recreation District |
| R1A - Narrow Lot Single Family | C2 - Highway Commercial District | UR - Urban Reserve |
| R2 - General Residential District | LC - Local Commercial District | MR - Municipal Reserve |
| R3 - Manufactured Home District | I1 - Light Industrial District | Municipal Boundary |
| R4 - Residential Multi Family | I2 - Heavy Industrial District | |

LAND USE BYLAW

SCHEDULE B Supplementary Regulations

B1 BUILDINGS

B1.1

Accessory Building or Use

In Residential Districts:

- i. no accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.
- ii. an accessory building on an interior parcel shall be situated so that the exterior wall is at least 1.0 m (3.3 ft.) from the side and rear boundaries of the parcel.
- iii. an accessory building shall not be more than 4.5 m (14.8 ft.) in height and shall not exceed the height of the main building.
- iv. notwithstanding subsections ii above an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels,
- v. an accessory building erected or placed on a parcel shall not be used as a dwelling in all residential districts unless prior approval has been obtained for a garden suite,
- vi. no more than two accessory buildings with a combined total that does not exceed the area of the principal building on a parcel shall be allowed,
- vii. a detached garage with its vehicle door facing the lane in which case a minimum rear yard setback of 3 m (10 ft) is required; or,
- viii. a detached garage located on a corner lot in which case a minimum setback of 3 m (10 ft) is required from the property line paralleling the flanking roadway.

In Other Districts:

- i. No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.

B1.2

Building Orientation & Design

The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any District must be acceptable to the Development Officer / Municipal Planning Commission having due regard to:

- i. amenities such as daylight, sunlight, and privacy,
- ii. the character of existing development in the District, and
- iii. its effect on adjacent parcels.

B1.3

Number of Buildings on a Parcel

A development permit shall not be issued for more than one main building on an unsubdivided parcel, except where it is proposed to develop more than one main building to form a single, unified group of buildings.

- i. the number of dwelling units permitted on a parcel shall be limited to one, except where:
 - a. in the opinion of the Development Officer / Municipal Planning Commission, either
 - b. The building is clearly designed to be divided into more than one dwelling, or
 - c. The development of the parcel is clearly designed to include more than one dwelling, and
- ii. the use conforms to the uses prescribed in Schedule C for the District in which the parcel is located, and
- iii. the development complies with the provisions of this Land Use Bylaw, and
- iv. a development permit is issued for the use.

B1.4

Building Demolition

An application to demolish a building shall not be approved without a statement or plan which indicates:

- i. how the operation will be carried out so as to create a minimum of dust or other,
- ii. nuisances, and
- iii. the final reclamation of the parcel which is satisfactory to the Municipal Planning Commission.

B1.5

Manufactured Homes

The external appearance of manufactured homes must be acceptable to the Municipal Planning Commission having regard to compatibility with other buildings in the vicinity and must have a:

- i. minimum roof pitch of 2:12,
- ii. minimum roof overhang or eaves of 0.45 m (1.5 ft) from the external wall,
- iii. maximum length to width ratio of 3:1,
- iv. minimum width of 5.5 m (18.0 ft),

B1.6

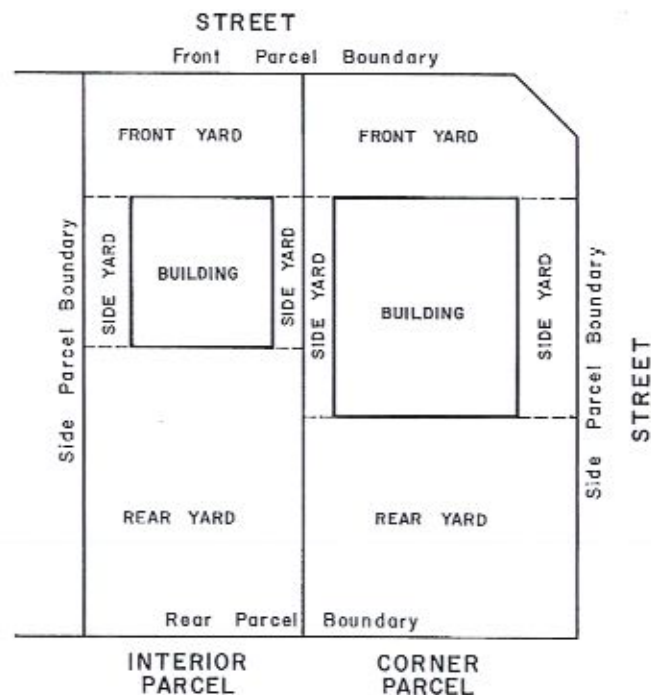
Similar in Use Permit

The list of discretionary uses for any land use district shall be deemed to include any use which is, in the opinion of the Development Authority, consistent with the overall intent of the land use district and similar to a listed permitted or discretionary use.

B2 YARDS

B2.1

Diagram



B2.2**Projections Over Yards**

- i. Projections on foundation walls and footings, or on piles are deemed to be part of the building and shall not be considered as a projection over a yard.
- ii. In a residential District the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:

Side Yards

any projection, including unenclosed steps or eaves, not exceeding one-half of the minimum side yard required for the building, except in lane less subdivisions where Section B3 of Schedule B shall apply.

Front Yards

any projection not exceeding 1.5 m (5.0 ft.) over or on the minimum front yard.

Front and Rear Yard

unenclosed steps, if they do not project more than 2.5 m (8.2 ft.) over or on a minimum front or rear yard.

Rear Yards

any projection not exceeding 3.0 m (9.9 ft.) over the minimum rear yard.

- iii. In all other Districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:
 - a. any projection not exceeding 1.5 m (4.9 ft.) into a front or rear yard,
 - b. any projection not exceeding 0.6 m (2.0 ft.) into a side yard,
 - c. any projection that is an exterior fire escape not exceeding 1.2 m (3.9 ft.) in width.
- iv. No portion of a building other than eaves, signs or canopies shall project into a public or private right-of-way.

B2.3**Objects Prohibited or Restrictions in Yards**

- i. No person shall allow a motor vehicle which is in a dilapidated or unsightly condition, or a derelict vehicle to remain or be parked on a parcel in a residential District, unless it is suitably housed or screened to the satisfaction of the Development Officer / CAO / Designated Officer.
- ii. A maximum of one (1) holiday trailer or motor home or camper or non-commercial trailer, or off-road vehicle (including snowmobiles), or boat, or bus may be parked on a hard surface pad or driveway in the front yard of a residence provided that:
 - a. the unit must be parked so as to be fully contained on a hard surface pad or driveway; and
 - b. no portion of the unit is situated closer than 1.5 m (4.9 ft.) from the interior edge (property side) of the roadway curb; and
 - c. where there is a sidewalk, no portion of the unit shall be closer than 0.3 m (1.0 ft.) to the edge of the sidewalk; and
 - d. the unit shall not be situated closer than 1.0 m (3.3 ft.) from the side boundary of the parcel; and
 - e. that the unit on a corner parcel shall not be situated closer to the street than the main building on the side of the parcel that is not the front parcel boundary; and
 - f. that the combined full width of the constructed hard surface pad and driveway in the front yard of a residence does not exceed 10.0 m (32.3 ft.).
- iii. A holiday trailer, motor home or camper parked in a residential District may be used for living and sleeping accommodation only for a maximum period of 30 days per annum.
- iv. Other than one tractor truck unit which may be parked in a rear yard, no commercial motor vehicle exceeding 5,897 kg (13,000 lbs GVW) or commercial trailer exceeding 7.5 m (21.3 ft.) in length may remain or be parked in a residential district for longer than is necessary to load or unload.
- v. A Truck Tractor unit shall be deemed to be parked in a residential district when the operator is off duty and no Truck Tractor unit in a residential district shall be allowed to run for more than 30 minutes on start up.

- vi. No person shall allow an outdoor hot tub, whirlpool, or swimming pool to be installed in a front yard.

