

*Millet*  
*Proud to be*



**BYLAW#  
2018/11**

**LAND USE BYLAW  
2018/11**

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## **TOWN OF MILLET - LAND USE BYLAW #2018/11**

### **PART 1: REGULATORY**

#### **1.0 Title and Contents**

#### **1.1 Title**

This Bylaw is referred to as the Town of Millet Land Use Bylaw and includes the land annexed into the Town effective January 1, 2018. The land annexed may be governed by the preceding County of Wetaskiwin Land Use Bylaw. This Bylaw is to achieve the beneficial, orderly, and economic development of land and for that purpose, amongst other things:

1. Part 1 - Comprising the legal enactment of this Bylaw, and all Schedules and Appendices pertaining to those Sections;
2. Part 2 - Comprising the definitions with this Bylaw;
3. Part 3 - Comprising the administrative function of this Bylaw;
4. Part 4 - Comprising the direction for application and the notification process pursuant to the provisions of this Bylaw;
5. Part 5 - Comprising the Appeal Process;
6. Part 6 - Comprising the Establishment of Districts;
7. Part 7 - Comprising regulations that apply to general uses;
8. Part 8 - Comprising regulations that apply to all use specific uses;
9. Part 9 - Comprising regulations that apply to vehicular parking and loading requirements;
10. Part 10 - Comprising regulations that apply to signage;
11. Part 11 - Comprising the considerations for the subdivision of land and the development of those lands to municipal standards;
12. Part 12 - Providing procedures and processes for dealing with Contravention of the Bylaw, Violations, Fines and Penalties;
13. Part 13 - Providing for the division of the Town into zoning classifications.
14. Appendix 1 - Subdivision and Development Setback Regulations



## **1.2 Headings and Titles**

1. Notwithstanding any other provision of this Bylaw or any other Bylaw passed by Council to the contrary, headings and titles within this Bylaw shall be deemed to form a part of the text of this Bylaw.

## **2.0 Repeal, Enactment and Transition Procedures**

1. No provisions of any other Bylaw with respect to Land Use classification, development control, development schemes and Land Use classifications adopted prior to the date of this Bylaw shall hereafter apply to any parts of the Town described in this Bylaw.
2. Upon third reading of Bylaw 2018/11, Bylaw 2011/05 and all amendments thereto are hereby repealed.
3. Subject only to the provisions in the Act respecting legal non-conforming uses and notwithstanding the effect it may have on rights, vested or otherwise, the provisions of this Bylaw govern from the effective date onward. In particular, no application for a development permit shall be evaluated under the procedural or substantive provisions of the previous Land Use Bylaw after the effective date, even if the application was received before the effective date.

## **3.0 Transitional and Interpretive**

1. In the case of any conflict between the text of this Bylaw and the maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.
2. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall govern.
3. In the case of any conflict between information expressed in metric units and in imperial units, the metric units shall govern.

## **4.0 Approval Required for Development**

1. No Person, except where a permit is not required:
  - a) shall commence, or cause or allow to be commenced, a development without a development permit issued under the provisions of this Bylaw; or
  - b) shall carry on, or cause or allow to be carried on, a development without a development permit issued under this Bylaw.
2. Compliance with other Legislation

A person applying for, or in possession of a valid Development Permit is not relieved from the responsibility of ascertaining and complying with or carrying out development in accordance with:

- a) The requirements of any Statutory Plan;

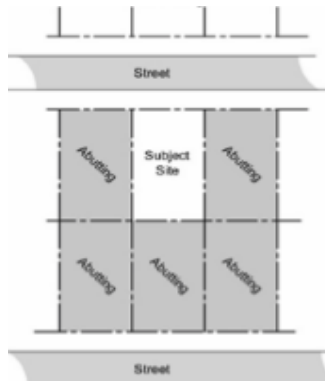
- b) The requirements of the Alberta Safety Codes Act, RSA 2000, Chapter S-1;
- c) The requirements of any other applicable Federal, Provincial and/or Municipal legislation;
- d) The conditions of any caveat, covenant, easement, instrument, building scheme or agreement affecting the land or building; and
- e) The requirements of other applicable Town of Millet Bylaws, Policies and Procedures as adopted by Council from time to time.

## PART 2: DEFINITIONS

For the purpose of this title, the following words and phrases are defined and shall be construed as set forth in this Part unless otherwise expressly stated or the context clearly indicates a different intention. The definitions of words and phrases used in this title and not specifically defined in this Part shall be their common meaning as may be determined by the Development Authority.

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**ABUT or ABUTTING** - the lot physically touches upon another lot or shares a property line or boundary line with it.



**ACCESSORY BUILDING** - a building separate from and subordinate to the principal building and the use of which is incidental to the use of the principal building. An accessory building is located on the same site as the principal building, but is not attached by a roof and floor or foundation.

**ACCESSORY USE** - a use incidental and subordinate to the principal use, located on the same site.

**ACT OR MUNICIPAL GOVERNMENT ACT** - the Municipal Government Act, RSA 2000, c. M-26, as amended. References in this Bylaw to other Acts shall have the following meanings:

- a) Condominium Property Act shall mean the Condominium Property Act, RSA 2000, c. C 22, as amended;
- b) Environmental Protection and Enhancement Act shall mean the Environmental Protection and Enhancement Act, RSA 2000, c. E-12, as amended;
- c) Highway Traffic Act shall mean the Highway Traffic Act, RSA 1980, c. H-7, as amended;
- d) Historical Resources Act shall mean the Historical Resources Act, RSA 2000, c. H-9, as amended;
- e) Railway (Alberta) Act shall mean the Railway Act, RSA 2000, c. R-4, as amended; and;
- f) Safety Codes Act shall mean the Safety Codes Act, RSA 2000, c. S-1, as amended.

ADJACENT - nearby but not necessarily touching; implies properties separated by a natural barrier such as a river, or by a street, but not separated by another property. Properties that touch each other are legally said to be adjoining rather than adjacent, but common usage includes such properties as within the definition of adjacent.



ADULT ENTERTAINMENT - the provision of live performances, motion pictures, videos, books or other reproductions for the amusement of patrons, the central feature of which is generally deemed unsuitable for minors.

ADVERTISEMENT - a message carried in a communication including but not limited to a newspaper, radio, television, sign, billboard, social media for the purposes of informing the public of a matter of public or private interest.

AER - the Alberta Energy Regulator or its successor.

AGRICULTURAL LAND, PRODUCTIVE -

- a) land with a farmland assessment rate of 30% or more;
- b) grey-wooded soil producing hay, forage or other crops;
- c) bush-covered soil with agricultural potential (where potential is determined on the basis of the farmland assessment value the land would have if cleared) and,
- d) land used for grazing cattle.

AGRICULTURE, EXTENSIVE - agricultural uses including but not limited to cultivation of grains, oilseeds, forage, pasture and/or grazing of cattle or other animals.

AGRICULTURE PRODUCT PROCESSING - the use of land or buildings for processing activities of an agricultural nature such as a cheese plant, distillery, brewery, winery, meat processing facility, seed cleaning plant (drying and milling) and similar agriculture processing uses.

AIRBNB - is an online community marketplace that connects people looking to rent their homes with people who are looking for accommodations. Airbnb users include hosts and travelers: hosts list and rent out their unused spaces, and travelers search for and book accommodations.

AMENITY AREA -

- a) With respect to residential use classes, space provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw; and
- b) With respect to non-residential use classes, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development, subject to the regulations of this Bylaw.

APARTMENT BUILDING - development consisting of five or more dwellings contained within a building in which the dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other residential use class.

APPLICANT - the registered owner of land or persons authorized by the registered owner to act as the representative or agent.

APPROACH - a direct built access to a road or highway which conforms to the Municipality's policy on rural approaches, as amended from time to time.

AREA CONCEPT PLAN (ACP) - a non-statutory plan passed by resolution that sets out principles and policies to act as a guideline for new development or growth in a predetermined area as identified by Council.

AREA STRUCTURE PLAN (ASP) - a statutory plan prepared pursuant to Section 633 of the Act that applies to a defined area of land. Provides a framework for more detailed subdivision and development staging of development, land uses, and infrastructure matters as defined in the Town's Policy #51, as amended from time to time.

ARTERIAL ROAD - a roadway designed to accommodate medium to high traffic volumes for local and regional trips. Arterial roads are designed to connect neighborhoods to one another and the community to regional freeways and expressways. These roadways are mainly four-lane facilities with wide boulevards and limited access to business and residential frontages.

ASSISTED LIVING FACILITY - a development in a dwelling or building where physical, social or mental care is provided in a group environment to full-time residents by on-site providers. This use does not include extended medical treatment services, drug or alcohol addiction or crime rehabilitation centres.

AUCTIONEERING ESTABLISHMENT - development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment. This use class does not include flea markets or the sale of farm animals.

AUTOMOTIVE AND EQUIPMENT REPAIR SHOP - development used for the commercial servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This use class does not include body repair and paint shops.

AUTOMOTIVE AND LIGHT RECREATION VEHICLE SALES/RENTALS - development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and the sale of parts. This land use class includes automobile dealerships, rental agencies and motorcycle dealerships. This use class does not include dealerships for the sale of trucks with a gross vehicle weight rating of 4000 kg or greater, or the sale of motorhomes with a gross vehicle weight rating greater than 6000 kg.

AUTO SALVAGE AND AUTO RECYCLING YARD - a site in an industrial district used in whole or in part for the collection of damaged or aged vehicles for the purpose of salvaging and recycling automotive parts which are sold for reuse.

BALCONY - a structure projecting from the wall of a building that may be surrounded by guardrails or parapet walls.

BANK BREAK - the point at which the land begins to slope sharply downwards to a waterbody, watercourse or valley floor and is above the elevation of a floodplain.



BARE LAND CONDOMINIUM - a condominium development containing bare land condominium units, created specifically through subdivisions and registered as a condominium plan in accordance with the Condominium Property Act. Structures constructed on bare land condominium units shall comply with the general regulations of this Bylaw.

BARE LAND CONDOMINIUM UNIT - a bare land unit as defined in the Condominium Property Act.

BASEMENT - the portion of a building or structure, which is wholly or partially below grade, having above grade no more than 1.83 m of its clear height, which lies below the finished level of the floor directly above.

BED AND BREAKFAST FACILITY - a business that forms an accessory use in a single detached dwelling and provides temporary sleeping accommodation and meals for rent but does not include a boarding/lodging house.

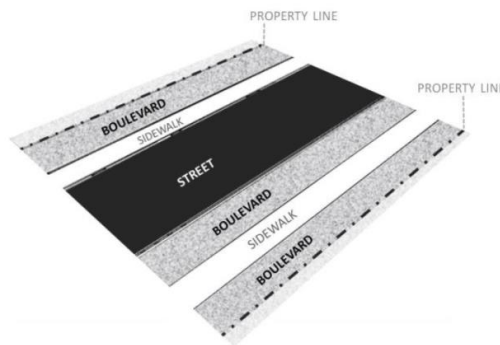
**BERM** - a landscaped earth mound that is utilized to reduce the noise and visual effects of adjacent land uses and/or direct ground water flows as part of an engineered storm water management system.

**BLANK WALL** - exterior walls containing no windows, doors or other similar openings.

**BOARDING/LODGING HOUSE** - a building, or a portion of a building without individual suites operated for the purpose of providing live-in accommodation (either room for rent or room and board).

**BOOTH MARKET** - development used for the sale of new or used goods by multiple vendors renting tables or space in an enclosed building or in an outdoor space. Typical uses include farmers markets, flea markets, trade shows, sidewalk sales and fairs.

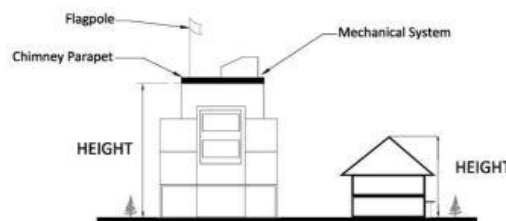
**BOULEVARD** - that part of the road right-of-way between the street and the property line that is designed to suit the needs of the surrounding community and which may include a combination of pedestrian amenities and required street infrastructure such as walkways, lighting, seating, decorative features and landscaping.



**BOULEVARD, TREED LANDSCAPE** - that portion of public road right-of-way which has been landscaped with trees planted at intervals.

**BUILDING** - anything constructed or placed on, in, over, or under land but does not include a highway or public roadway or bridge forming part of a highway or public roadway, or any utility installation.

**BUILDING HEIGHT** - the vertical distance between grade and the highest point of a building excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device not structurally essential to the building.



BUILDING PERMIT - a building permit issued pursuant with the Alberta Building Code Regulations.

BUILDING SEPARATION - the required separation between any two buildings located on the same lot or parcel of land. Separation space is not a yard.

BUSINESS SUPPORT SERVICE - development used to provide support services to businesses which are characterized by one (1) or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales and repair establishments.

CAMPGROUND - development of land which has been planned and improved for the use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as year-round storage or any accommodation for residential use.

CANNABIS - defined in the Cannabis Act.

CANNABIS ACCESSORY - a thing that is commonly used in the consumption of cannabis. A cannabis accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers.

CANNABIS PRODUCTION FACILITY - a facility, comprised of one or more buildings or structures, used for the purpose of growing, producing, cultivating, testing, processing, researching, destroying, storing, packaging or shipping of cannabis by a federal government licensed commercial producer in accordance with federal legislation. Cannabis growers are not included in the use class of a greenhouse.

CANNABIS RETAIL SALES - a commercial site licensed by the Province of Alberta where non-medical cannabis and cannabis accessories are sold to individuals at the approved premises. This use class does not include retail stores.

CANNABIS STORE LICENSE - a Provincial License authorizing the licensee to purchase cannabis from the Commission, and to possess, store and sell the cannabis in the licensed premises.

CANOPY - a projection extending from the outside wall of a building normally for shielding a part of the building from the elements.

CARNIVAL - temporary development providing a variety of shows, games and amusement rides, for a period of less than seven days, in which the patrons take part.

CARPORT - a covered structure used to offer limited protection to vehicles. Unlike a garage, a carport does not have four walls, and may only consists of a roof supported by posts or pillars.