B3 LANELESS SUBDIVISIONS

B3.1

In a lane less subdivision in a residential District, one side yard shall not be less than:

- i. 1.5 m (4.9 ft.), in the case of a detached dwelling with attached garage, or
- ii. 3.0 m (9.8 ft.), in the case of a detached dwelling without attached garage,

and,

both side yards shall not be less than:

- iii. 1.5 m (4.9 ft.), in the case of a duplex with attached garages, or
- iv. 3.0 m (9.8 ft.), in the case of a duplex without attached garages.

B3.2

In a lane less subdivision in a Commercial or Industrial District, one side yard shall be not less than 6.0 m (19.7 ft.).

This does not apply to an accessory building where such building is located to the rear of the main building and separated therefrom by a minimum distance of 12.0 m (39.4 ft.).

B4 MICRO HOMES

B4.1

Micro homes with wheels will be considered in the manufactured home district.

B4.2

Micro homes on wheels must have the wheels and axles removed, the hitch concealed, and the home placed on a permanent foundation.

B4.3

Micro homes built on a foundation are treated as a Single-Family Dwelling and must comply with the Land Use Bylaw and Alberta Building Code.

B4.4

In the event a developer proposes a micro home community within the Town, the applicant would be required to redesignate the property to a Direct Control District

B5 SETBACK ON FUTURE MAJOR ROADWAYS

Where a parcel abuts a street for which a setback is established, the minimum yard requirement shall be increased by the amount of the applicable setback shown below.

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Existing Right-of-Way</u>	<u>Setback Required</u>
20 Street (West Side)	17 Avenue	26 Avenue	20.1 m (65.9 ft.)	3.7 m (12.1 ft.)

B6 VEHICLES**B6.1****Parking**

The following minimum number of parking spaces shall be provided and maintained upon the use of a parcel or building in any District as described in Schedule C of this Land Use Bylaw.

Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the next highest integer.

Land Use	Parking Spaces
Commercial	
Fast Food	1.0 / 4 seats with a minimum of 3 stalls plus 2 staff parking stalls
Retail sales	4.0 / 100 m ²
Offices	2.5 / 100 m ²
Motels / Hotels	1.0 / guest room
Personal Services	2.5 / 100 m ²
Restaurants / Lounges / Taverns	1.0 / 4 seats plus a minimum of 3 staff stalls
Sales and Service	12.0 / 100 m ²
Other	2.5 / 100 m ²
Repair Services	2.0 / 100m ²
Live / Work Unit	1.0 / unit
Industry	
Manufacturing Industry	Minimum Provision 6.0 spaces
Office Area	2.0 / 100 m ²
Other Area	1.0 / 100 m ²
Warehousing and Storage Minimum Provision	4.0 spaces
Office Area	2.0 / 100 m ²
Storage Area	0.7 / 100 m ²
Public	
Hospitals and Nursing Homes	1.0 / 4 beds and 1.0 / 2 workers
Places of Worship	1.0 / 4 seats
Public Assembly Buildings	1.0 / 4 seats
Elementary / Junior High Schools	1.0 / worker
Senior High Schools	1.0 / worker and 1.0 / 2 students
Residential	
Single Family Dwelling	2.0 / dwelling unit
Apartments	1.5 / dwelling unit
Accessory Suites	1.0 / dwelling unit
Duplex	2.0 / dwelling unit
Four-plex	1.5 / dwelling
Townhouse / Row Houses	1.5 / dwelling unit
Adult Care Residences	2.0 / 3 dwelling units
Bed & Breakfast Establishments	1.0 / guest room
Boarding & Rooming House	1.0 / guest room

B6.2**Uses Not Listed Above****6.2.1**

The number of spaces shall be determined by the Municipal Planning Commission having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.

6.2.2

When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original building or use and that of the enlarged building or changed or intensified use.

6.2.3

The parking space requirement on a parcel which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses.

6.2.4

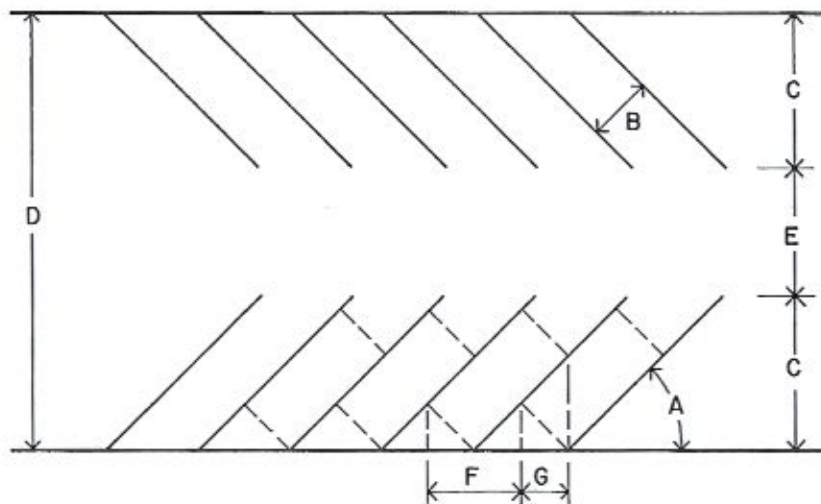
Any loading space provided pursuant to subsection B6.3 of this Schedule may be used as parking space.

6.2.5

Each parking space shall have dimensions of not less than 2.8 m (9.0 ft.) by 5.5 m (18.0 ft.).

6.2.6

The dimensions of parking areas shall be as set out in the following diagram and the table included on the following page:



A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall Depth	Overall Depth	Manoeuvring Space	Curb Length	Row End Length
0°	2.75 m (9.0 ft.)	2.75 m. (9.0 ft.)	9.00 m (29.5 ft.)	3.50 m (11.5 ft.)	6.70 m (22.0 ft.)	0.0 m
30°	2.75 m (9.0 ft.)	5.13 m. (16.8 ft.)	13.76 m (45.1 ft.)	3.50 m (11.5 ft.)	5.50 m (18.0 ft.)	0.64 m (2.1 ft.)
45°	2.75 m (9.0 ft.)	5.83 m. (19.1 ft.)	15.66 m (51.4 ft.)	4.00 m (13.1 ft.)	3.88 m (12.7 ft.)	1.94 m (6.4 ft.)
60°	2.75 m (9.0 ft.)	6.16 m (20.2 ft.)	17.80 m (58.4 ft.)	5.50 m (18.0 ft.)	3.17 m (10.4 ft.)	1.96 m (6.4 ft.)
90°	2.75 m (9.0 ft.)	5.50 m (18.0 ft.)	18.00 m (59.1 ft.)	7.00 m (23.0 ft.)	2.75 m (9.0 ft.)	0.0 m

6.2.7

A minimum standard of 24.8 m² (266.4 sq. ft.) per parking space shall be used for general calculations for the areas of parking facilities or the number of parking spaces in a parking facility,

6.2.8

In commercial Districts, in lieu of providing parking spaces and subject to the approval of the Council, a payment may be made to the Municipality at a rate per space which the Council shall determine.

6.2.9

Parking spaces shall be located on the same parcel as the use for which they are being provided except that, subject to the approval of the Municipal Planning Commission, the spaces may be located on another parcel within 50.0 m (164.0 ft.) walking distance, provided that a restrictive covenant, ensuring the use of the parcel for the required number of parking spaces, is registered against the Certificate of Title of that parcel.

6.2.10

Hard surfacing of the parking area shall be required, where a parking area enters a paved road otherwise, the surfacing shall be all-weather.

B6.3**Loading Spaces****6.3.1**

Loading spaces shall be required for all non-residential development and apartments.

6.3.2

Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and manoeuvred entirely within the bounds of the parcel before moving onto a road.

6.3.3

Loading spaces shall be located in rear and side yards only.

6.3.4

A loading space shall be at least 3.5 m x 8 m (11.5 ft. x 26.3 ft.) with an overhead clearance of at least 4.6 m (15.1 ft.).

6.3.5

Hard surfacing of the loading space shall be required, where a loading space enters a paved road, otherwise, the surfacing shall be all-weather.

B6.4

Vehicle Access to Buildings

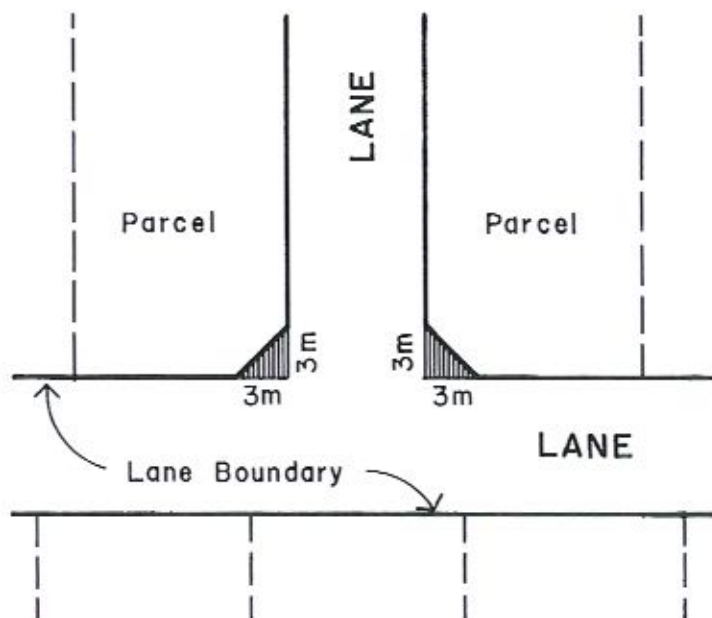
Any building into which a vehicle may enter shall have a driveway on the parcel at least 6.0 m (19.7 ft.) in length, except where the driveway enters a lane, where it shall be either 1.0 m (3.3 ft.) or at least 6.0 m (19.7 ft.).

B6.5

Sight Lines at Intersections of Roadways

6.5.1

At the intersection of lanes, a 3.0 m (9.8 ft.) sight triangle shall be provided (see diagram below)



6.5.2

At the intersection of other roads, the Development Officer / Municipal Planning Commission may require the calculation of sight triangles where:

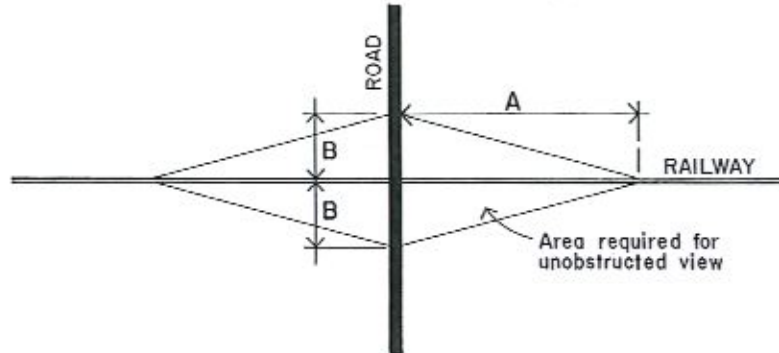
- i. one or more rights-of-way is less than 15.0 m (49.2 ft.), or
- ii. regulated vehicle speed exceeds 50 Km/h, or
- iii. one of the carriageways is not centred in its right-of-way, or
- iv. an intersection leg is curved or skewed, or
- v. an intersection leg is sloped at 2% or greater.

6.5.3

Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roads.

B6.6**Sight Lines at Road & Rail Intersections****6.6.1**

At the intersections of roadways and railways, which are unprotected by automatic warning signals, sight triangles shall be determined using the diagram and table below.



Maximum Train Speed		Sight Distance A From Crossing		Maximum Vehicle Speed			Sight Distance B From Crossing		
kmh	(mph)	m	(ft)	kmh	(mph)	M	(ft)*	m	(ft)**
32.2	(20)	91.4	(300)	32.2	(20)	32.0	(105)	18.3	(60)
48.3	(30)	137.2	(450)	48.3	(30)	53.3	(175)	29.0	(95)
64.4	(40)	182.9	(600)	64.4	(40)	79.3	(260)	44.2	(145)
80.5	(50)	228.6	(750)	80.5	(50)	112.8	(370)	64.0	(210)
96.6	(60)	274.3	(900)	96.6	(60)	150.9	(495)	85.3	(280)
112.6	(70)	320.0	(1,050)	112.7	(70)	192.0	(630)	111.3	(365)
128.7	(80)	365.8	(1,200)						
144.8	(90)	411.5	(1,350)						
160.9	(100)	457.2	(1,500)						

* distances based on level approach grade and good traction.

** panic stop distances.

6.6.2

At the intersections of roads and railways, which are protected by automatic warning signals, the Development Officer / Municipal Planning Commission may require the calculation of sight triangles where:

- one or more of the rights-of-way is less than 15.0 m (49.4 ft.), or
- regulated vehicle speed exceeds 50 Km/h, or
- either the carriage way or the railway is not centred in its right-of-way, or
- an intersection leg is curved or skewed, or
- an intersection leg is sloped at 2% or greater.

6.6.3

Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopped motor vehicle be between 5.0 m (16.4 ft.) and 15.0 m (49.2 ft.) as required by the Traffic Safety Act.

B6.7

Driveways

B6.7.1

At street intersections, driveways shall be setback from the parcel boundaries which form the intersection not less than

- i. 6.0 m (19.7 ft.) where the driveway serves not more than four dwelling units, or
- ii. 15.0 m (49.2 ft.) for all other uses,

except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.

B6.7.2

The minimum distance between driveways shall be:

- i. nil, where the driveways serve single dwelling units,
- ii. 6.0 m (19.7 ft.), where the driveways serve any other use,

except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.

B6.7.3

The minimum angle for a driveway to a use which generates high traffic volumes shall be 70°.

To ensure that the movement of traffic is both safe and efficient, driveways are not allowed on Town streets, unless alternative access is unavailable.

B7 NON-CONFORMING BUILDINGS AND USES

B7.1

A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.

B7.2

A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

B7.3

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 on the lot while the non-conforming use continues.

B7.5

A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:

- i. to make it a conforming building,
- ii. for routine maintenance of the building, if the Development Officer/Municipal Planning Commission considers it necessary, or
- iii. in accordance with the provisions of this Bylaw.

B7.6

If a non-conforming building is damaged or destroyed to the extent of more than 75% of the market value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Land Use Bylaw.

B7.7

The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

B8 SIGNS

B8.1 General Provisions

8.1.1

A sign shall not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings or be liable to create a cluttered appearance to the streetscape.

8.1.2

No sign shall project higher than the roofline of the building to which it is attached.
A sign shall not project closer than 0.8 m (2.5 ft.) to the existing or future curb line.

8.1.3

Where a sign projects over public property, a minimum clearance of 2.5 m (8.2 ft.) above grade level shall be maintained.

8.1.4

Notwithstanding subsection d., where a sign is located in or projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.6 m (15.1 ft.) above grade level shall be maintained.

8.1.5

A sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.

8.1.6

A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance, or other emergency vehicles.

B8.2 Fascia and Projecting Signs

8.2.1

No fascia or projecting sign shall be lower than 2.5 m (8.2 ft.) above grade, except in the case of signs intended solely for the information of pedestrians in which case the height shall be determined by the Municipal Planning Commission having regard, amongst other things, to clarity and safety.

8.2.2

No fascia or projecting sign on a single storey building shall be higher than the eave line of the building.

8.2.3

No fascia sign shall project more than 0.4 m (1.3 ft.) over a street or public property.

8.2.4

No fascia or projecting sign on a building two or more storeys in height shall be higher than the sill level of the second-floor windows or the equivalent height in the case of attachment to a blank wall.

8.2.5

The maximum size for projecting signs shall be 1.0 m² (10.8 sq. ft.).

8.2.6

On corner sites, projecting signs shall be placed at equal angles to the walls that form the corner and on other sites, at right angles to the wall.