CEMETERY - development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerariums, columbariums, and mausoleums. Typical uses in this class include memorial parks, burial grounds and gardens of remembrance.

CHANGE OF USE - the act of changing the use occupying a Building or parcel of land to a different use. A change occurs whenever;

- a) the occupant of a single-tenant building, or parcel, changes the use to a different use;
- b) the occupant of a tenant space in a multi-tenant building changes to a use not currently existing in another tenant space of the building or a use that did not previously exist in the building within the last twelve (12) months;
- c) the use previously existing in a building or parcel but has been discontinued for a period of twelve (12) months;
- d) a different use that did not previously exist on the property is proposed.

CHIEF ADMINISTRATIVE OFFICER - person appointed to a position under Section 205 of the Act, as amended.

CHILD CARE SERVICE - development intended to provide care, educational activities and supervision for groups of seven or more children under 16 (sixteen) years of age during the day or evening, but does not include overnight accommodation, and is intended to be operated for at least 12 (twelve) consecutive weeks each year. This use class includes daycare centres, out-of-school care centres, drop-in centres and nursery schools and does not include day home operations.

COLLECTOR ROAD - streets that connect local and arterial roads and provides direct property access.

COMMERCIAL SCHOOL - development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. This use class does not include schools defined as public education. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.

COMMERCIAL STORAGE FACILITY - a single building storage facility in which all storage is indoors with an interior loading and unloading dock. Exterior storage is not permitted except for registered vehicles that may be parked for extended periods of time but does not include recreation vehicles. The building will be of a single or multi storey design with a higher exterior architectural standard suitable to a commercial usage area.

COMMUNITY SERVICE FACILITY - development for use by the public or public groups for cultural, recreational or community activities. Typical uses include museums, libraries, YMCA/YWCA, tourist information/interpretive centres, multipurpose facilities and public and private clubs.

COMPATIBILITY - the characteristics of different uses or activities or designs which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of buildings and structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as” rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

COMPLIANCE CERTIFICATE - a document which may be issued by a development authority, upon request and upon payment of the required fees, indicating that the use of land and buildings, and the location(s) of building(s) on a site is (are) in accordance with this Bylaw. A Compliance Certificate shall not operate as a development permit nor shall it approve any variance to the yard regulations of this Bylaw not previously approved.

CONDOMINIUM - a building or lot containing bare land units or other units and shared areas, as defined in the Condominium Property Act.

CONTAINER, SHIPPING CONTAINER, SEA-CAN - an accessory sealed unit used for the land and sea transport of goods and materials, which may also be used for storage of materials.

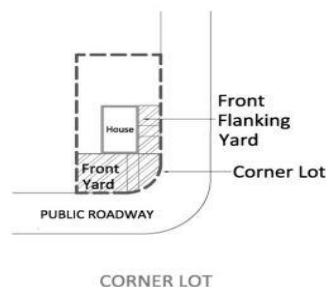
CONTRACTOR SERVICE - a person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

CONVENIENCE VEHICLE RENTAL - development used for the rental of new or used automobiles and light trucks with a gross vehicle weight rating of 4000 kg or less. This use class includes those establishments which are not strictly office in nature, but include, as an integral part of the operation, minor vehicle servicing, storing, fuelling or car washing facilities. This use class does not include professional, financial and office support services, fleet services or establishments for the rental of trailers.

CONVENTIONALLY CONSTRUCTED OR CONVENTIONAL STICK BUILT - a building framed or constructed on site of conventional building materials in accordance with the Alberta Building Code.

CONVERSION - a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building with or without involving major structural alterations.

CORNER LOT - a lot which abuts two or more streets at their point of intersection.



COUNCIL - the Council of the Municipal Corporation of the Town of Millet.

CURB COCK - a shut-off valve connected to a service connection enabling shutting off water supply to a customer's property.

CURB CUT - the cutting or lowering of a curb, sidewalk or boulevard, to provide vehicular and wheelchair access to a site area.

CUSTOM MANUFACTURING ESTABLISHMENT - development used for small scale on-site production of goods by hand manufacturing, primarily involving the use of hand tools and provided such developments have fewer than five production employees. Typical uses include jewellery, toy and musical instrument manufacturing, gunsmiths, pottery and sculpture studios.

DAY HOME OPERATION (LICENSED) - an accessory use in a private residence of the operator that is licenced by the Province to provide personal care, maintenance, supervision or education to children, and shall conform with the Province of Alberta Family Day Home Operations Standards. See Part 8 for a detailed outline of this use.

DAY HOME OPERATION (PRIVATE) - a home-based business that provides a child care program in the private residence of the operator for up to (6) six children which may include infants, preschool children, kindergarten children and school-aged children.

DECK - an unenclosed platform or series of platforms with direct access to the ground. A deck may be attached to a dwelling. A deck is deemed to be accessory to the principal building on the site.

DECK, COVERED - a platform or series of platforms that may be attached to a dwelling and with a roof attached to and forming part of the same dwelling with direct access to the ground. A covered deck may be enclosed by glass or other screening.

DENSITY - the ratio of the number of dwelling units to the lot area or, the maximum number of dwelling units per developable hectare.

DESIGN PLAN - a plan that describes how a parcel of land is to be developed and its compatibility with the surrounding area. A design plan illustrates the surrounding context which includes information such as existing and proposed land uses (with building form and building height), natural or manmade constraints, the roadway network and the pedestrian circulation.

DESIGN STANDARDS - provides technical information required to construct a development or project. In addition, these provide guidance to engineering professionals regarding the Town of Millet's standards and requirements.

DETACHED GARAGE - an accessory building, not connected to the principal building, intended for the storage of vehicles or property.

DEVELOPER – any person, persons or corporation which has applied to enter into a development agreement to subdivide and/or develop, or to service an existing parcel of land, whether as the owner or an agent for the owner of the land.

DEVELOPMENT - the carrying out of construction, excavation or other operations in, on, over or under land or the making of any changes in the use or in the intensity of use of any land, building or premises, and without restricting the generality of the foregoing, includes:

- a) an excavation or stockpile and the creation of either of them;
- b) a building or an addition to or replacement or repair of a building and construction or placing of any of them in, on, over or under land;
- 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;
- 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;
- e) the display of advertisements on the exterior of any building or on any land;
- f) the continuation of the use of land or of a building for any purpose for which it is being used unlawfully at the time this Bylaw comes into effect.

DEVELOPMENT AGREEMENT - a legal contract between the developer and the Town which sets out the terms and conditions under which development of the lands are to take place within the Town including the responsibility to construct local improvements, public facilities and associated financial obligations.

DEVELOPMENT AUTHORITY - subject to Section 641 of the Municipal Government Act, means a Council must by this Bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality. A development authority means one or more of the following;

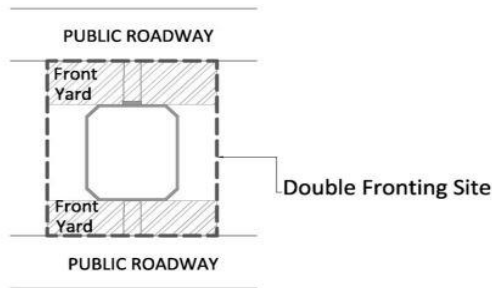
- a) a designated officer;
- b) a municipal planning commission;
- c) any other person or organization.

DEVELOPMENT FOOTPRINT - the area on the project site that has been impacted by any development activity. Hardscape, access roads, parking lots, non-building facilities, and building structures are all included in the development footprint.

DEVELOPMENT PERMIT - a document that is issued under the Land Use Bylaw that authorizes a development and may include a plan or drawing or a set of plans or drawings, specifications or other documents. A development permit is separate and distinct from a building permit.

DISCRETIONARY USE - those uses of land, buildings or structures for which permits may be issued only at the discretion of the Municipal Planning Commission.

DOUBLE FRONTING SITE - a site on which a front yard setback is required onto more than one street, but also includes a site which abuts two public streets, except lanes, which are parallel or nearly parallel where abutting the site.



DOUBLE FRONTING SITE

DRIVE-IN FOOD SERVICE - development used as an eating establishment which offers a limited menu produced in a manner that allows rapid customer service and includes one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

DRIVE-IN SERVICE - an establishment which services customers travelling in motor vehicles driven onto the lot where such business is carried on, where normally the customer either remains in the vehicle for service or parks his vehicle for a short period for doing business at the premises.

DUPLEX HOUSING - a single building on a single lot containing two side by side dwelling units, both entirely above finished grade, and each having a separate direct entrance from the exterior.



DUPLEX HOUSING, STACKED - a small to medium-sized structure that consists of two stacked dwelling units, one on top of the other, both of which face and are entered from the street.

DWELLING - development that consists of a building, or portion(s) thereof, containing one (1) or more dwelling units, used or intended to be used, for residential purposes. A recreational vehicle (RV), park models shall not be used as a dwelling or dwelling unit within the municipality.

DWELLING, SEMI-DETACHED - one dwelling of a duplex, which has been titled separately with a property line along a common wall.

DWELLING, SINGLE DETACHED - a building containing only one (1) residential dwelling unit, not including approved secondary suites or manufactured homes.

DWELLING UNIT - a complete building or self-contained portion of a building intended for domestic use. The unit provides cooking, eating, living, sleeping and sanitary facilities.

EASEMENT – an easement, interest or right held by the Town of Millet for the purpose of providing utilities, access or drainage.

EATING AND/OR DRINKING ESTABLISHMENT - a development where prepared food and alcoholic or non-alcoholic beverages are offered for sale to the public.

EDUCATION - see COMMERCIAL SCHOOL and or PUBLIC EDUCATION SERVICE.

EMERGENCY RESPONSE SERVICE - a use where police, fire and publicly operated emergency services are provided.

ENCROACHMENT AGREEMENT - an agreement under which the Town of Millet permits an intrusion onto public property that is under the direction, control, and management of the Town.

ENGINEER'S REPORT - a document that bears the professional stamp of an engineer who is a member of APEGGA (Association of Professional Engineers, Geologists and Geophysicists of Alberta).

EQUIPMENT RENTAL - development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items. This use class does not include the rental of motor vehicles or industrial equipment.

ESSENTIAL UTILITY SERVICE - development which is part of the infrastructure of a principal utility, pumping stations, electrical power transformers, underground water reservoirs and wells. Typical uses include regulating stations.

EXCAVATION - any breaking of ground but does not include landscaping for a use in which a development permit has been issued, common ground care or agricultural cultivation.

EXCAVATION, STRIPPING and GRADING - the use of motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements.

EXHIBITION AND CONVENTION FACILITY - a development which is owned and managed by a public authority or non-profit agency and provides permanent facilities for meetings, seminars and conventions. Typical uses include exhibition grounds and convention centres.

EXTENDED MEDICAL TREATMENT SERVICE - development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences. Typical uses include hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

FARMER/FLEA MARKET - see BOOTH MARKET.

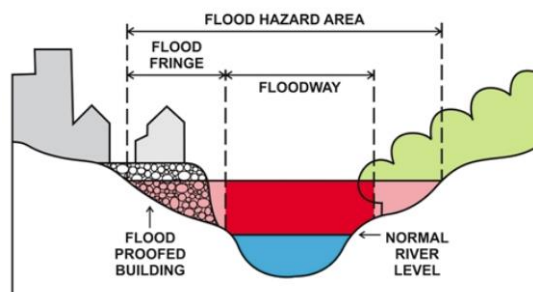
FENCE - a vertical physical barrier constructed to prevent visual intrusion, sound abatement, or unauthorized access.

FENCE, SNOW - a temporary fence erected to prevent the blowing, drifting or accumulation of snow.

FIRE SEPARATION - a construction assembly that acts as a barrier against the spread of fire as defined in the Alberta Safety Codes.

FLEET SERVICE - development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long term lease. This use class includes ambulance services, taxi services, bus lines, messenger and courier services. This use class does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3000 kg.

FLOODWAY - The portion of the flood hazard area where flows are deepest, fastest and most destructive. The floodway typically includes the main channel of a stream and a portion of the adjacent overbank area. New development is discouraged in the floodway.



FLOOD FRINGE - The portion of the flood hazard area outside of the floodway. Water in the flood fringe is generally shallower and flows more slowly than in the floodway. New development in the flood fringe may be permitted in some communities and should be flood-proofed.

FLOOD HAZARD AREA - The flood hazard area is typically divided into floodway and flood fringe zones and may also include areas of overland flow.

FLOOD-PROOFING - with respect to a building or building extension, a design, manner of construction, or siting thereof for preventing damage by floods of a specified magnitude.

**FLOOD RISK AREA** - the area consisting of floodway and flood fringe that would be inundated by the 1:100-year flood and identified on the flood risk map established by the Canada Alberta Flood Damage Reduction program. The flood risk area is shown on Schedule A of this Bylaw, the map of land use districts.

**1:100 FLOOD ELEVATION** - the water level during a 1:100-year flood as determined by technical criteria established by the Canada Alberta Flood Damage Reduction Program. Each year there is a 1% probability of a 1:100-year flood.

**FLOOR AREA** - the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centreline of fire walls but not including the floor area of basements, attached garages, sheds, open porches or breezeways.

**FLOOR AREA RATIO (FAR)** - the numerical value obtained by dividing the floor area of all buildings on a site, excluding parking structures, by the total area of the site.

**FOOD TRUCK** - set up on a temporary basis from which prepared food and beverages are offered for sale to the public. This shall not include catering or delivery of food.

**FOSTER HOME** – as defined in the *Alberta Residential Facilities Licensing Regulation* as a residential facility that is the residence of the holder of a Foster Home license, and in which care is provided for foster children in a family setting. See specific uses in Part 8 for additional regulations.

**FOUNDATION** - the lower portion of a building usually concrete or masonry including the footings which transfer the weight of a building to the ground.



**FOURPLEX HOUSING** - a building containing four dwellings that have either a separate primary entrance from the exterior of the building to each dwelling unit or an entrance to the suite from a common corridor. This type of development shall be designed and constructed as four dwellings at the time of initial construction of the building. This use class does not include secondary suites.

**FRONTAGE** - the length of a property measured along a site line adjacent to a street, or upon a specified site line determined by the Development Authority where a site does not abut a street.



FRONT LOT LINE - the property line separating a lot from an abutting public roadway other than a lane. In the case of a corner lot, the front line is the shorter of the property lines abutting a public roadway, other than a lane. In the case of a corner lot formed by a curved corner, the front lot line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line.

FRONT YARD - the portion of a site extending across the full width of the site from the front property boundary of the site to the front exterior wall of the building.

GAMING ESTABLISHMENT - the use of a building or a portion thereof for the holding of bingo games, operating a casino, placement of video lottery terminals, or similar gambling or betting activities not intended as the principal use.

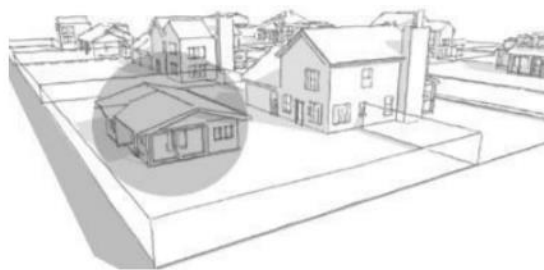
GARAGE - an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles.

GARAGE, ATTACHED - a portion of a building attached to a dwelling intended for the storage of vehicles for the dwelling occupants.

GARAGE, SEMI-DETACHED - detached garages joined on common property line(s) by a "firewall" as defined in the Alberta Building Code.

GARAGE SUITE - a self-contained dwelling unit located in a detached garage. A garage suite is accessory to a building in which the principal use is single detached dwelling. A garage suite has cooking, sleeping and sanitary facilities which are separate from those of the principal building located on the site. Garage suites have an entrance which is separated from the vehicle entrance. This use does not include secondary suites or garden suites.

GARDEN SUITE - a detached dwelling unit, that is subservient to an existing dwelling on the site but does not include a park model. Garden suites can only be located on a lot containing an existing single detached dwelling.



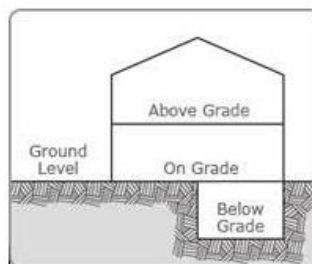
GENERAL CONTRACTOR SERVICE - development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction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

GENERAL INDUSTRIAL USE - development used for one or more of the following activities; manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing or distribution of materials, products or equipment; and may include the training of personnel in general industrial operation. Accessory uses may include indoor display, office, technical or administrative support areas or any sales operation directly associated with the general industrial use activities on-site. This shall exclude natural resource development and cannabis production facilities.

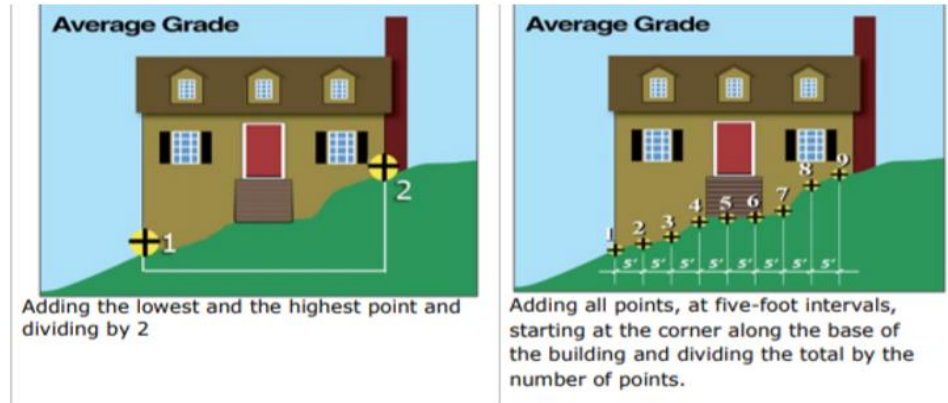
GLOBAL VACATION RENTAL MARKET - Airbnb, VRBO and recreational vehicle rentals are examples of global vacation marketplaces. A distinguishing feature is that the host is reviewed by the guests, and the guests are reviewed by the host. Payment is made to the assigned company, which forwards the funds to the host after the guest arrives and everything is as advertised.

GOVERNMENT SERVICE - development providing municipal, provincial or federal government services directly to the public. This use class does not include protective and emergency services, minor or major impact utility services, and public education services. Typical uses include taxation offices, courthouses, postal distribution offices, manpower and employment offices, social service offices and airport terminals.

GRADE - the ground elevation established for regulating building height. The design grade shall be the level of the ground adjacent to the walls of the building if the ground is level.



**GRADE, AVERAGE** - a single reference elevation which indicates the average grade or ground level of the perimeter of a structure, based on the sum of the existing or finished grade elevations, whichever is lower, which are adjacent to an exterior wall.



**GRADE, FINISHED** - the ground elevation established for determining the number of stories and the height of a building or structure. Finished grade, or grade, shall be determined by averaging finished level of the ground adjacent to the foundation of the principal building.



**GRADE PLAN** - a drawing or specification prepared by a professional surveyor or similar professional discipline which specifies elevations for buildings, foundations, drainage features, streets, alleys, walks and the finished ground levels of development sites.

**GREENHOUSE AND PLANT NURSERY** - development used primarily for the raising, storage, basic processing and sale of fruits and vegetables, and bedding, edible, household and ornamental plants. This use includes the retail sales of landscaping materials. This use does not include cannabis growers.

**GROSS FLOOR AREA (GFA)** - the total area of all floors of all buildings including accessory buildings located on a parcel.

**HARD SURFACE** - a surface which is paved, gravelled, covered with concrete, or consists of paving stones or blocks capable of supporting the expected load in all weather conditions.

HEALTH SERVICE - development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.

HIGHER RISK INDUSTRIAL USE - uses that have production, bulk storage or handling of materials in large quantities that have a higher risk of explosion or causing injuries to persons off site in an emergent situation. The uses include but are not limited to bulk fuel storage and handling facilities, bulk propane storage and handling facilities, anhydrous ammonia storage and handling facilities.

HIGHWAY - as defined under the Traffic Safety Act.

HIGHWAY (PROVINCIAL) - a highway as defined in the Highways Development and Protection Act and is subject to the direction, control and management by the Province.

HOME OFFICE - a dedicated area located in a dwelling which has a phone and/or fax for a registered business entity but where there are no business clients, employees, and distribution of products.

HOTEL - a commercial development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor. Hotels may include licensed restaurants, meeting rooms, personal services shops, and pubs and lounges. This use class does not include nightclubs or bars.

HOUSEHOLD REPAIR SERVICE - development used for the provision of repair services to goods, equipment and appliances normally found within the home. This use class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops. This use class does not include personal service businesses.

IMPROVEMENT(S) –

As pursuant with the Municipal Government Act.

- a) a structure;
- b) anything attached or secured to a structure that would be transferred without special mention by a transfer or sale of the structure;
- c) a designated manufactured home, and;
- d) machinery and equipment.

INDOOR MERCHANDISE SALES – the indoor sale and display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet. This includes but is not limited to grocery stores, retail stores, antique stores, department stores, furniture stores and home improvement stores. This definition does not include cannabis retail sales and liquor stores.

INDOOR PARTICIPANT RECREATION SERVICE - Typical uses include athletic clubs, health and fitness clubs, curling, roller skating and hockey rinks, swimming pools, bowling alleys and racquet clubs.

INDUSTRIAL BUILDING - a building designed for use for any one or more defined industrial uses and may contain accessory office space.

KENNEL - see Small Animal Kennel.

KINSHIP CARE HOME – is an extended family home that is approved to care for a child or youth in care. The caregiver must have a family relationship or significant connection to the child – for example, grandparent, aunt or close family friend. Supports for kinship care are similar to the supports provided to a child and caregivers in foster care.

LANDSCAPING - the preservation or modification of the natural features of a site through the placement or addition of any or a combination of the following:

- a) soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;
- b) decorative hard surfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths;
- c) architectural elements such as decorative fencing, walls and sculpture; and
- d) grading.

LAND USE - the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

LANE - a narrow roadway intended chiefly to give access to the rear of the buildings and parcels of land, also known as an alley, as defined by the Traffic Safety Act, RSA 2000, cT-6, as amended.

LICENSED OUTDOOR PATIO - an extension of an enclosed outdoor area adjacent or adjoining to a restaurant with a Provincial liquor license.

LICENSED RESTAURANT - a restaurant with a Class A - minors permitted liquor license, where alcohol can be served with meals. This use does not include pubs, lounges, bars and nightclubs, or licensed outdoor patios.

LIMITED CONTRACTOR SERVICE - development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles.

LIQUOR STORE - development used for the retail sales of any and all types of alcoholic beverages to the public for consumption off the premises. This use class may include retail sales of related products such as soft drinks and snack foods.

LOADING SPACE - an off-street space on the same lot as a building or group of buildings used to provide free access for vehicles to a loading door, platform or bay.

LOCAL IMPROVEMENT - the construction of municipal improvements such as water mains, storm and sanitary sewers, roads, sidewalks, curbs and gutters, power, street lighting, landscaping and various other items which are or will become owned by the Municipality.

LOT - refers to;

- a) a quarter section;
- b) a river lot shown on an official plan, as defined in the applicable Surveys Act, that is filed or lodged in a land titles office;
- c) a settlement lot shown on an official plan, as defined in the applicable Surveys Act, that is filed or lodged in a land titles office;
- d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- e) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

LOT COVERAGE - see SITE COVERAGE

LOT DEPTH - the minimum horizontal distance between the front and rear lot boundaries.

LOT WIDTH - the horizontal measurement between the side lot lines.

MAJOR AMUSEMENT ESTABLISHMENT - development providing facilities within any building, room or area having table games or electronic games played by patrons for entertainment. This use class does not include carnivals, circuses, indoor participant recreation services, adult entertainment facilities, or casinos and other gaming establishments.

MAJOR HOME BASED BUSINESS - development consisting of the use within an approved residential or accessory building by a resident of that dwelling for one or more businesses. Such businesses may generate more than one business associated visit per day. The business use must be secondary to the residential use of the building and shall not change the residential character of the dwelling or accessory building other than exception of an approved sign. The dwelling may be used as a workplace by a non-resident. This use class does not include indoor merchandise sales.

MAJOR IMPACT UTILITY SERVICE - development for public utility infrastructural purposes which are likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions or effects, or their appearance. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, district heating plants, incinerators and waste recycling plants.

MANUFACTURED HOME - intended for year-round occupancy, containing one residential dwelling unit. A manufactured building is intended for year-round use, containing a single storey building and must comply with CSA Standards. They are constructed on a permanent undercarriage or chassis that is designed to be transported on its own wheels, and can be re-located from time to time from one location to another. Upon the arrival at the site where it is to be located, the unit is ready for occupancy except for incidental building operations such as placement on foundation supports and connection to utilities. A recreation vehicle is not a manufactured home and is not considered for habitable use.

MANUFACTURED/MODULAR HOME SITE - the space allotted for the installation of one manufactured home/modular home, in a manufactured home park district.

MANUFACTURED/MODULAR HOME COMMUNITY - a parcel of land under one title, which has been divided, into residential home sites.

MASSING (BUILDING) - volume and shape of a building. Massing (and scale/size) of new construction and rehabilitations should be similar to the massing. A commercial building is typically a rectangular mass with a flat roof. Homes can be simple rectangular mass, or more complex with numerous additions, and typically have gable or hipped roofs.

MINI STORAGE FACILITY - a secure site containing building(s) constructed and used for the rental of bays for rental to persons or business for storage of private goods. The site may also contain indoor or outdoor allotted rental spaces to be used for the storage of vehicles and recreational vehicles, security offices and security suites.

MINOR HOME BASED BUSINESS - development consisting of the use within an approved residential building by a resident of that dwelling for one or more businesses. Such businesses shall not require more than one visitor/appointment at the same time throughout the day within the dwelling. The business use must be secondary to the residential use of the building and no aspects of the business operations shall be detectable from outside the property other than an approved sign. The dwelling shall not be used as a workplace for non-resident employees of the business. This use class does not include indoor merchandise sales.

MINOR IMPACT UTILITY SERVICE - development for public utility infrastructural purposes which is likely to have some impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses in this use class include vehicle, equipment and material storage yards for utilities and services, telephone exchanges, wire centres, switching centres, snow dumping sites, light rail transit stations, transit bus terminals, depots and transfer facilities, surface reservoirs or storm water lakes, water towers, hydrospheres, water treatment plants, power terminal and distributing substations, communication towers and gate stations for natural gas distribution.

MIXED USE RESIDENTIAL SUITE - residential suites within a commercial building that do not occupy the primary commercial space of the building.

MOBILE CATERING FOOD SERVICE - development using a fleet of three or more vehicles for the delivery and sale of food to the public.

MODULAR BUILDINGS - sectional pre-fabricated buildings, that consist of multiple sections called modules. “Modular” is a method of construction vs. “stick-built” and other methods such as off-site construction. Modular buildings do not have axles or a frame, meaning that they are typically transported to their site by means of flat-bed trucks, and by using a crane the modules are set onto a foundation and joined together to construct a building. Modular buildings must conform to all Alberta Building Codes for their proposed use.

MODULAR HOMES - sectional pre-fabricated houses, that consist of multiple sections called modules. “Modular” is a method of construction vs. “stick-built” and other methods such as off-site construction. Modular homes do not have axles or a frame, meaning that they are typically transported to their site by means of flat-bed trucks, and by using a crane the modules are set onto a permanent foundation. Modular homes must conform to all Alberta Building Codes for their proposed use.

MOTEL - development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include licensed restaurants, meeting rooms, personal services shops, pubs and lounges.

MULTI-TENANT COMMERCIAL BUILDING - a building designed and constructed in accordance with appropriate codes to accommodate multiple commercial tenants and/or uses within the same building. This type of development is sensitive to adjacent districts that allow residential uses and provides a building form that is street oriented at grade. This mix of uses may be either vertical or horizontal. A common example of a vertical mixed use is street level retail, one or more floors of office use in the middle floors, and may include spaces designed mixed-use residential suites provided all regulations are met and approved for mixed use residential (discretionary). An example of a horizontal mixed use is two buildings, one commercial and one office, located on the same site.