8.2.7

Projecting signs shall not project more than 1.0 m (3.3 ft.) over a street or public property. Only one projecting sign may be erected on each street frontage of a building.

B8.3 Freestanding Signs and Billboards

8.3.1

No freestanding sign or billboard shall extend beyond 6.0 m (19.7 ft.) above grade or be larger than 4.5 m² (48.5 sq. ft.) except in a Highway Commercial District where:

- i. the maximum height in Hwy Commercial District shall not exceed 8.5 m (28 ft)
- ii. the maximum area of the freestanding sign shall not exceed 14 m² (150 ft²)

8.3.2

Only one freestanding sign or billboard may be erected on each of a parcel's boundaries with a street.

8.3.3

No freestanding sign or billboard shall be erected in such proximity to Public Facility and Recreation District that it would detract from the natural aesthetics of that District.

8.3.4

Freestanding signs and billboards shall be separated by a minimum distance of 30.0 m (98.4 ft.) from each other.

8.3.5

Freestanding signs and billboards shall only be erected on sites to which their display relates except in the case of:

- i. advance directional signs which may be approved by the Municipal Planning Commission in locations where it considers the free and safe flow of traffic may be enhanced, or
- ii. signs used solely by community organizations.

B8.4 Portable Signs

8.4.1

The use of a portable sign shall be limited to a maximum of 60 days following which time the sign shall be removed from the parcel.

8.4.2

No portable sign shall be higher than 2.0 m (6.6 ft.) above grade or larger than 3.0 m² (32.3 sq. ft.).

B8.5 Awning Signs

Awning signs shall only be permitted if the awning is a minimum of 2.5 m (8.2 ft.) above grade level.

B8.6 Other Signs

The Municipal Planning Commission may approve other signs subject to the General Provisions of section B8.1

B8.7 A Board Signs

8.7.1

Be of a painted finish, be neat and clean, and be maintained in such condition; and,

8.7.2

Be of a size not exceeding 0.6 m (2 ft) wide by 0.9 m (3 ft) high, and no less than 0.3 m (1 ft) wide by 0.6 m (2 ft) high.

B8.8 Prohibited Signs

All signs that are not in accordance with the definitions for signs or deemed to be similar by the Development Authority shall be prohibited from development. Specific types of signs prohibited, include, but are not limited to, the following:

- i. signs attached to or painted on Shipping Containers (C-Cans / Sea Cans) which are located on parcels of land for the purpose of communicating a message or advertising,
- ii. signs attached to or painted on unlicensed vehicles or trailers which are parked for the purpose of communicating a message or advertising,
- iii. flashing or animated signs that are moving or contain digital or electronic message boards, unless approved on commercial or industrial parcels.

B8.9 Signs Not Requiring a Permit

A development permit is not required for the erection of one non-illuminated sign of the following nature and size for each use within a building or on a parcel, provided such signs do not resemble or conflict with traffic signs:

- i. fascia sign for the purpose of identification, direction and warning not exceeding 0.3m² (3 ft²),
- ii. fascia or canopy sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 1.5 m² (16 ft²),
- iii. fascia or freestanding sign relating to a religious, educational, cultural, recreational, or similar institution, or to an apartment not exceeding 1m² (10 ft²),
- iv. a portable sign, not exceeding 4.5m² (48 ft²) in area, relating to,
 - a. sale or lease of land or building,
 - b. sale of goods or livestock by auction,
 - c. carrying out of construction,
 - d. announcement of any local event of a religious, educational, cultural, political, or governmental nature.
- v. notwithstanding the provisions section B7 of this Bylaw, a maximum of two "A" frame signs, not exceeding 0.55m² (6 ft²) in area and 1m (3 ft) in height on a parcel to which the advertising relates, or on the immediate adjacent road allowance located behind the curb line.
- vi. one non-illuminated sign with a total copy area not exceeding 1.11 m² (12 ft²) for each home business issued.

B9.9 Sign Removal

Where a sign no longer fulfils its function under the terms of the approved development permit, the Municipal Planning Commission may recommend that the Council resolve to order the removal of such a sign, and the lawful owner of the sign or where applicable, the registered property owner, shall, upon such a resolution:

- i. remove such a sign and all related structural components within 30 days from the date of receipt of such a removal notice,
- ii. restore the immediate area around the sign to the satisfaction of the Municipal Planning Commission,
- iii. bear all the costs related to such removal and restoration.

B9 MISCELLANEOUS**B9.1 Home Occupations**

Home occupations shall comply with the following:

- i. a home occupation shall not include any use or operation which detracts from the amenities of a residential neighbourhood, by way of creating dangerous or objectionable conditions,
- ii. a home occupation shall be incidental and subordinate to both the residential use and the accessory residential building,
- iii. one a-board sign in conjunction with the home occupation,
- iv. there shall be no outside storage of materials, commodities or finished products,

- v. no commodity other than the product or service of the home occupation shall be sold on the premises,
- vi. except for emergency situations, all home business vehicle trips shall be restricted to:
 - a. Monday to Sunday between the hours of 7:00 AM and 10:00 PM; and
 - b. Sundays and Statutory Holidays between the hours of 10:00 AM and 6:00 PM,
- vii. no person other than a resident of the dwelling shall be employed on site,
- viii. a home occupation shall not involve the onsite use and/or storage of hazardous or dangerous goods,
- ix. not more than one business vehicle used in or for the home occupation shall be parked on the site or any street adjacent thereto,
- x. there shall be adequate onsite parking or storage space provided for all home business vehicles. Except for on a permitted driveway or attached garage, no parking shall be permitted in a front yard,
- xi. a Business Licence does not exempt the applicant from compliance with any Federal or Provincial regulation, or code or any Municipal Bylaw or regulation; and,
- xii. a permit for a home occupation may be revoked at any time if, in the opinion of the Municipal Planning Commission, the home occupation has become detrimental to the residential nature and amenity of the neighbourhood or otherwise does not meet the criteria or intent of a home occupation.

B9.2 Mechanized Excavation, Stripping and Grading of Parcels

- i. a temporary fence shall be erected around all excavations which in the opinion of the Development Officer / Municipal Planning Commission may be hazardous to the public,
- ii. where finished ground elevations are established, all grading shall comply therewith,
- iii. all parcels shall be graded to ensure that storm water is directed to a road without crossing adjacent land, except as permitted by the Municipal Planning Commission,
- iv. all topsoil shall be retained on the parcel, except where it must be removed for building purposes.

B9.3 Landscaping

9.3.1

The purpose of this section is to encourage the effective use of vegetation and other landscaping material approved by the Development Authority to promote the aesthetic appearance of the built environment, while contributing to the image and appeal of the community, mitigate air and noise pollution and enhance property values. Landscaping shall be provided in accordance with the following:

- i. unless otherwise indicated, all Commercial and Industrial Districts shall be required to have a minimum of ten percent (10%) of the site area landscaped. With 1 tree for every 50 m² (538 ft.²) and 1 shrub for every 20 m² (215 ft.²)
- ii. all parts of a parcel, except the front yard, not covered by buildings, driveways, parking, storage and display areas or forming part of the required landscaped area shall be seeded to grass, sodded, cultivated as a garden, hard landscaped or left with its natural grass and vegetative cover,
- iii. the front yard of all residential districts not covered by buildings, driveways, or parking shall be landscaped to the satisfaction of the development authority,
- iv. all boulevards adjacent the development site shall be seeded, sodded, or gravelled excepting those ditch areas required for drainage. Any surface treatment other than grass or any tree planting on the boulevards shall require prior approval of the Town,
- v. existing trees shall be retained to the greatest extent possible. Any such trees which are retained following development may be considered in assessing fulfilment of the landscaping requirements provided construction activity has not, in the opinion of the Development Authority, impacted the ability of the existing trees to survive five (5) years beyond the date the development was completed,

- vi. all trees shall be separated a minimum distance from each other to allow sufficient space for the tree's maximum potential growth radius at maturity and to ensure healthy, un-inhibited growth,
- vii. the size of all required trees and shrubs shall be as follows at time of planting:
Trees
 - a. Coniferous minimum height of 1.8 m (6 ft.) above the root ball
 - b. Deciduous minimum caliper width of 50 mm (2 in) at 0.46 m (1.5 ft.) above the root ball

9.3.2

Landscaping shall be completed to the satisfaction of the Development Authority by the end of the first full growing season following completion of construction or the commencement of the use, whichever occurs first. All landscaping shall be of a type and quality that is satisfactory to the Development Authority.

9.3.3

Prior to issuing a development permit for any Commercial or Industrial Districts, the Development Authority may require submission of a detailed landscape plan to a standard satisfactory to the Development Authority, outlining at a minimum the following:

- i. the location of the trees and shrubs to be planted, including the distance between trees and the anticipated growth radius at maturity,
- ii. the number of trees and shrubs to be planted; and,
- iii. the common name of the trees and shrubs to be planted.

9.3.4

Screening shall be provided in any Commercial or Industrial Districts development for the following to the satisfaction of the Development Authority,

- i. outdoor storage area,
- ii. garbage area.

9.3.5

Screening method and/or material shall be compatible with the development and its surrounding uses where the visual adverse impact is minimized.

9.3.6

The owner of a property, or his/her successor or assignee, shall be responsible for installation and proper maintenance of all landscaping required by a development permit. If the required landscaping does not survive two (2) growing season following the date of landscaping, the applicant/owner must replace it with a similar type of species and with a similar caliper width or height, to the satisfaction of the Development Authority.

9.3.7

A security equal to the amount of the cost to provide the approved landscaping plan shall be taken in the form of irrevocable letter of credit from a federally certified financial institution:

- i. the Town shall be paid the full amount on demand if the required landscaping has not been fully carried out as approved and the Town shall use the funds to carry out the works required,
- ii. the Town will release the irrevocable letter of credit with the following conditions:
 - a. once the date of the development permit of the required two (2) growing season has expired; and,
 - b. the landscaping has been completed, as approved in the landscaping plan, to the satisfaction of the Development Authority.

9.3.8

Residential areas shall be adequately buffered from highways and industrial and commercial areas.

B9.4 Municipal Historic Area

A bylaw designating a part of the municipality as a Municipal Historic Area under the Historical Resources Act is deemed to form part of this Land Use Bylaw.

B9.5 Accessory Suites

B9.5.1

Accessory suites may only be situated in a detached dwelling that is occupied by the registered owner.

B9.5.2

The number of accessory suites per detached dwelling is limited to one (1),

B9.5.3

One (1) additional off-street parking space will be provided in accordance with Section B6.1 of this Bylaw.

B9.6 Garden Suites

Shall:

- i. only be situated in the rear yard of a parcel,
- i. not exceed one storey in height,
- ii. be sited so that it is at least:
 - a. 1.5 m (5.0 ft.) from the side property boundary except that on a corner parcel, the garden suite shall be no closer to the street than the primary dwelling,
 - b. 1.5 m (5.0 ft.) from the rear property boundary when the garden suite has a blank wall facing that boundary,
 - c. 3 m (10.0 ft.) from the rear property boundary when the garden suite has a window opening in the wall facing that boundary,
 - d. 2.5 m (8.0 ft.) from the primary dwelling and all other buildings on the parcel.
- iii. be placed on prepared cribbing or piers and shall be skirted within 30 days of its placement on the parcel,
- iv. be connected to the utilities servicing the primary dwelling,
- v. be of a design and appearance that is acceptable to the Municipal Planning Commission.

B9.7 Soft Sided Buildings

Both soft-sided buildings and temporary buildings shall only be considered as a discretionary use in the industrial and commercial districts and shall have a fixed expiry date.

B9.8 Drainage

- i. all roof drainage from a building shall be directed onto the parcel upon which the building is situated by means satisfactory to the Development Officer,
- ii. any landscaping and / or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage onto an adjoining site unless otherwise approved by the Municipal Planning Commission

B9.9 Land Use Policies

Every action undertaken by the municipality and the Development Officer / Municipal Planning Commission must be consistent with any land use policies established pursuant to the Municipal Government Act.

B9.10 Protection of Agricultural Operations

Every action undertaken by the municipality and the Development Officer / Municipal Planning Commission must consider the protection of agricultural operations in accordance with section 639.1 of the Municipal Government Act (2021).

B10 GUIDELINES FOR OTHER LAND USES

All uses which are not covered by specific regulations in Schedule C shall, in accordance with the following guidelines, be:

- i. separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses,
- ii. at a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan,
- iii. set-back from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses,
- iv. of a height which will be consistent with that prevailing in the area,
- v. developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads, and,
- vi. developed in conformance with any applicable statutory plan policies.

LAND USE BYLAW

SCHEDULE C Land Use District Regulations

1 LOW DENSITY RESIDENTIAL DISTRICT (R1)

General Purpose:	To provide an area for low density residential development in the form connected to the municipal sewer and water systems. of detached dwellings and compatible uses, herein listed, which are
Permitted Uses:	Accessory building and use Day care facilities Detached dwellings Home Occupations
Discretionary Uses:	A-board signs Bed and breakfast establishments Garden Suites Manufactures Homes Social Care Residence

The following regulations apply to detached dwellings:

Minimum Front Yard:	6.0 m (19.7 ft.)
Minimum Side Yard:	1.5 m (4.9-ft.) except where it abuts a road - 3 m (9.8 ft.), or as required in the Alberta Building Code, whichever is greater
Minimum Rear Yard:	6.0 m (19.7 ft.)
Minimum Parcel Area:	Interior Parcels 450.0 m ² (4,843.9 sq. ft.) Corner Parcels 500.0 m ² (5,382.1 sq. ft.)
Maximum Parcel Coverage:	55%
Landscaped Area:	In the case of applications for development permits for uses other than detached dwellings, refer to Schedule B.
Maximum Building Height:	7.5 m (24.6 ft.)
Landscaped Area:	In the case of applications for development permits for uses other than detached dwellings, refer to Schedule B.
Manufactured Home Design:	The external appearance of manufactured homes must be acceptable to the Municipal Planning Commission having regard to compatibility with other buildings in the vicinity and must have 1. A minimum roof pitch of 2:12 2. A minimum roof overhang or eaves of 0.45 m (1.5 ft.) from each external wall 3. A maximum length to width ratio of 3:1 4. A minimum width of 5.5 m (18.0 ft.) 5. A permanent foundation
Adult Care Residence and Social Care Residence Standards:	As determined by the Municipal Planning Commission having regard to the design and height of the building and the adjacent uses and buildings

1

LOW DENSITY RESIDENTIAL DISTRICT (R1) continued

Supplementary Regulations: All uses must comply with the regulations in Schedule B.
The regulations for all discretionary uses shall be as established in Schedule B

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road: otherwise the surfacing shall be all-weather.

2**NARROW LOT SINGLE FAMILY (R1A)**

General Purpose: The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and complementary uses on narrow urban lots.