MULTI-UNIT DEVELOPMENT - a multi-unit development is when more than one dwelling is built on a single lot, including more than one house, unit or townhouse.



MUNICIPAL GOVERNMENT ACT - see ACT.

MUNICIPAL PLANNING COMMISSION - as established by the Town of Millet, is to exercise the powers and duties pertaining to subdivision and development matters as set out in Bylaw #2017/03.



MUNICIPAL RESERVE - land owned by the Town of Millet for the development of parks and school grounds pursuant to Section 666 and Section 667 (1) of the Municipal Government Act of Alberta, as amended.

MUNICIPAL SERVICES - municipally owned and operated system of works for the provision of water, sewer or other services.

NATURAL CONSERVATION - land areas set aside for outdoor recreation, or to protect sensitive natural features and or areas of cultural or scenic value. Without restricting the generality of the foregoing, this would include for example: parks, environmentally sensitive areas, wilderness areas, natural areas, ecological reserves and archaeological sites.

NATURAL FEATURE - any tree, plant life, water feature, natural open space, rock outcropping or view corridor which presents vistas to a natural feature. Natural features include wetlands, forests, ravines, rivers, valleys and associated wildlife habitat areas along the edge of, or which support significant ecological functions within, the natural feature.

NATURAL RESOURCE DEVELOPMENT - a development for the removal, extraction and primary processing of raw materials found on or under a site. Typical uses include gravel, sand or clay pits, and oil and gas wells. This use does not include the processing of raw materials transported to the site.

NATURAL SCIENCE EXHIBIT - development for the preservation, confinement, exhibition or viewing of plants, animals and other objects in nature. Typical uses include zoos, botanical gardens, arboreta, planetarium, aviaries and aquaria.

NEIGHBOURHOOD/LOCAL COMMERCIAL DEVELOPMENT - a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops.

NIGHTCLUBS AND BARS - a building with a Class A - minors prohibited liquor licence, with an occupant load of greater than 49 persons, where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off-site sales with a Class D liquor license. Major or minor amusement establishments are a permitted accessory use. This use does not include pubs and lounges, licensed outdoor patios, or adult entertainment facilities. This facility may include licensed electronic gaming devices.

NON-CONFORMING BUILDING - a building;

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

NON-CONFORMING USE - a lawful specific use:

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

OBSTRUCTION TO VISIBILITY - an object or thing near a highway or road which affects the safety of vehicular and/or pedestrian traffic.

OCCUPANCY - the use or intended use of a building or part thereof for the shelter or support of persons or property.

OFF-SITE ADVERTISING - the advertising of a business, commodity, service or entertainment that is conducted, sold or offered elsewhere other than the site on which the sign is located.

OFF-SITE LEVY - for the collection of funds that may be used for all or part of capital cost as per the amended MGA.

OFF-STREET - when used as an adjective that the defined thing is not located on a road or highway, but rather a lot, and further, that is not directly accessory to the particular use or development on a lot.

OFF-STREET PARKING LOT - a parking area which is located entirely on a parcel of land.

OUTDOOR AMUSEMENT ESTABLISHMENT - permanent development providing facilities for entertainment and amusement activities which primarily take place outdoors, where patrons are primarily participants. This use class does not include carnivals or circuses. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.

OUTDOOR PARTICIPANT RECREATION SERVICE - development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. This use class does not include community recreation services, spectator sports establishments and outdoor amusement establishments. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables, fitness trails and gun and archery ranges.

OUTDOOR RESTAURANT PATIO - an extension of an enclosed outdoor area adjacent or adjoining to a restaurant.

OUTDOOR STORAGE - forming part of a development used for the storage of equipment, goods, materials, motor vehicles, recreational vehicles, or products associated with a business or use on that same lot.

OUTLINE PLAN - a detailed land use plan for an area of land that is typically smaller than the land covered by an area structure plan and which conforms to all statutory plans. An outline plan is adopted by resolution of Council, pursuant to Part 17 of the Act, and is otherwise equivalent to a "Conceptual Scheme" as described in the Act.

OVERLAY - additional development regulations superimposed on specific areas of the zoning map, which supersede or add to the development regulations of the underlying zone.

OVERSIZE DETACHED GARAGE - a detached garage exceeding 80.0m<sup>2</sup>.

OWNER –

- a) in respect of unpatented land, the Crown;
- b) in respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land; and
- c) in respect of any property other than land, the person in lawful possession of it.

PARAPET WALL - that part of an exterior party wall or firewall extending above the roofline or a wall, which serves as a guard at the edge of a balcony or roof.

PARCEL or PARCEL of LAND - 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, as defined in the Act, as amended.

PARK - land developed for recreational activities that do not require major buildings or facilities, and may include picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms.

PARKING FACILITY - the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility.

PARKING GARAGE - an accessory building or structure, or any portion of a principal building or structure, containing communal parking spaces used for vehicular parking or storage.

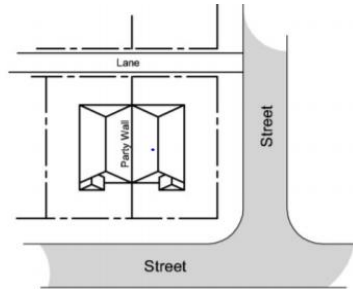
PARKING STALL - a space available for parking one motor vehicle, measuring 3 metres wide and 6 metres long.

PARK MODEL - a type of recreational vehicle; however, for the purposes of this Bylaw, park models are not allowed in any district within this Land Use Bylaw unless either a recreational vehicle or a recreational vehicle park is listed as a permitted or a discretionary use within the district, park models shall not be used as a dwelling or dwelling unit within the municipality.



PARTY WALL -

- a) a wall erected at, or upon, a line separating two parcels of land, each of which is, or is capable of being, a separate legal parcel subdivided under the Municipal Government Act; or
- b) a wall separating two dwellings, each of which is, or is capable of being, a separate legal parcel divided under the Condominium Property Act.



PATIO - a hard-surfaced area 0.2m or less above grade that is placed adjacent to a building intended to be used as an outdoor amenity area. Patios are generally not equipped with railings or do not require stairs.

PAWN SHOP - a property used for a business that engages in the business of granting credit to individuals for personal, family or household purposes and who takes in consumer goods by taking possession of them, or who purchases consumer goods under agreements or undertakings, express or implied, that the goods may be repurchased by the sellers.

PERMITTED USE - the use of land or a building provided for in the Land Use Bylaw for which a development permit shall be issued with or without conditions upon an application having been made, which conforms to the Land Use Bylaw.

PERSONAL SERVICE BUSINESS - development used for the provision of personal services to an individual that are related to the care and appearance of the body, or the cleaning and repair of personal effects. This use includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry-cleaning establishments and laundromats, but does not include health services.

PLAN OF SUBDIVISION - a plan of survey prepared in accordance with the Land Titles Act for the purpose of effecting a subdivision.

PORCH - an entrance structure typically located at the front, back or side of a dwelling at the ground floor entry level, consisting of a roof and floor, where solid walls or windows have enclosed the front and sides of the structure.

PRINCIPAL BUILDING - a building that, in the opinion of the Development Authority:

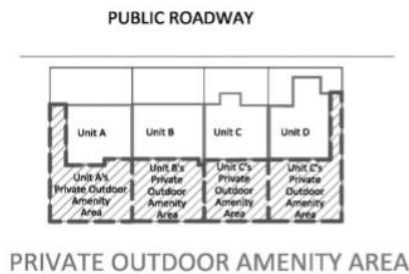
- a) occupies the major or central portion of a lot;
- b) is the primary or main building among one or more buildings situated on the site;
- c) constitutes by reason of its use the primary purpose for which the lot is used.

There shall be no more than one principal building on each lot unless specifically permitted otherwise in this Bylaw.

PRINCIPAL USE - the primary purpose for which a building or site is used. There shall be no more than one principal use on each site unless specifically permitted otherwise in this Bylaw.

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

PRIVATE OUTDOOR AMENITY AREA - required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular dwelling and which is immediately adjacent to and directly accessible from the dwelling it is to serve.



PRIVATE SEWAGE SYSTEM - a sewage system that that is approved by the appropriate authority and used solely for one (1) property where no municipal system with the sewage to be disposed of on site by approved methods.

PRIVATE SWIMMING POOL - a structure, basin or tank containing an artificially created pool of water that is greater than 600 mm in depth at any point and is used for swimming, recreation, bathing, diving, wading, healing or therapy, religious rituals or other purpose and includes all buildings, equipment and facilities used in connection with it, that is used on a site with a single dwelling building by the owner, tenants or their guests. This use class includes outdoor hot tubs.

PROFESSIONAL, FINANCIAL AND OFFICE SUPPORT SERVICE - development used for the provision of professional, management, administrative, consulting, and/or financial services, but does not include health services or government services. Typical uses include the offices of lawyers, accountants, engineers' architects, real estate agents, insurance brokers, office support services, banks and loan offices.

PROJECTION - structures projecting from the wall of a building. Common structures include balconies, terraces, alcoves, bay or oval windows and chimneys.

PROPERTY LINE - a legally defined limit of any lot.

PUBLIC EDUCATION SERVICE - development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same site. This use class includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This use class does not include private education services and commercial schools.

PUBLIC FACILITY- any lands or buildings owned by the Municipality including lands that are used as utility lots, playgrounds, recreational areas, public parks, municipal reserves, buffers, boulevards, parkways, ornamental areas or squares.

PUBLIC LIBRARY AND CULTURAL EXHIBIT - development for the collection of literary, artistic, musical and similar reference materials. Typical uses include libraries, museums and art galleries.

PUBLIC ROADWAY - the right-of-way for an avenue, street, local road, collector road, arterial road and a lane.

- a) shown as a road on a plan of survey that has been filed or registered in a land titles office, and
- b) used as a public road, including a bridge forming part of a public road and any structure incidental to a public road; as defined in the Act, as amended.

PUBLIC SPACE - a space within an establishment, which is open to the public and not restricted to employees only. This definition does not include kitchens, administrative offices, and food or drink preparation areas.

PUBLIC UTILITY LOT (PUL) - land required to be used for public utility purposes.

PUBLIC UTILITY USES AND INSTALLATIONS - any one or more of the following;

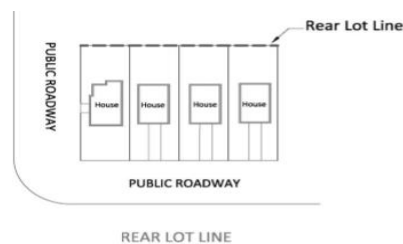
- a) systems for the distribution of gas, whether artificial or natural;
- b) facilities for the storage, transmission, treatment, distribution or supply of water;
- c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- d) storm sewer drainage facilities;
- e) the right of way to, and installation of, one or more of the following;
  - i. telecommunications systems;
  - ii. waterworks systems;
  - iii. irrigation systems;
  - iv. systems for the distribution of gas, whether natural or artificial;
  - v. systems for the distribution of artificial light or electric power;
  - vi. heating systems;
  - vii. sewage systems; and
- f) any other things prescribed by the Lieutenant Governor in Council by regulation pursuant to the Act.

PUB AND LOUNGE - a building with a Provincial liquor licence, with an occupant load of less than 50 persons, where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises. Major or minor amusement establishments are a permitted accessory use. This use does not include licensed outdoor patios or nightclubs and bars.

RAPID DRIVE-THROUGH VEHICLE SERVICE - development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or specialty repair establishments.

REAL PROPERTY REPORT (RPR) - a plan prepared by an Alberta Land Surveyor to the standards of the Alberta Land Surveyors Act which shows property lines, location of development relative to property boundaries, encroachments, registered right-of-way's and other features that may be associated with the property.

REAR LOT LINE - either the property line of a lot which is furthest from and opposite to the front lot line, or, in the case of corner lots, the property line of a lot which is opposite from the shortest of the front lot lines. For corner lots that have public roadways on three or more sides, there is no rear lot line.



REAR YARD - see YARD, REAR.

RECREATIONAL VEHICLES - defined as a wheeled structure designed to provide temporary living quarters or used as a form of recreation or transportation, which may or may not be a motor vehicle itself. Typical examples are travel trailers and motor homes.

RECYCLED MATERIALS DROP-OFF CENTRE - a municipally operated development used for the collection and temporary storage of recyclable materials. Recyclable materials includes, but is not limited to, cardboard, plastics, paper, metal and similar household goods. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. These drop-off centres are intended to operate out of doors within a fenced compound. This use class does not include recycling depots.

RECYCLING DEPOT - development used for the buying and temporary storage of, but not limited to, bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. This use class does not include recycled materials drop-off centres.

RELIGIOUS ASSEMBLY - development used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings on the same property. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This use class does not include private education services, public education services, and commercial schools, even as accessory uses.

RESERVE LAND - environmental reserve, municipal reserve, community services reserve, conservation reserve, school or municipal reserve as defined in the Act, as amended.

RESIDENTIAL CARE FACILITY – a staffed facility which provides resident service in a private residence to individuals who are or are not related to the household resident(s). These individuals may be handicapped, aged, disabled, or in need of supervision, on a temporary or long-term basis, in accordance with their individual needs. This use may include but not limited to group homes, boarding homes for children, support homes etc.

RESIDENTIAL SALES CENTRE - a temporary building or structure used for a limited period of time for the purpose of marketing residential land or buildings.

RESOURCE PROCESSING OPERATION - a development at which a primary resource product, including but not limited to sand, gravel or clay, is processed or converted for further use and may include an asphalt plant.

RESTAURANT - development where the primary purpose of the facility is the sale of prepared foods and non-alcoholic beverages to the public, including minors, for consumption within the premises or off the site. This use class typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants.

RETAINING WALL - a stabilizing feature constructed to hold back or support an earthen bank.

ROW HOUSING - development consisting of a building containing a row of three or more dwellings joined in whole or in part at the side only with no dwelling being placed over another in whole or in part. Each dwelling shall have separate, individual, and direct access to grade.