Permitted Uses: Accessory buildings and uses
Detached dwellings
Home Occupations

DEVELOPMENT STANDARDS:

Minimum Parcel Area: Detached dwellings:
350.0 m² (3,767.0 ft²) on interior parcel
403.0 m² (4,338.0 ft²) on corner parcel
All other uses:
At the discretion of the Subdivision Authority

Minimum Parcel Width: Detached Dwellings:
10.0 m (33.0 ft) for an interior parcel
11.5 m (38.0 ft) for a corner parcel
All other uses:
At the discretion of the Subdivision Authority

Minimum Front Yard: 6.0 m (20.0 ft)
Minimum Side Yard: 1.5 m (5.0 ft) except where it abuts a road – 3.0 m (10.0 ft)
Minimum Rear Yard: 6.0 m (20.0 ft)
Maximum Building Height: 9.5 m (31 ft.) for principal building(s) only
Maximum Parcel Coverage: 55% including all accessory buildings

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Houses with similar floor plans and exterior elevations shall be separate from each other by three houses, unless the house style, roof pitch, and exterior materials and treatment are substantially different.
- iii. Exposed foundations should be kept to a minimum and must be fully parged.
- iv. It is encouraged that a variety of materials be used on any one street. Generally, there will be no restrictions to the type of siding materials used; however, the Development Authority reserves the right to require changes to ensure variety between adjacent homes and as it is deemed in the best interest of the subdivision.
- v. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

3

GENERAL RESIDENTIAL DISTRICT (R2)

General Purpose:	To provide an area for a variety of dwelling types and other uses, herein listed, which are compatible with a residential area, all of which are connected to the municipal sewer and water systems.
Permitted Uses:	Accessory buildings and use Detached dwellings Duplexes Home Occupations
Discretionary Uses:	A-board signs Apartments Bed and breakfast establishments Boarding and rooming houses Convenience stores Four-plexes Garden Suites Manufactured homes Multiple housing developments Row houses
Minimum Front Yard:	Detached dwellings, duplexes, row houses and four-plexes: 6.0 m (19.7 ft.) Apartments: 7.5 m (24.6 ft.)
Multiple housing developments:	Sufficient separation or screening must exist to maintain privacy within each dwelling under normal conditions.
Minimum Side Yard:	Detached dwellings, duplexes, four-plexes, and row houses: 1.5 m (4.9 ft.), except where it abuts a road – 3.0 m (9.8 ft.) Apartments: 3.0 m (9.8 ft.), except where it abuts a road – 6.0 m (19.7 ft.), or as required in the Alberta Building Code, whichever is greater. Multiple housing development: Sufficient separation or screening must exist to maintain privacy within each dwelling under normal conditions, or as required in the Alberta Building Code, whichever is greater.
Minimum Rear Yard:	Detached dwellings, duplexes, row houses, four-plexes and apartments: 6.0 m (19.7 ft.) Multiple housing developments (incorporating buildings with ground level private access, such as row houses, four-plexes, duplexes and detached dwellings): Each dwelling unit shall have a private, screened yard area of not less than 45.0 m ² (484.4 sq. ft.)

3

GENERAL RESIDENTIAL DISTRICT (R2) continued**Minimum Parcel Area:****Detached dwellings:**

Interior parcels	375.0 m ²	(4,036.6 sq. ft.)
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Corner parcels	420. m ²	(4,521.0 sq. ft.)
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Duplexes:

Interior parcels	235.0m ²	(2,529.6 sq. ft.)
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Corner parcels	280.0m ²	(3,014.0 sq. ft.)
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Row houses:

Interior parcels	185.0 m ²	(1,991.4 sq. ft.)
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Corner parcels	275.0 m ²	(2,960.17 sq. ft.)
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Four-plexes:

Interior parcels	180.0 m ²	(1,937.6 sq. ft.)
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Corner parcels	185.0 m ²	(1,991.4 sq. ft.)
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Apartments:

1.3 times the building's total floor area

Multiple housing developments:

The ground area of non-recreational buildings, of the parking facilities and driveways and the minimum amenity area (described below) shall be totalled.

Minimum Amenity Area*

- bachelor unit 15.0 m² (161.5 sq. ft.) per unit
- one bedroom unit 20.0 m² (215.3 sq. ft.) per unit
- two-bedroom unit 55.0 m² (592.0 sq. ft.) per unit
- three-bedroom unit 90.0 m² (968.8 sq. ft.) per unit
- four-bedroom unit 110.0 m² (1,184.1 sq. ft.) per unit

* Minimum amenity area includes hard and soft-landscaped areas, balconies, recreational facilities and communal lounges

Maximum Parcel Coverage:

Detached dwellings, duplexes, four-plexes, and row houses: 55%

Apartments: 75%

Multiple housing developments:

Determined by subtracting the minimum amenity area from the parcel area

Maximum Building Height:

Detached dwellings, duplexes, row houses and four-plexes:

7.5 m (24.6 ft.)

Apartments:

12.0 m (39.4 ft.)

Multiple housing developments:

As required for the various housing types described above

Adult Care Residence and Social Care Residence Standards:

As determined by the Municipal Planning Commission having regard to the design and height of the building and the adjacent uses and buildings

3

GENERAL RESIDENTIAL DISTRICT (R2) continued

Supplementary Regulations: All uses must also comply with the regulations in Schedule B.

The regulations for all discretionary uses not addressed above shall be as established in Schedule B

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

4

MANUFACTURED HOME DISTRICT (R3)

General Purpose: To provide an area for and to regulate the development and use of land for manufactured homes, and other uses, herein listed, which are compatible with a residential area, either on separately registered parcels or in comprehensively designed parks wherein sites are rented or owned as part of a condominium. The area is to be connected to municipal sewer and water systems.

Permitted Uses: Manufactured homes
Manufactured home park
Accessory buildings and uses

Manufactured Home Design: The external appearance of manufactured homes must be acceptable to the Municipal Planning Commission having regard to compatibility with other buildings in the vicinity.

In this District,

"lot" means the total area of land reserved for the placement of a manufactured home and for the exclusive use of its occupant(s):

Manufactured Home Park Standards

Maximum Gross Density: 17 manufactured homes per hectare (7.0 per acre)
Minimum Park Area: 2.0 hectares (4.9 acres)
Recreation Area: A minimum of 5% of the total area of a manufactured home park shall be set aside in a suitable location as a recreation area. Playground apparatus or other recreation facilities shall be provided in accordance with a recreation site plan approved by the Development Officer/Municipal Planning Commission.
Roads: All manufactured home park roads shall have at least a 12.0 m (39.4 ft.) right-of-way and a carriageway no less than 8.0 m (26.3 ft.) in width.
Walkways: Internal pedestrian walkways, where provided, shall be a minimum of 1.5 m (4.9 ft.) in width.
Storage Areas: Common storage areas, separate from the manufactured home lot, shall be provided for storage of seasonal recreational equipment not capable of storage on the manufactured home lot. Such storage areas shall be screened. Such storage areas shall have an area of not less than 20.0 m² (215.3 sq. ft.) per manufactured home lot.
Utilities: All utility services and all utility wires and conduits shall be installed underground.
Fences and Lot Lines: Fences and hedges shall be allowed only if they are erected and maintained by the manufactured home park operator to a uniform standard throughout the manufactured home park. All lot lines shall be clearly defined on the ground by permanent flush stakes, or markers, with a lot number or other address system.

4**MANUFACTURED HOME DISTRICT (R3) continued**

Minimum Yard Requirements:	Manufactured homes and their attached structures shall be at least: 4.5 m (14.8 ft.) from one another 7.0 m (23.0 ft.) from any park boundary 3.0 m (9.8 ft.) from any internal access road or common parking area 1.5 m (4.9 ft.) from any side lot line 4.5 m (14.8 ft.) from any rear lot line
Minimum Lot Area:	As determined by the size of the manufactured home units and the lot coverage and minimum yard requirements specified in this Section.
Maximum Lot Coverage:	55%
Building Design:	All manufactured homes shall be factory built. Skirting or any attached structure shall be factory built with matching exterior finish, or be of durable all-weather construction and designed in a manner that will enhance the appearance of the manufactured home development. Each manufactured home shall be levelled, blocked and skirted, and the hitch skirted within 30 days of being placed on a lot.
Manufactured Home Design:	The external appearance of manufactured homes must be acceptable to the Municipal Planning Commission having regard to compatibility with other buildings in the vicinity and must have: A minimum roof pitch of 2:12 A minimum roof overhang or eaves of 0.45 m (1.5 ft.) from each external wall A maximum length to width ratio of 3:1 A minimum width of 5.5 m (18.0 ft.) A permanent foundation
Minimum Manufactured Home Floor Area:	65.0 m ² (699.7 sq. ft.)

1. Manufactured Home Subdivision Standards

The following regulations apply to manufactured homes:

Minimum Yard Requirements:	Manufactured homes and their attached structures shall be at least: 6.0 m (19.7 ft.) from one another 6.0 m (19.7 ft.) from the front parcel boundary 3.0 m (9.8 ft.) from the rear parcel boundary 1.5 m (4.9 ft.) from the side parcel boundary except on a corner parcel where the side yard abutting a road shall be at least 3 m (9.8 ft.)
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4**MANUFACTURED HOME DISTRICT (R3) continued**

Minimum Parcel Area:	Interior parcels	375.0 m ²	(4,036.6 sq. ft.)
	Corner parcels	420.0 m ²	(4,521.0 sq. ft.)
Maximum Parcel Coverage:	55%		
Building Design:	All manufactured homes shall be factory built. Skirting or any attached structure shall be factory built with matching exterior finish, or be of durable all-weather construction and designed in a manner that will enhance the appearance of the manufactured home. All wheels must be removed and the manufactured home placed on permanent foundation, or concrete piers. Each manufactured home shall be appropriately skirted within 30 days of being placed on a lot.		
Minimum Floor Area:	90.0 m ² (968.7 sq. ft.)		
Landscaped Area:	In the case of applications for development permits for uses other than manufactured homes, refer to Schedule B.		
Supplementary Regulations:	All uses must also comply with the regulations in Schedule B		

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

5**RESIDENTIAL MULTI FAMILY DISTRICT (R4)**

General Purpose: The purpose of this district is to provide for the development of a variety of multi-family housing types.

Permitted Uses: Accessory buildings and uses
 Apartments
 Fourplexes
 Row housing

Discretionary Uses: Duplexes
 Home occupations
 Multiple housing developments

DEVELOPMENT STANDARDS:

Minimum Parcel Area: Apartments:
 90.0 m² (969.0 ft²) for each bachelor and one bedroom dwelling unit
 102.0 m² (1,098.0 ft²) for each dwelling unit with more than one bedroom
 Fourplexes:
 90.0 m² (969.0 ft²) for each dwelling unit
 Row housing:
 190.0 m² (2,045.0 ft²) for each dwelling unit on an interior parcel
 275.0 m² (2,960.0 ft²) for each dwelling unit on a corner parcel
 Multiple housing developments:
 90.0 m² (969.0 ft²) for each apartment dwelling unit
 275.0 m² (2,960.0 ft²) for each row housing dwelling unit
 150.0 m² (1,615.0 ft²) for each fourplex dwelling unit
 320.0 m² (3,444.0 ft²) for each duplex dwelling unit
 All other uses:
 As determined by the Subdivision Authority

Maximum Parcel Area: Apartments:
 2.0 ha (5.0 acres)
 Multiple housing developments
 2.4 ha (6.0 acres)

Minimum Parcel Width: Apartments
 30.5 m (100.0 ft.)
 Fourplexes
 15.2 m (50.0 ft.)
 Row housing
 6.0 m (20.0 ft.) per dwelling unit on an interior parcel
 9.0 m (30.0 ft) per dwelling unit on a corner parcel or end unit
 All other uses:
 At the discretion of the Subdivision Authority

5

RESIDENTIAL MULTI FAMILY DISTRICT (R4) continued

Minimum Front Yard:	Apartments and fourplexes: 7.5 m (25.0 ft.) All other residential developments: 6.0 m (20.0 ft.) All other uses: As determined by the Development Authority
Minimum Side Yard:	Apartments and fourplexes: 3.0 m (10.0 ft.) except 6.0 m (20.0 ft.) on the street side of a corner parcel Fourplexes: 3.0 m (10.0 ft.) except 4.5 m (15.0 ft.) on the street side of a corner parcel Row housing: 1.5 m (5.0 ft.) except 3.0 m (10.0 ft.) on the street side of a corner parcel All other uses: As determined by the Development Authority.
Minimum Rear Yard:	Apartments: 7.5 m (25.0 ft.) Fourplexes: 7.5 m (25.0 ft.) Row housing: 7.5 m (25.0 ft.) All other uses: As determined by the Development Authority.
Maximum Building Height:	Apartments: 13.5 m (44.0 ft.) for principal building only Fourplexes and row housing 9.5 m (31.0 ft.) for principal building only All other uses As determined by the Development Authority
Maximum Parcel Coverage:	Apartments and Fourplexes 75% including all accessory buildings Row housing: 55% including all accessory buildings All other uses As determined by the Development Authority
Landscaped Area:	Apartments, fourplexes, row housing and multiple housing developments must have at least 25% of the parcel area landscaped

5

RESIDENTIAL MULTI FAMILY DISTRICT (R4) continued

OTHER REQUIREMENTS:

- i. In examining any proposed use for this District, due regard shall be paid to the compatibility of the proposed development with existing uses on or adjacent to the site.
- ii. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or building.
- iii. For multiple housing developments incorporating row housing, fourplexes, duplexes or similar dwelling units with at grade access, each dwelling unit shall have a minimum outdoor living space of 500.0 ft². The outdoor living space of individual dwelling units shall not overlap. The outdoor living space shall not be used for motor vehicle parking.
- iv. On sites developed for apartments and other multiple housing developments, the facade of the buildings, the location of recreational facilities and the quality of landscaped areas shall be provided to the satisfaction of the Development Authority.
- v. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

6

CENTRAL COMMERCIAL DISTRICT (C1)

General Purpose:	To provide an area for intensive commercial use, offering a wide variety of goods and services, and other uses, herein listed, which are compatible with the area, which will create an attractive environment for pedestrians, but which will be accessible to motor vehicles.
Permitted Uses:	Accessory buildings and uses Convenience store Day care facilities Food and beverage service facility Live/Work unit Offices Personal services
Discretionary Uses:	Bus depots Commercial recreation and entertainment facilities Funeral homes Repair services Sea Cans Signs

The following regulations apply to permitted uses:

Minimum Front Yard:	Nil
Minimum Side Yard:	Nil, or as required in the Alberta Building Code, whichever is greater.
Minimum Rear Yard:	Shall be provided for parking and loading spaces in accordance with Sections 3(1) and 3(2) of Schedule B.
Maximum Parcel Coverage:	75%
Outdoor Storage and Display:	Outdoor storage or display is not permitted
Maximum Building Height:	10.0 m (32.8 ft.)

The following regulation applies to dwelling units:

Dwelling Unit Entrance:	Dwelling units shall have an entrance separate from the entrance to any commercial component of the building.
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Supplementary Regulation: All uses must also comply with the regulations in Schedule B.

The regulations for all discretionary uses shall be as established in Schedule B.

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

7

HIGHWAY COMMERCIAL DISTRICT (C2)

General Purpose: To provide an area for commercial use and other uses, herein listed, which are compatible with the area, adjacent to a major thoroughfare, which requires large open areas for parking by clientele, for display of merchandise, or both, which will create an attractive environment, primarily accessible to motor vehicles.

Permitted Uses: Accessory buildings and use
 Convenience store
 Food and Beverage service facility
 Gas bar
 Hotel
 Motel
 Personal services
 Sales and service outlets
 Retail sales
 Signs

Discretionary Uses: Auction markets
 Commercial recreation and entertainment facilities
 Shopping centres
 Apartment
 Live / work unit
 Funeral homes
 Greenhouse, commercial
 Mini-storage warehouse
 Public utility building
 Repair services
 Sea Cans
 Signs

The following regulations apply to permitted uses:

Minimum Front Yard: 9.0 m (29.5 ft.) adjacent to a service or local road
Minimum Side Yard: 3.0 m (9.8 ft.), or as required in the Alberta Building Code, whichever is greater
Minimum Rear Yard: 6.0 m (19.7 ft.)
Minimum Parcel Frontage: 15.0 m (49.2 ft.) adjacent to a service or local road
 46.0 m (150.9 ft.) without a service road
Maximum Parcel Coverage: 80%
Outdoor Storage and Display: 1. All outdoor storage shall be screened.
 2. All outdoor display shall be screened from residential Districts.