ROW HOUSING, STACKED - development consisting of row housing, except that dwellings may be arranged two deep, either vertically so that dwellings may be placed over others, or horizontally so that dwellings may be attached at the rear as well as at the side. Each dwelling shall have separate and individual access, not necessarily directly to grade, provided that no more than two dwellings may share access to grade, and such access shall not be located more than 5.5m above grade.

RTM (READY TO MOVE) HOMES - same concept as a modular home, only these homes are constructed in one piece. Normally placed on a basement or perimeter foundation (crawl space), interior wall finishes are dry walled, taped and painted. Usually constructed in an indoor facility then transported by truck to the site.

SAFETY CODES AGENCY - an accredited Safety Codes Agency authorized to provide Safety Code services to the Town.



SAFETY CODES OFFICER - an individual defined and designated under the Safety Codes Act, Revised Statutes of Alberta 2000, Chapter S-1.

SCREENING - includes but is not limited to a fence, wall, earth berm or landscaping features used to visually separate areas or functions.

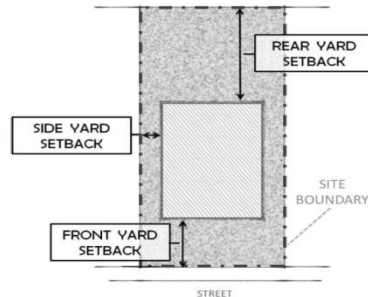
SEASONAL GARDEN CENTRE - a temporary structure, which may or may not include fencing, erected on the site of an existing retail store for the purpose of selling gardening related goods on a seasonal basis.

SECONDARY SUITE - a second, self-contained dwelling unit located within a primary dwelling where both dwelling units are registered under the same land title in which the principal use is single detached dwelling. A secondary suite dwelling also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the structure. The structure shall have a common interior door connecting the single detached dwelling use to the secondary suite dwelling use. This land use includes the development or conversion of existing basement space or above-grade space to a separate dwelling.

SECURITY - a letter of credit or similar financial guarantee acceptable to and deposited with the Town to ensure certain measures or works are carried out under a development permit, development agreement, or stop order.

SECURITY SUITE - a suite designed as accommodation for 24-hour on site security personnel.

SETBACKS - the minimum horizontal distance between the lot boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building or projection.



SHOPPING CENTRE - two or more commercial establishments planned, developed and managed as a unit on a lot or lots and served by off-street parking, and includes the total site upon which the building(s) is located.

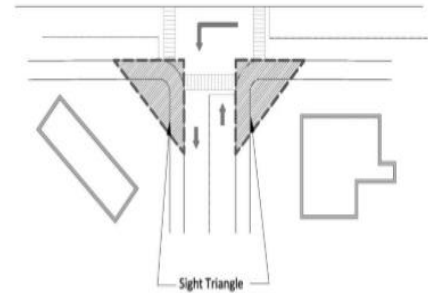
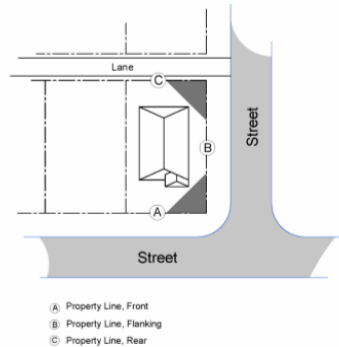
SHOWHOME - a structure constructed as a dwelling type, for the temporary purpose of illustrating to the public the type or character of dwelling units to be constructed in that part of the subdivision or development area but is not used as a dwelling. Show homes may contain offices for sales to promote housing in the area and may require parking requirements within the same lot. A development permit is required to change the use to a dwelling unit when the structure ceases to be a show home.

**SIDE LOT LINE** - the property line of a lot other than a front lot line or rear lot line.



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

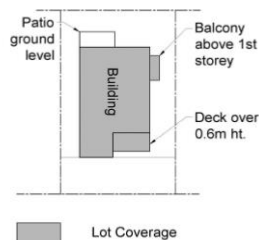
**SIGHT TRIANGLE** - a triangular portion of land established at roadway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists or pedestrians entering or leaving the intersection.



**SIGNS** - see Part 10.

**SITE** - a division of land legally described as one entity on one certificate of title. A site may also be referred to as a 'lot'.

**SITE/LOT COVERAGE** - the percentage of lot area covered by buildings and structures 0.6 m above finished grade including any covered projections. Lot coverage does not include uncovered swimming pools or uncovered porches, patios, driveways or decks less than 0.6 m above finished grade.



SITE PLAN - a document that describes how a parcel of land is to be improved. It includes the outlines of all structures and site improvements, such as buildings, driveways, parking lots, and landscaping. A site plan accompanies all development permit applications.

SITE WIDTH - the horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum required front yard for the zone.

SMALL ANIMAL HOSPITAL - development used for the care and grooming of small animals within an enclosed building but does not include small animal kennels or impoundment facilities.

SMALL ANIMAL KENNEL - development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

SMALL ANIMAL SERVICE - a use for grooming, washing of small animals normally considered as household pets where overnight boarding is not provided. This use may also include retail sales of small household pets and associated products, that would accommodate overnight stays until sold. The development must have a separate outside access and must not have any outside enclosures, pens, runs or exercise areas.

SPECIAL EVENT - a periodic cultural, recreational, celebratory or educational event including an exhibition, show, display, concert, festival, race, competition, public entertainment, parade, carnival or circus held for profit or otherwise, and includes any other organized public amusement, whether free or for a fee.

SPECTATOR ENTERTAINMENT ESTABLISHMENT - a development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. This use class does not include entertainment developments associated with bars and neighbourhood pubs and nightclubs and does not include adult entertainment facilities.

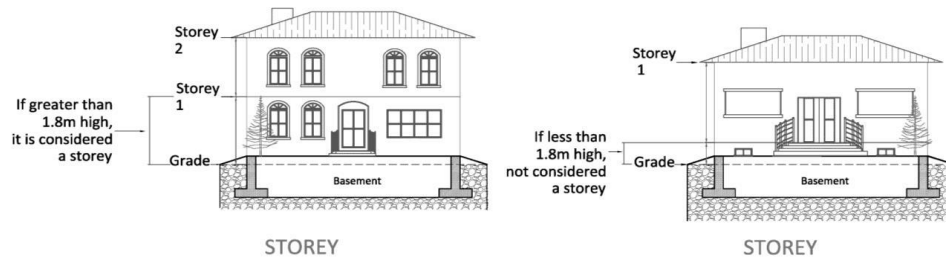
STATUTORY PLANS - allows municipal Council to establish general development policies for all or part of the municipality. Statutory plans must be in alignment with ALSA regional plans and be consistent with each other. Legislation provides for four types of statutory plans;

- a) Intermunicipal Development Plan (IDP);
- b) Municipal Development Plan (MDP);
- c) Area Structure Plan (ASP), and;
- d) Area Redevelopment Plan (ARP).

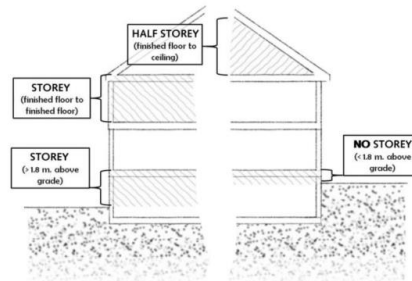
STOCKPILE SITE - a site used for the temporary stockpiling of earth materials for a period greater than 30 days and in quantities greater than 50 cubic metres that have been excavated and stored for redistribution on the subject site or other locations. Typical materials include but are not limited to; waste excavation materials, excess construction materials, gravel, clay, organic materials, and salvaged materials.

STORAGE YARD - see OUTDOOR STORAGE.

**STOREY** - that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building, which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83m above grade, such basement shall be considered a storey for the purpose of this Bylaw.



**STOREY, HALF** - the living space contained under a peaked roof.



**STREET** - a roadway in an urban area, owned and maintained by the municipality for public use. A private road cannot be a street.

**STRUCTURE** - a building or other thing erected or placed in, on, over or under land, whether or not it is affixed to the land as to become transferred without special mention by a transfer or sale of the land, pursuant to the Act, as amended.

**SUBDIVISION** - the division of a parcel of land by an instrument, including a condominium plan, the consolidation of, or boundary change to, two or more adjoining parcels. Subdivide has a corresponding meaning.

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD** - the Board established by the Town of Millet Bylaw #2018/13 and amendments to hear appeals.

**SUBDIVISION AND DEVELOPMENT** - the rules and regulations designated in the section titled; Subdivision and Development Regulations of the Municipal Government Act.

**SUBDIVISION AUTHORITY** - a subdivision authority established by Bylaw 95/07.

**SWIMMING POOL** - see PRIVATE SWIMMING POOL.

TANDEM PARKING - two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.

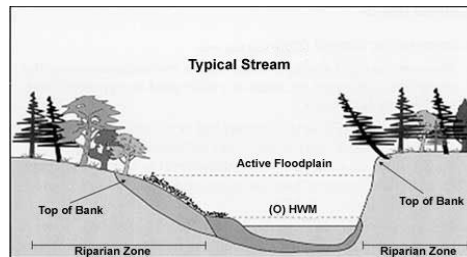


TEMPORARY COMMERCIAL ESTABLISHMENT - a temporary (less than six (6) months) or seasonal development used for the retail sale of goods and services to the public, usually located adjacent to a major traffic route, such as a fruit stand, vegetable stand or tree lot etc.

TEMPORARY DEVELOPMENT - a development for which a development permit has been issued for a limited time only.

TENT STRUCTURE - an enclosed structure that consists of a pliable material supported by light frame materials intended as a low cost structure for the protection of goods, vehicles from the weather or for temporary cover during special events that may be accessible to public. This use class does not include structures covering less than 10m<sup>2</sup> of ground floor area, camping tents or patio sun shades.

TOP OF BANK - the line where the surrounding table land is broken by a valley slope and forms the valley crest as determined by a Geotechnical Engineer.



TOWING COMPOUND - a building designed for use for any one or more defined industrial uses and may contain accessory office space.

TOWN - the Municipal Corporation of the Town of Millet.

TRAFFIC GENERATION - the volume of vehicular traffic generated over a prescribed area within a prescribed time frame, which can be directly attributed to a particular development or geographic area.

TRIPLEX DWELLING - a Building, divided either horizontally or vertically into three individual Dwelling Units, with each Dwelling having a separate direct access to Grade. This type of Development is to be designed and constructed as three Dwellings at the time of initial construction of the Building.

TRUCK/AUTO AND FACTORY BUILT HOME SALES - development used for the sale or rental of new or used trucks, motorhomes, factory built homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and manufactured home dealerships.

UNDERGROUND PARKING FACILITY - a parking facility located below grade.

USE - the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

UTILITY - a system used to provide one or more of the following for public consumption, benefit, convenience or use;

- Water or steam;
- Sewage disposal;
- Irrigation;
- Drainage;
- Fuel;
- Electric power;
- Heat;
- Waste management;
- Residential and commercial street lighting;
- Storm water management facilities, including lakes, wetlands and dry ponds;
- Public transportation operated by or on behalf of the Municipality; or
- Any building required to operate the utility as defined in the Act, as amended.

VARIANCE - an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Municipal Planning Commission.

VEHICLE (HEAVY) AND EQUIPMENT SALES/RENTALS - development used for the sale or rental of heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations and agricultural production.

VEHICLE, MOTOR - motorized vehicles such as automobiles, light trucks and motorcycles that are intended for use on roads or highways that meet the definition defined in the Province of Alberta, Traffic Safety Act.

VEHICLE, OFF-HIGHWAY (OHV) - any motorized mode of transportation specifically designed for cross-country travel on land, water, snow, ice, marsh, swamp land and other natural terrain. Full definition is defined in the Province of Alberta, Traffic Safety Act.

VEHICLE ORIENTED USE - development used for the servicing, washing, and repairing of vehicles; and the sale of gasoline, other petroleum products, a limited range of vehicle parts and accessories and may also include convenience stores.

VERANDA - an entrance structure typically located at the front or sides of a residential dwelling at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure remain open to the outside elements.

VETERINARY SERVICE - development used for the care and treatment of animals operated by a licensed veterinarian.

VIOLATION NOTICE - the document issued by the Town to a person who has committed an offence.

VRBO - is an online community site for Vacation Rental by Owner, it specializes in vacation rentals of all types: houses, apartments, condos, villas, etc.

WAREHOUSE SALES - development used for the wholesale of a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This use class does not include developments used for the retail sale of food or a broad range of goods for personal or household use.

WHOLESALE ESTABLISHMENT - a development which buys and sells merchandise to and from retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

YARD - required open space unoccupied by any portion of a building or structure 1.0m or more above grade, unless otherwise permitted in this Bylaw. A yard is not a setback, amenity area or separation space.

YARD, REAR - the portion of a site abutting the rear lot line extending across the full width of the site, situated between the rear lot line.

YARD, ZERO SIDE YARD - a case in which a development is permitted to be built on the side lot line, with no required side yard setback.

ZERO LOT LINE DEVELOPMENT - a structure with at least one (1) wall conterminous with the lot line, which wall may include footings, eaves and gutters that may encroach onto the abutting lot under the authority of an encroachment and maintenance easement.

ZONE - a specific group of listed use classes and development regulations, which regulate the use, and development of land within specific geographic areas of the Town.

## **PART 3: ADMINISTRATIVE**

### **3.1 Establishment and Appointment of the Development Authority**

1. The office of the Development Authority is hereby established, and such office shall be filled by the Chief Administrative Officer or such other person or persons as may be appointed in writing.
2. Council, acting as the Development Authority in a Direct Control District, shall receive, consider and decide on applications for a development permit.
3. Notwithstanding subsection (2) above, Council may delegate authority to a Development Authority to process development permits in a direct control district.
4. Municipal Planning Commission (MPC) acting as the Development Authority is hereby established by Bylaw 2017/03. The MPC will make decisions on discretionary developments and uses, variance request extending the limitations of the development authority, encroachment matters and referrals on subdivision matters for three (3) or more parcels of land.
5. West Central Planning Agency (WCPA) acting as the Subdivision Authority is hereby established by Bylaw 1995/07. The subdivision authority shall review and process all subdivision requests. All subdivision requests shall be referred to the Municipal Planning Commission for comment, recommendations shall be forwarded to Council for review. Subdivisions shall be finalized by a resolution of Council.

### **3.2 Subdivision and Development Appeal Board**

1. The Subdivision and Development Appeal Board established by Bylaw #2018/13 shall perform the functions specified in Part 5 of this Bylaw and the MGA.

### **3.3 Duties with Respect to Development Permit Applications**

The Development Authority shall receive all applications for development and:

- a) Ensure that a record of applications is maintained, and is made available for viewing to any interested person during normal office hours;
- b) Review each development application to ascertain whether it is complete in accordance with the information requirements of this Bylaw, and shall, if the application complies with such requirements, enter the application in the record of applications;
- c) Review each development application to ascertain its appropriate development class, and may require the applicant to apply for a permit for a different class;
- d) Approve, without conditions, or with such conditions as required to ensure compliance, an application for development of a permitted use provided the development complies with the regulations of this Bylaw, or shall refuse an application for development of a permitted use if the development does not



comply with the regulations of this bylaw, unless the development authority uses their discretion pursuant to Section 3.5 of this Bylaw;

- e) The municipal planning commission may relax a regulation in a land use class district or other section of this Bylaw in accordance with the regulations contained in that land use classification or section, or may relax regulations in accordance with Section 3.5, and in such case, the development application shall be a deemed a discretionary use;
- f) The municipal planning commission may refuse or approve, with or without conditions, with or without changes in the design of the development, or with or without the imposition of regulations more restrictive than those required by the specific land use district or general regulations of this Bylaw, an application for development of a discretionary use, having regard to the regulations of this Bylaw and the provisions of any applicable statutory plan;
- g) An application for a development in a direct control district shall be referred to Town Council for decision where Town Council may direct the Municipal Planning Commission or the Development Authority to issue a development permit with or without conditions or refuse the application as submitted;
- h) The development authority must give the applicant an acknowledgement in the form and manner provided in Part 4 of this Land Use Bylaw once the application is deemed complete or incomplete, as pursuant with the MGA amendments Section 683.1.
- i) The development authority shall give notice of their decision on applications for development permits as follows:
  - i. Where an application has been approved, public notification shall be given in accordance with Part 4, Section 4.6 of this Bylaw and notice to the applicant shall be given in writing by hand delivery or by regular mail; and
  - ii. Where an application has been refused, notice in writing shall be given to the applicant, either hand delivered or by regular mail, and such notice shall state the reason for refusal; and
  - iii. Shall in the case of a development permit for a temporary use specify the length of time that Permit remains in effect.

### **3.4 Variance to Regulations**

1. The development authority shall not issue a permit for a use that is not listed in the district regulations as permitted uses or discretionary uses of a particular land use district.
2. Except as restricted in Section 3.4 (1) the Municipal Planning Commission may approve, with or without conditions, an application for development that does not comply with this Bylaw where:

- a) the proposed development would not, in their opinion:
    - i. unduly interfere with the amenities of the neighbourhood; or
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
  - b) the proposed development would, in the Municipal Planning Commission's opinion, conform with the use prescribed for that land or building in this Bylaw; and
  - c) the Municipal Planning Commission may approve, with or without conditions, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that land in this Bylaw and the proposed development would not, in his opinion:
    - i. unduly interfere with the amenities of the neighbourhood; or
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring properties.
3. A Subdivision Authority may accept an application for subdivision that does not comply with the minimum lot dimensions outlined in the District Regulations Bylaw where:
- a) the proposed subdivision would not unduly interfere with the amenities of the neighbourhood;
  - b) materially interfere with or affect to use, enjoyment, or value of neighbouring parcels of land; and
  - c) it can be proven by the applicant, to the Subdivision Authority, that the proposed lot can accommodate development of the site.
  - d) requests shall be referred to the Municipal Planning Commission for comment, recommendations shall be forwarded to Council for review.

### **3.5 Limitation of Variance**

- 1. In approving an application for a development permit pursuant to Section 3.4, the Development Authority and the Subdivision and Development Appeal Board, shall adhere to the following:
  - a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or a building, which are not generally common to other land in the same Land Use Classification;
  - b) a variance may be considered to front yard and rear yard setbacks for buildings, provided the variance does not get reduced to less than the setbacks of approved or legal-nonconforming buildings on adjacent properties;
  - c) a variance may be considered to minimum side yard setbacks to allow cantilevered projections of up to 0.3m in floor area and up to 1.5m in width,

extending beyond the minimum setback line provided the construction materials and cladding type of the facing wall meets, or exceeds, the appropriate building and fire codes and the opposite on the property side yard is not increased beyond the minimum setback requirement;

- d) a variance may be considered to maximum building height to allow an increase of up to 10% provided the roof style does not include gable ends facing side yards, the building style is suited to other buildings in the neighbourhood and the minimum side yard setbacks are increased by the varied distance;
  - e) a variance may be considered to the maximum site coverage for residential properties to allow an increase of up to 3% in the maximum site coverage to allow the construction of a principal building provided the building does not exceed one storey in building height, there is no more than one accessory building on the site, at least 35% of the site is covered with soft landscaping and provided that no other variances have been granted or are required for the site.
2. In approving an application for a subdivision that does not meet the minimum lot size requirements specified in the Land Use District Regulations, the Subdivision Authority and the Subdivision and Development Appeal Board, shall adhere to the following:
- a) the proposed variance has been circulated to appropriate Town review committees for comments;
  - b) the variance does not exceed 10% of the required regulation;
  - c) the minimum lot area requirement for the subject lot has been met; and
  - d) the site can handle the minimum building footprint area without reducing setback requirements outlined in Part 9.

### **3.6 Maintenance and Inspection of Bylaw**

1. The Development Authority shall:
- a) Make available to the public, during normal office hours, copies of this Bylaw and all subsequent amendments thereto; and
  - b) Charge the specified fee for supplying to the public copies of this Bylaw.

### **3.7 Development Not Requiring a Development Permit**

1. The following uses and developments are those which do not require a development permit, provided that such developments comply with the regulations of this Bylaw;
- a) those uses, and developments exempted by Sections 618 or 619 of the Act;

- b) a single storey accessory building not greater than 10sq m (107sq ft) in area and 4.5 m in height and the exterior walls not exceeding 3.1 m in height on a residential site for the storage of the personal property of the resident;
- c) interior alterations and maintenance to a residential building, provided that such alterations (except new basement development) and maintenance do not result structural alterations and an increase in the number of dwellings, within the building or on the site, nor in a change of the use class or the introduction of another use class;
- d) interior alterations and maintenance not including structural alterations to a non-residential building, including mechanical or electrical work, provided that neither the use class nor the intensity of use class is changed, nor that another use class is added;
- e) the use of a building, or part thereof, as a temporary polling station, returning officer's headquarters, candidate's campaign office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;
- f) a temporary structure, the sole purpose of which is incidental to the erection, alteration or marketing of a building for which a development permit has been granted under this Bylaw, provided the temporary structure is removed within 30 days of substantial completion as determined by the Development Authority;
- g) the erection of towers and poles, television and other communication aerials, masts or transmitting structures where:
  - i. the zoning of the site is not residential and such structures are freestanding and do not cause a load to be placed upon a building through their attachment or placement upon such buildings;
  - ii. such structures are to be used for cellular telephone or personal communication services signal transmission; and
  - iii. notwithstanding that no Development Permit is required, any development pertaining to the transmitting structures in this section shall comply with, as applicable:
    - i. the requirements for Radio Communication and Broadcasting Antenna Systems established by Industry Canada;
    - ii. any other relevant legislation;
- h) the parking or storage, or both, of any uninhabited recreational and un-serviced vehicle in a residential Land Use Classification, where such parking or storage fully complies with the regulations of this Bylaw or otherwise stated;
- i) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled;

- j) Construction, maintenance, improvement or placement of but not limited to landscaping, trees, rocks, gardens;
  - i. except where landscaping forms part of a development which requires a development permit;
  - ii. or the object will be significantly affecting the existing lot drainage pattern that can create off-site impacts;
  - iii. or a hazard to persons, property or traffic in the opinion of the Development Authority.
- k) minor structures which are ancillary to residential uses, such as a barbecue, dog house, lawn sculpture or bird feeder;
- l) the construction of an uncovered deck which is located entirely within a rear yard, and which has a height above finish grade of less than 0.6m and a deck floor area not exceeding 20m<sup>2</sup> and which is accessory to a residential structure;
- m) the construction of an uncovered porch which has a height above finish grade of less than 1.0m, and a porch area not exceeding 2.0m<sup>2</sup> in floor area and which provides access to a residential structure;
- n) hard-surfacing of any yard area on a residential lot for providing vehicular access from a public roadway to an attached or detached garage or carport;
- o) signs exempted under Part 10 of this Bylaw;
- p) a fence, wall, or gate with a maximum height of 1 metre in front yards and side yards to the front of the principle building and 1.83metres extending the front of the principal building on the side yard and 1.83 metres along the rear yard.
- q) home offices registered through a business license application;
- r) temporary private swimming pools shall be erected above grade in a rear yard on a seasonal basis and must comply with all Land Use District provisions and the Alberta Safety Codes Act.
- s) Hot tubs do not require a development permit but must comply with all Alberta Safety Code regulations.
- t) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- u) The demolition or removal of any building or structure for the erection of which a development permit would not be required.
- v) Indoor wood burning stoves.

### **3.8 Development Permits Required**

1. Other than development listed in Section 3.7, and exempt from other sections of this Bylaw, Federal and Provincial Legislation or any other legislation in effect, any use or development of land, buildings or signs in the Town requires a valid development permit.
2. No person shall commence, or direct a person to commence, a development without first obtaining a development permit and meeting the conditions of the development permit prior to commencement of the development.
3. No person shall commence, or direct a person to proceed with, a change in use class or add a use class without first obtaining a development permit to use land or buildings for that particular use class and meeting the conditions of the development permit.

### **3.9 Development Agreements Required**

1. If deemed required by the Development Authority, as condition of a development permit, the property owner will be required to enter into and comply with a Development Agreement with the Town pursuant to Section 650 of the Act.
2. If deemed required by the Subdivision Authority and or the Municipal Planning Commission, as condition of a subdivision or condominium approval, the property owner may be required to enter into and comply with a development agreement with the Town pursuant to Section 655 of the Act.
3. Development Agreements may incorporate:
  - a) statements regarding the collection of off-site levies pursuant to Section 648 of the Act; and/or;
  - b) statements regarding oversizing of local improvements to provide excess capacity pursuant to Section 651 of the Act.
4. The Town has the right to register caveats on the Land Title of the subject lands to protect the interests of the Town in regard to the development agreements.

### **3.10 Development Agreement Authority**

1. Development agreements regarding development permits must be approved by resolution of Town Council and endorsed by the Mayor and the CAO.
2. Development Agreements regarding subdivision or condominium plans must be approved by resolution of Town Council and endorsed by the Mayor and the CAO.

### **3.11 Development Permit Fees and Related Development and Subdivision Fees**

1. By a resolution, Council may set a fee schedule for development permits applications, planning amendments, rezoning applications, subdivision and development matters as Council deems necessary.

2. Reference Town of Millet Policy #50 for fees schedule:
  - a) Development Permit Applications;
  - b) Development Deposit Fees;
  - c) Discretionary Use Application Fee;
  - d) Development Agreement Preparation;
  - e) Compliance Certificates Applications;
  - f) Land Use Bylaw Amendment Applications;
  - g) Statutory Plan Amendment Applications;
  - h) Encroachment & Retaining Wall Agreements;
  - i) Appeal;
  - j) Copy of Land Use Bylaw;
  - k) Off-Site Levy Fees;
  - l) Water Service Connection Fee
  - m) Any other fees that may not be referenced above
  
3. Every application for a development permit shall be accompanied by the appropriate development permit application fee;
  - a) The Development Permit Application Fee is an application fee and is non-refundable regardless of decision.
  - b) Fees for compliance certificate applications, Land Use Bylaw amendment applications, statutory plan amendment applications and for encroachment agreements shall be paid at time of application.
  - c) Fees for subdivision application and subdivision endorsement shall be paid to West Central Planning Agency in accordance with 1995/07.
  - d) Off-site levies are payable as outlined in a development agreement and/or development permit.

### **3.12 Bylaw Amendments**

1. A person may apply, in writing, to the Development Authority to have an amendment of this Land Use Bylaw considered, furnishing reasons in support of the application, paying the associated fees and requesting that the Development Authority submit the application to the Council.
2. Town Council may, at any time, initiate an amendment to this Land Use Bylaw by directing the Development Authority to initiate an application.
3. A Development Authority may initiate an amendment to this Land Use Bylaw by preparing a draft bylaw and presenting the draft to Town Council.

4. If an application for a proposed amendment to this Land Use Bylaw has been rejected by the Council within the previous twelve (12) months, the Development Authority shall advise the applicant that the amendment shall not be accepted, and applicant shall be advised, in writing, that they must wait at least one (1) year from the time the original bylaw was rejected before reapplication will be considered.
5. All applications for amendment to this Land Use Bylaw shall be accompanied by the following:
  - a) Copy of the certificate of title for the land affected issued within the previous 30 days;
  - b) A statement of the reason/s for the request to amend the Land Use Bylaw;
  - c) An accurately dimensioned and scaled map of the property under application and its relationship to surrounding land uses;
  - d) Reference Town of Millet Policy #50 for established fees;
  - e) Where the applicant is an agent acting on behalf of the owner, written authorization from the registered owner; and
  - f) Any other information which is deemed to be necessary by the Council.

### **3.13 Validity and Procedures for Amendment**

1. This bylaw and any amendment thereto shall be enacted to ensure conformity with all Statutory Plans as adopted and any amendments thereto.
2. If it appears to a Development Authority that the proposed amendment does not comply with any statutory plan, they shall advise the applicant in writing that the statutory plan(s) must be amended before the amendment to this Bylaw may proceed to second reading of the amendment.
3. Before second reading of proposed amendment of this bylaw, Council must hold a public hearing in accordance with Section 230 of the Act giving notice of the public hearing in accordance with Section 606 and 692 of the Act.
4. The validity of this Bylaw and its amendments thereto are governed by Sections 536 to 538 of the Act.
5. The amending Bylaw must include a statement identifying when the Bylaw comes into effect. If the effective date of an amending Bylaw regarding the change in land use classification is related to the date of subdivision registration and the subdivision application expires or becomes invalid, then the amending bylaw is also deemed invalid.