7

HIGHWAY COMMERCIAL DISTRICT (C2) continued

Maximum Building Height: 10.0 m (32.8 ft.)

Supplementary Regulations: All uses must also comply with the regulations in Schedule B.

The regulations for all discretionary uses shall be as established in Schedule B.

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

8

LOCAL COMMERCIAL DISTRICT (LC)

General Purpose:	The purpose of this District is to allow for a limited range of moderate scale commercial establishments with provide for the sale of a variety of convenience goods and services in close proximity to residential areas and located along collector or arterial roads.
Permitted Uses:	Accessory buildings or uses Gas bars Food and beverage service facility Convenience stores Signs - Fascia
Discretionary Uses:	Live / work unit Shopping centre Personal services Signs – not including Fascia
DEVELOPMENT STANDARDS:	
Minimum Parcel Area:	0.2 ha (0.5 acres) 0.8 ha (2.0 acres)
Maximum Parcel Area:	30.5 m (100.0 ft.)
Minimum Parcel Width:	6.0 m (20.0 ft.)
Minimum Front Yard:	
Minimum Rear Yard:	3.0 m (10.0 ft.) except abutting a residential parcel where it shall be 6.0 m (20.0 ft.)
Minimum Side Yard:	3.0 m (10.0 ft.) except abutting a residential parcel where it shall be 6.0 m (20.0 ft.)
Maximum Building Height:	10.0 m (33.0 ft.) for principal buildings(s) only.
Maximum Parcel Coverage:	75% including all buildings, parking facilities, storage areas and display areas.
Landscaped Area:	A minimum of 3.0 m (10.0 ft.) wide area adjacent any residential parcel and any property boundary with a road, except where there is a driveway, shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

8

LOCAL COMMERCIAL DISTRICT (LC) continued

SPECIAL REQUIREMENTS

Yards Abutting a Residential District

- i. Where the parcel in the Local Commercial District (LC) abuts a residential district
 - a. no open storage or outdoor display shall be permitted in the abutting yard(s),
 - b. no parking space shall be allowed in such yard(s) within 6.0 m (20.0 ft.) of a lot line,
 - c. no outdoor eating or drinking area shall be located within 15.2 m (50.0 ft.) of an adjacent residential property.
- ii. If a development in this district abuts a residential parcel the abutting yard shall be a minimum of 6.0 m (20.0 ft.) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.8 m (6.0 ft.) in height and providing sufficient visual screening shall be provided.

Restrictions of Open Storage or Outdoor Display

No open space or outdoor display shall be permitted except for special occasions or temporary uses.

Garbage Storage

Garbage shall be stored in garbage containers constructed and located in accordance with the Town's Solid Waste Bylaw and garbage storage areas shall be screened from public thoroughfares and adjacent properties to the satisfaction of the Development Authority.

Dwelling Units

Dwelling units within mixed use developments and developments incorporating dwelling units above the ground floor shall:

- i. Have an entrance that is separate and distinct from the entrance of any non-residential component of the building,
- ii. Not be located below the second floor,
- iii. Not be located on the same floor as a non-residential use unless there is a physical separation of uses or entrances to the satisfaction of the Development Authority.

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

9

LIGHT INDUSTRIAL DISTRICT (I1)

General Purpose:	To provide an area for light industrial uses, and other uses, herein listed, which are compatible to the area which are located in an attractive environment; to accommodate uses which do not cause any external, objectionable or dangerous conditions beyond the parcel boundary.
Permitted Uses:	Light manufacturing Signs Veterinary clinic Warehousing
Discretionary Uses:	Auction markets Live / Work Unit Greenhouse, commercial Public utility buildings Railway uses Sea Cans Temporary buildings Solid waste transfer station

The following regulations apply to permitted uses:

Minimum Front Yard:	9.0 m (29.5 ft.)
Minimum Side Yard:	3.0 m (9.8 ft.), or as required in the Alberta Building Code, whichever is greater.
Minimum Rear Yard:	6.0 m (19.7 ft.)
Minimum Parcel Frontage:	15.0 m (49.2 ft.), except where abutting a highway without a service road, in which case 30.0 m (98.4 ft.) shall be required.
Maximum Parcel Coverage:	80%
Supplementary Regulations:	All uses must also comply with the regulations in Schedule B.

The regulations for all discretionary uses shall be as established in Schedule B.

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

10**HEAVY INDUSTRIAL DISTRICT (I2)**

General Purpose:	To provide an area for light industrial uses, and other uses, herein listed, which are compatible with the area with heavy industry permitted in approved locations at the discretion of the Municipal Planning Commission.
Permitted Uses:	Accessory buildings and use Repair services Heavy equipment assembly, sales and service Heavy manufacturing Light manufacturing Signs Veterinary clinic Warehousing
Discretionary Uses:	Auto wrecking yards Building demolition Feed mills and grain elevators Livestock auction markets Mini-storage warehouses Open storage yards Parking facilities for uses in this District Railway uses Repair services Sea Cans Seed cleaning plants Solid waste transfer stations

The following regulations apply to permitted uses:

Minimum Front Yard:	9.0 m (29.5 ft.)
Minimum Side Yard:	3.0 m (9.8 ft.), or as required in the Alberta Building Code, whichever is greater.
Minimum Rear Yard:	6.0 m (19.7 ft.)
Maximum Parcel Coverage:	80%
Minimum Parcel Frontage	15.0 m (49.2 ft.), except where abutting a highway without a service road, in which case 30.0 m (98.4 ft.) shall be required.
Supplementary Regulations:	All uses must also comply with the regulations in Schedule B.

The regulations for all discretionary uses shall be as established in Schedule B.

OTHER REQUIREMENTS:

- i. The Development Authority has the right to refuse permission for the erection or placement of any building where in their opinion the design or appearance of the building will adversely affect the amenities of the surrounding area or buildings.
- ii. Hard surfacing of all driveways, parking pads and areas used for vehicular storage shall be required where any driveway, parking pad or area used for vehicular storage enters a paved road; otherwise the surfacing shall be all-weather.

11**PUBLIC FACILITY & RECREATION DISTRICT (PFR)**

General Purpose: To provide an area for the development of public land for major multipurpose recreational facilities, and other uses, herein listed, which are compatible with the area.

Permitted Uses: Parks and playgrounds
Accessory buildings and uses

Discretionary Uses: Cemeteries (public)
Public and quasi-public uses
Public utility buildings
Signs

The following regulations apply to permitted uses and public and quasi-public uses:

Minimum Front Yard: 9.0 m (29.5 ft.)

Minimum Side Yard: 3.0 m (9.8 ft.), or as required in the Alberta Building Code, whichever is greater.

Minimum Rear Yard: 6.0 m (19.7 ft.)

Maximum Parcel Coverage: 80%

Outdoor Storage and Display: 1. Outdoor storage shall be screened
2. Outdoor display is not allowed

Maximum Building Height: 12.0 m (39.4 ft.)

Supplementary Regulations: All uses must also comply with the regulations in Schedule B.

The regulations for all other uses shall be as established in Schedule B.

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URBAN RESERVE DISTRICT (UR)

General Purpose:	To reserve land for future subdivision and development until an overall plan is prepared for and approved by Council.
Permitted Uses:	Accessory building and use Farms and farming operations, excluding feedlots
Discretionary Uses:	Public utility buildings Signs

The following regulations apply to all uses:

Minimum Parcel Area:	All the land contained in the existing Certificate of Title, unless otherwise approved by the Municipal Planning Commission, having regard to future use of the parcel and the form of future subdivision and development.
Outdoor Storage and Display:	1. Outdoor storage shall be screened 2. Outdoor display shall be screened from residential Districts
Supplementary Regulations:	All uses must also comply with the regulations in Schedule B.

**LAND USE BYLAW
SCHEDULE D
Specified Penalties for Offences under the Land Use Bylaw**

First Offence:	Written Warning
Second Offence:	\$250.00
Third Offence:	\$500.00
Fourth Offence:	\$1,000.00