### 3.14 Review and Processing of Amendments

1. The Development Authority shall:
  - a) Examine the proposed amendment;
  - b) The Development Authority may refer any development permit application to West Central Planning Agency, Alberta Transportation and Utilities, Alberta Environment Protection, Alberta Agriculture, Fire Department, Crossroads Regional Health Authority, Alberta Energy and Utility Board, affected Railway Authority, an adjacent Municipality and any other department or agency that may be considered necessary. The purpose of the referral is to receive comments and or recommendations;
  - c) Prepare a written report on the proposed amendment; and
  - d) Advise the applicant in writing that:
    - i. the Development Authority is prepared to recommend the amendment to the Council without further investigation; or
    - ii. the Development Authority is not prepared to recommend the amendment; or
    - iii. the Development Authority requires further investigation to make a recommendation; or
    - iv. the Development Authority is prepared to recommend an alternative amendment.
2. Upon receiving the advice of the Development Authority, the applicant shall advise the Development Authority in writing if:
  - a) he wishes to amend his amendment; or
  - b) he does not wish to proceed to Town Council with the proposed amendment, in which case the application is considered abandoned.
3. If the applicant does not respond to the Development Authority's notification, the application shall be cancelled after eighteen months from the date of the notice of the Development Authority.
4. If requested by the applicant, the Development Authority shall submit the proposed amendment to Council, accompanied by the report of the Development Authority.
5. The Development Authority, using discretion, may present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendations of the Development Authority.

### **3.15 Compliance Certificate and Certificate Fees**

1. The applicant for a Compliance Certificate shall provide to the Development Authority a Real Property Report for the site prepared by a registered Alberta Land Surveyor and pay the associated fee (Town of Millet Policy #50).
2. The applicant shall pay all costs associated with the preparation of the real property report, which must meet the requirements of the Development Authority. All real property reports older than two (2) years must include a statutory declaration that indicates that no changes have been made to the property since the real property report was prepared. If there have been any changes, however slight, a new and updated real property report is required.
3. In determining whether a compliance certificate can be issued for a site, the Development Authority shall rely on the real property report provided by the applicant. The Development Authority shall not undertake independent site inspections.
4. The Development Authority may issue a compliance certificate when, in his opinion, the building(s) located on a site, and shown on the real property report, are located in accordance with the setback regulations of this Bylaw and the setbacks specified in any development permit, which may have been issued for the site. The compliance certificate shall only cover those buildings and structures, or parts thereof, shown on the real property report submitted by the applicant.
5. The Development Authority may refuse to issue a compliance certificate when, in his opinion, he does not have sufficient information from the applicant to determine if a building(s) located on a site is (are) located in accordance with the yard regulations of this Bylaw and/or the yards specified in any development permit which may have been issued for the site.
6. The Development Authority and the Town shall not be liable for any damages arising from the use of a compliance certificate containing errors where the errors are the result of incorrect or incomplete information on the real property report.

## **PART 4: APPLICATION**

### **4.0 Development Application Submission**

#### **4.1 General Conditions**

1. Received applications: Applications for a development permit are not deemed received until the applicant has:
  - a) Submitted all information required pursuant to Sections 4.2, 4.3 and 4.4 of this Bylaw;
  - b) Submitted any information specifically required pursuant to the regulations of the applicable Land Use Classification under Part 6 or other information required under Part 7 or Part 8 of this Bylaw; and
  - c) Paid the appropriate development permit application fee as referenced in Town of Millet Policy #50.
  
2. Completed applications: Applications for a development permit are not deemed complete until:
  - a) The development authority determines whether the application is complete within 20 days after the receipt of an application.
  - b) The time period referred to in subsection (a) may be extended by an agreement in writing between the applicant and the development authority.
  - c) If the development authority does not make a determination referred to in subsection (a) within the time required under subsection (a) or (b), the application is deemed to be complete.
  - d) An application is complete if, in the opinion of the development authority, the application contains the documents and other information necessary to review the application.
  - e) If a development authority determines that the application is complete, the development authority must issue to the applicant, either by hand delivery or by regular mail a written acknowledgment that the application is complete.
  - f) If the development authority determines that the application is incomplete, the development authority must issue to the applicant, either by hand delivery or by regular mail a written notice that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.

- g) If the development authority determines that the information and documents submitted under subsection (f) are complete, the development authority must issue to the applicant either by hand delivery or by regular mail a written acknowledgment that the application is complete.
  - h) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (f), the application is deemed to be refused.
  - i) If an application is deemed to be refused under subsection (h), the development authority must issue to the applicant, either by hand delivery or by regular mail a written notice that the application has been refused and the reason for the refusal.
  - j) Despite that the development authority has issued an acknowledgement under subsection (e) or (g), in the course of reviewing the application, the development authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.
  - k) A decision of a development authority must state:
    - i. Whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and;
    - ii. If an application for a development permit is refused, the reasons for the refusal.
3. The approval of any application, drawing, or the issuing of a development permit shall not prevent the Development Authority from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this Bylaw.
4. In the event of a discrepancy between any written description and the drawings, the written description shall prevail.
5. Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until such information is corrected. Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
6. The Development Authority may refer any development permit application to West Central Planning Agency, Alberta Transportation and Utilities, Alberta Environment Protection, Alberta Agriculture, Fire Department, Crossroads Regional Health Authority, Alberta Energy and Utility Board, affected Railway Authority, an adjacent Municipality and any other department or agency that may be considered necessary. The purpose of the referral is to receive comments and or recommendations.

## 4.2 Development Permit Applications

1. An application for a development permit shall be accurately completed and be submitted either on the appropriate form or in an electronic format satisfactory to the Development Authority and include:
  - a) the municipal address of the site;
  - b) a legal description of the site on which the proposed development is proposed to occur;
  - c) the property owner's name, address, daytime phone number, and if applicable, fax number, cell phone number and email address;
  - d) the applicant's name, address, daytime phone number, interest in the proposed development, and if applicable, fax number, cell phone number and email address;
  - e) the owner's signature or a letter authorizing the applicant to apply for the proposed development;
  - f) the applicant's signature;
  - g) payment of the prescribed application fee;
  - h) the existing use(s) of the site;
  - i) the proposed use(s) pursuant to the application;
  - j) the Land Use Classification of the subject site;
  - k) the estimated market value of the proposed development;
  - l) for permit applications other than a change in use class of an existing structure, the applicant must include a detailed site plan to the satisfaction of the Development Authority showing any or all of the following:
    - i. the north point;
    - ii. the scale of the plan;
    - iii. the legal description of the site;
    - iv. the location of all easements registered on the site;
    - v. the location of any existing structures on the site;
    - vi. the location of the proposed development relative to the boundaries of the site;
    - vii. the location, grade elevations, and style of existing and proposed curbs, sidewalks and medians on or adjacent to the site;
    - viii. the grades and location of the adjacent streets and lanes;
    - ix. the floor area of the proposed development, in square metres;
    - x. the site area, in square metres;
    - xi. the area of the site covered by buildings, in square metres;
    - xii. the height of the proposed development, in metres;
    - xiii. the number of floors or storeys of the proposed development;

- xiv. the proposed finish floor elevation(s);
- xv. the proposed finish grade elevations, at each corner of the building, each corner of the lot, and at points along the property lines where direction of surface drainage flow changes and drainage direction;
- xvi. the proposed bottom of footing grade elevation;
- xvii. the approved neighbourhood geodetic grade elevations for the site;
- xviii. the general location of all exiting water service, sanitary sewer service, and storm sewer service connections to the site;
- xix. the location of any proposed new water service, sanitary sewer service, and storm sewer service connections to the site;
- xx. the distance to the nearest fire hydrant to the site;
- xxi. the location of any existing boulevard trees adjacent to the site;
- xxii. the location of major landscaped areas including retaining walls, existing trees, buffering, and screening areas where provided;
- xxiii. the location of all existing and proposed driveways;
- xxiv. the on-site parking and loading requirement calculations;
- xxv. the location and grade elevations of all proposed on-site parking and loading facilities;
- xxvi. the location of commercial garbage container placement areas;
- xxvii. two set of plans or electronic submission of plans satisfactory to the Development Authority showing floor plans, building elevations and if deemed required by the Development Authority a perspective relationship of the proposed development to the adjacent buildings;
- xxviii. a plan showing fire routes and lanes.

2. For development of land including environmentally sensitive lands; if deemed necessary by the Development Authority, the applicant may be required to submit some or all the following;

- a) Traffic Impact Assessment Study;
- b) Storm Water Management Plan;
- c) Environmental Impact Assessment;
- d) Environmental Report;
- e) Topographical Survey;
- f) Geotechnical Engineering Report;
- g) Detailed Site Landscaping Plan;
- h) Utility Impact Assessment; and/or,
- i) Any other pertinent information or tests required by the Development Authority respecting the site or other lands in the vicinity.

#### **4.3 Demolition of Buildings**

1. No building shall be decommissioned or removed from a property without first obtaining a development permit and a building permit.

2. A demolition site plan is required as part of any application for the demolition permit. The plan shall be broken down into three phases. See demolition permit information guide attached with permit application.
  - i. Phase I - Pre-debris removal
  - ii. Phase II - Debris removal
  - iii. Phase III - Final demolition site prep
3. The Development Authority may require a deposit equal to the cost of restoring the site as a condition of the development permit. Upon completion of the demolition, the applicant shall notify the Development Authority to arrange for an inspection of the premises. Once the debris has been properly disposed of and the site has been restored to a condition satisfactory to the Development Authority, the deposit or portion thereof, shall be refunded.

#### **4.4 Discretionary Use Permits**

1. In addition to the information required in Section 4.2, for development applications for a use(s) listed in the District Regulations as a Discretionary Use, other than a building style, the applicant shall include a letter clearly describing the nature of the proposed use(s) to determine proper classification.
2. In addition to the information required in Section 4.2, for development applications for requiring a variance to be issued the applicant shall provide a letter requesting the Municipal Planning Commission to consider the variance including the reasons the applicant feels the requested variance is suited to the site; and, photographs, as evidence, of adjacent properties.

#### **4.5 Decisions**

##### **4.5.1 Conditions Attached to the Development Permit**

1. The Development Authority may only impose conditions on the approval of a permitted development if the power to do so is clearly specified elsewhere in this Bylaw. Nothing in this section prevents a Development Authority from identifying on the development permit certain sections of this Bylaw that the applicant would have to comply with in any event.
2. The Municipal Planning Commission may, with respect to a discretionary development or a development directed by Council, impose such conditions, as he deems appropriate, having regard to the regulations of this Bylaw and the provisions of any Statutory Plan.
3. If an applicant applies for a development permit for a structure or a use that is intended to be temporary or that is inherently temporary, the Development Authority may impose conditions limiting the duration of the validity of the development permit. The Development Authority may exercise this power to add conditions to permitted and discretionary uses.
4. The Development Authority may control the location, the amount of goods, materials and any other items stored on a site.

5. The Development Authority may, as a condition of issuing a development permit require the developer to obtain a building permit or other permits pursuant to the requirements of the Safety Code Act.
6. The Development Authority may require the developer to obtain any additional and necessary permits or approvals from appropriate departments or agencies.
7. The Development Authority may require the developer to carry out necessary landscaping and or drainage work.
8. The Development Authority may require the developer to construct or pay for the construction of roads required to give access to the development.
9. The Development Authority may require the developer to maintain or pay for the maintenance of roads required to give access to the development.
10. The Development Authority may require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
11. The Development Authority may require that an applicant, to pay an off-site levy or redevelopment levy, or both, imposed by a bylaw pursuant to the Act.
12. The Development Authority may require that an applicant enter into an agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
  - a) pay an off-site levy, redevelopment levy or any other levies implemented by a Bylaw as amended.
  - b) to construct, or pay for the construction of, a public roadway required to give access to the development;
  - c) to construct or pay for the construction of:
    - i. a pedestrian walkway system to serve the development; or
    - ii. pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves, or is proposed to serve, an adjacent development, or both;
  - d) to specify the location and number of vehicular and pedestrian access points to sites from public roadways;
  - e) to install, or pay for the installation of, utilities that are necessary to serve the development;
  - f) to construct or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or



- g) to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
13. If an applicant applies for a development permit for a structure that encroaches on Town owned property, the Municipal Planning Commission may impose conditions requiring the applicant to mitigate the impact of the encroachment, including compensation, indemnities, insurance and a duty to remove the encroaching structure on receipt of notice. If the Municipal Planning Commission does not impose such a condition on an encroaching structure, this shall not be construed as granting the applicant a right to encroach and the applicant may require a separate encroachment agreement.
  14. The Development Authority may require any agreement entered into between the Town and the applicant be filed against the title of the said lands at the Alberta Land Titles Office.

#### **4.5.2 Deemed Refusals**

1. The development authority must make a decision on the application for a development permit within 40 days after the receipt by the applicant of an acknowledgement under Section 4.1.2 (e - g) in accordance with the Land Use Bylaw.
2. The time period referred to in Subsection (1) may be extended by an agreement in writing between the applicant and the development authority.
3. If the development authority does not make a decision referred to in Subsection (1) within the time period required under Subsection (1) or (2), the application is, at the opinion of the applicant, deemed to be refused.

#### **4.5.3 Validity of Development Permit**

##### **General Provisions**

1. When an application for a development permit has been approved by the Development Authority, the development permit shall not be valid unless and until:
  - a) any conditions of approval have been fulfilled; and
  - b) no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the required time period.
2. When an application for a development permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until:
  - a) the Board has provided a written decision to the applicant that the permit application has been approved; and
  - b) any conditions of approval have been fulfilled.

3. The Development Authority shall suspend the development permit issued by the Subdivision and Development Appeal Board if the above conditions have not been met.
4. The development permit issued by the Subdivision and Development Appeal Board and suspended pursuant to the Act, remains suspended until:
  - a) the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been finally determined; or
  - b) the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.

#### **4.5.4 Resubmission Interval**

1. An application for a development permit for a use within the same use class of this Bylaw, shall not be accepted by the Development Authority from the same or any other applicant for the same site:
  - a) Within six (6) months of the date;
    - i. of a refusal by the Development Authority; or
    - ii. of a written decision of the Subdivision and Development Appeal Board on a previous application, if the previous application was appealed to, and subsequently refused by, the Subdivision and Development Appeal Board; or
    - iii. of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or
  - b) during the time prior to the decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, if the application has been appealed to the Subdivision and Development Appeal Board or the Alberta Court of Appeal.
2. Subsection 4.5.4(1) shall not apply in the case of an application for a development permit for a permitted use if the application complies with all the regulations of this Bylaw.
3. If upon review of any application for a development permit, the Development Authority determines that Subsection 4.5.4(1) applies, and then the application shall be returned to the applicant, along with any fees that have been submitted. The application shall not be considered as having been refused but shall be deemed not to have been submitted.
4. Notwithstanding Subsection 4.5.4(1) above, if two or more development permit applications for the same use class on the same site have been refused by the Development Authority, the Subdivision and Development Appeal Board, the Alberta Court of Appeal, or any combination of the above, the third and any subsequent

development permit application for that use class on that site shall not be accepted by the Development Authority until eighteen months from the date of the most recent refusal, unless that application is for a permitted use and complies in all respects with the Land Use Classification.

#### **4.5.5 Expiry of Permit**

1. A development permit shall expire and shall no longer be valid after six months from the date of approval of the permit, if no construction has been initiated. Construction includes, but is not limited to, site surface preparation or excavation. Furthermore:
  - a) work such as engineering studies, geotechnical investigations, site surveys, soils analysis, environmental assessment and the like shall not be considered as construction in the context of this Subsection; and
  - b) in the case of a change of use within an existing structure, where no significant construction or reconstruction is necessary, the applicant shall have the new use in operation within eighteen months of the approval of the development permit.
2. Notwithstanding clause (1) above, if a building permit is issued for the development within the six-month period, the development permit issued therefore shall not lapse unless and until the building permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
3. Where a development permit is issued for a site where any other development permit has been approved, all previous permits shall be invalid if the physical aspects of the development conflict, or both could not occur simultaneously upon the site, in conformity with the regulations of this Bylaw.
4. Notwithstanding Subsection 4.5.5(1) time shall not run during an appeal of the development permit to the Subdivision and Development Appeal Board and any consequent court proceedings until:
  - a) the Subdivision and Development Appeal Board has issued a written decision of its approval of the development permit and there is no appeal from this decision of the Subdivision and Development Appeal Board; or
  - b) the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been fully determined; or
  - c) the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.

## 4.6 Notification

### 4.6.1 Notification of Issuance of Development Permits

1. For permitted use permits, where no variance has been granted, the Development Authority is not required to notify anyone except the applicant and the assessed owner of the site.
2. A decision of the development authority on an application for a development permit must be in writing, and a copy of the decision together with a written notice specifying the date on which the decision was made and containing any other information required by the regulations must be given or sent to the applicant on the same day the decision is made.
3. Notices must be mailed or given the same day the decision is made on a development permit for discretionary use permits issued by the Municipal Planning Commission, or permits issued pursuant to Section 3.5 by the Development Authority shall send notice by regular mail to:
  - a) each assessed owner of the site or a part of the site of the development; and
  - b) each assessed owner of land, wholly or partly within a distance of 60m of the boundary of the site.

The notice shall include, but not be limited to:

- a) the development permit number;
  - b) the legal description and civic address of the site;
  - c) a description of the proposed development or use for the site;
  - d) the permit application date and permit issuance date;
  - e) the conditions of approval for the permit;
  - f) the appeal deadline;
  - g) the name and office phone number of the Development Authority,
  - h) the office address and hours where the development permit file may be reviewed;
  - i) the right of appeal; and
  - j) the appeal initiation procedure.
4. During any cessation of ordinary mail delivery, the written notice described above shall be given by such other alternative means as the Development Authority may specify.
  5. The Development Authority at their sole discretion may, if the deem necessary, notify other owners beyond the 60m distance from the site.

#### **4.6.2 Notification of Refusals of Development Permits**

1. Where the Development Authority has reviewed a development permit application and has chosen to refuse the application the Development Authority shall send notice by regular mail to the development permit applicant and to each owner of the site or a part of the site of the proposed development.

The notice shall include, but not be limited to:

- a) the development permit application number;
- b) the legal description and civic address of the proposed site;
- c) a description of the proposed development or use for the site;
- d) include the permit application date and permit refusal date;
- e) the reasons for the refusal of the application;
- f) the decision appeal deadline;
- g) the name and office phone number of the Development Authority,
- h) the office address and hours where the development permit file may be reviewed;
- i) the right of appeal; and
- j) the appeal initiation procedure.

#### **4.6.3 Notification of Applications of Direct Control Development Permit Applications**

1. An application for a development permit in respect of development of land or a building in a Direct Control District shall require that each assessed owner of land within 60m of the site, or such greater distance as determined by the Development Authority, shall be given notice of the application by regular mail or be delivered in person by the Development Authority.
2. Further to Subsection (1), the Development Authority may also determine that other owners of land or persons may be affected by the proposed development and shall give notice of the application by mail or in person.

The above-mentioned notice shall state:

- a) the proposed use of the building or site;
- b) the location of the property (both legal and street address, if available) for which the application has been made;

- c) a method whereby public opinion can be received by Town Council with respect to the application; and
- d) that comments on the application are requested within six days of the date of the delivery of the notice, or such greater time as determined by the Development Authority.

## **PART 5: DEVELOPMENT APPEALS**

### **5.1 Development appeals**

*In accordance with the provisions of the Municipal Government Act, this Section of the Land Use Bylaw outlines the requirements and procedures for appeals to the Subdivision and Development Appeal Board. The intent of this section is to inform applicants and the public of their rights and procedures pertaining to development appeals.*

### **5.2 Grounds for appeal**

#### **Section 685 (MGA)**

(1) If a development authority;

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

4. Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

### 5.3 Appeals

#### Section 686 (MGA)

- (1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board
  - (a) in the case of an appeal made by a person referred to in section 685(1)
    - (i) with respect to an application for a development permit,
      - (A) within 21 days after the date on which the written decision is given under section 642, or
      - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires, or
    - (ii) with respect to an order under section 645, within 21 days after the date on which the order is made, or
  - (b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.
- (2) The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- (3) The subdivision and development appeal board must give at least 5 days' notice in writing of the hearing
  - (a) to the appellant,
  - (b) to the development authority whose order, decision or development permit is the subject of the appeal, and
  - (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.
- (4) The subdivision and development appeal board must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including
  - (a) the application for the development permit, the decision and the notice of appeal, or
  - (b) the order under section 645.



(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

## 5.4 Hearing and Decisions

### Section 687 (MGA)

(1) At a hearing under section 686, the subdivision and development appeal board must hear

- (a) the appellant or any person acting on behalf of the appellant,
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,
- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The subdivision and development appeal board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;
  - (a.1) must comply with any applicable land use policies;
  - (a.2) subject to section 638, must comply with any applicable statutory plans;
  - (a.3) subject to clauses (d), must comply with any land use bylaw in effect;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
  - (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 parcels of land, and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw

## **5.5 Court of Appeal**

### **Law, jurisdiction appeals**

#### **Section 688 (MGA)**

- (1) An appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to
  - (a) a decision of the subdivision and development appeal board, and
  - (b) a decision made by the Municipal Government Board
    - (i) under section 619 respecting whether a proposed statutory plan or land use bylaw amendment is consistent with a license, permit, approval or other authorization granted under that section,
    - (ii) under section 648.1 respecting the imposition of an off-site levy or the amount of the levy,
    - (iii) under section 678(2)(a) respecting a decision of a subdivision authority, or
    - (iv) under section 690 respecting an intermunicipal dispute.

For more information on Court of Appeal, and the decision on an appeal reference the MGA RSA 2000m Chapter M-26, Section 688 and 689.

## **PART 6: ESTABLISHMENTS OF DISTRICTS**

If a use is not provided under a district of this Bylaw, the Development Authority may determine that the proposed use is similar to a permitted or discretionary use regulated for that district. The development authority may forward the proposed development permit application to the Municipal Planning Commission under a discretionary use permit.

No person can construct or locate or cause to be constructed or located more than one dwelling on a lot or parcel unless otherwise authorized by this Bylaw.

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

- 6.1 R1 - Single Detached Dwelling Residential District
- 6.2 R1A – Residential Redevelopment District
- 6.3 R2A – Residential Zero Lot Line District
- 6.4 R2 – Low Density Residential District Regulations
- 6.5 R3 - Medium Density Residential District Regulations
- 6.6 R4 - High Density Residential District Regulations
- 6.7 R5 - Condominium Residential District Regulations
- 6.8 RMD – Residential Mixed Dwelling District Regulations
- 6.9 RMP - Manufactured Home Park District
- 6.10 C1 - Downtown Commercial District Regulations
- 6.11 C2 - Highway Commercial District Regulations
- 6.12 M - Industrial District Regulation
- 6.13 US – Urban Service and Open Space Regulations
- 6.14 UX - Urban Expansion District
- 6.15 DC - Direct Control District

For corner lot regulations and provisions, see Part 7, Section 7.22.

## **PART 6A: ANNEXED LANDS - JANUARY 1, 2018**

- 6A.1 CR - Country Residential District
- 6A.2 IN - Industrial District
- 6A.3 UF - Urban Fringe District

For corner lot regulations and provisions, see Part 7, Section 7.22.

## **REGULATIONS FOR LAND USE DISTRICTS**

### **6.1 R1 – Single Detached Dwelling Residential District**

#### **6.1.1 Purpose**

To establish a district in which land is used primarily for single dwelling housing development.

#### **6.1.2 Permitted Uses**

1. Accessory Buildings
2. Attached Garages
3. Carports
4. Decks and Patios
5. Demolition of building (Approval by the discretion of the Development Authority)
6. Detached Garages
7. Essential Utility Services
8. Foster Home
9. Home Offices
10. Hot Tubs
11. Kinship Care Home
12. Single Dwelling Buildings
13. Additional uses accessory to the above

#### **6.1.3 Discretionary Uses**

1. Assisted Living Facility
2. Day Home Operation
3. Minor Home-Based Business
4. Modular Housing/RTM Housing
5. Garage Suites
6. Garden Suites
7. Global Vacation Rental Market, within an approved single dwelling building
8. Religious Assembly
9. Residential Care Facility
10. Residential Sales Centre
11. Secondary Suite, in single dwelling buildings only.
12. Tent structures
13. Additional uses accessory to the above

#### **6.1.4 Minimum Front Yard Setback**

- |                        |      |
|------------------------|------|
| 1. Principal building  | 6.0m |
| 2. All other buildings | 6.0m |
| 3. Deck                | 4.0m |

**6.1.5 Minimum Rear Yard Setback**

1. Principal building	6.0m
2. Deck	3.0m
3. Detached garage, rear entry	5.5m
4. Detached garage, side entry /front yard entry	1.5m
5. Accessory building	1.0m

**6.1.6 Minimum Side Yard Setback**

1. Side yard (except that in the case of a parcel with no lane and no front facing attached garage, and no mutual access easement, one side yard shall be 3 meters and the other shall be 1.5 meters.	1.5m
2. Side yard on flanking street	3.0m

**6.1.7 Maximum Site Coverage**

Only one residential dwelling shall be constructed on each residential parcel of land.

1. Dwelling unit, excluding attached garage	26%
2. Attached and detached garage total	14%
3. Total site coverage, excluding deck	40%
4. Total site coverage including all buildings and structure 0.6m above finished grade including any covered projections	50%

**6.1.8 Maximum Building Height**

1. Principal building	10.0m
2. Detached garage	5.0m
3. Accessory building	4.5m
4. Antenna structures	8.0m

**6.1.9 Minimum floor area**

1. Principal building, excluding attached garage	93.0m <sup>2</sup>
--	--------------------

**6.1.10 Parcel area**

1. Access lane	500m <sup>2</sup>
2. No Access lane	550m <sup>2</sup>
3. Corner parcel	575m <sup>2</sup>

**6.1.11 General Regulations - See Part 7**

**6.1.12 Specific Use Regulations – See Part 8**

### **6.1.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure can no begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## 6.2 R1A – Residential Redevelopment District

### 6.2.1 Purpose

To establish a district in which existing large residential lots may be re-subdivided.

### 6.2.2 Permitted Uses

1. Accessory Building
2. Attached Garage
3. Carport
4. Decks and Patios
5. Demolition of building (Approval by the discretion of the Development Authority)
6. Detached Garage
7. Essential Utility Services
8. Foster Home
9. Home Office
10. Hot Tubs
11. Kinship Care Home
12. Single Dwelling Building
13. Additional uses accessory to the above

### 6.2.3 Discretionary Uses

1. Assisted Living Facility
2. Boarding and Lodging Houses
3. Day Home Operation
4. Garage Suite
5. Garden Suite
6. Global Vacation Rental Market, within an approved single dwelling building
7. Major Home-Based Business
8. Minor Home-Based Business
9. Modular and RTM Housing
10. Religious Assembly
11. Relocated Buildings
12. Residential Care Facility
13. Residential Sales Centre
14. Secondary Suite, in single dwelling buildings only.
15. Tent structures
16. Additional uses accessory to the above

### 6.2.4 Minimum Front Yard Setback

- |                  |      |
|------------------|------|
| 1. All buildings | 6.0m |
|------------------|------|

### 6.2.5 Minimum Rear Yard Setback

- |  |      |
|--|------|
| 1. Principal building                            | 6.0m |
| 2. Deck  | 3.0m |
| 3. Detached garage, rear entry                   | 5.5m |
| 4. Detached garage, side entry /front yard entry | 1.5m |
| 5. Accessory building                            | 1.0m |

**6.2.6 Minimum Side Yard Setback**

- |    |   |      |
|----|---|------|
| 1. | Side yard<br>(except that in the case of a parcel with no lane and no front facing attached garage, and no mutual access easement, one side yard shall be 3 meters and the other shall be 1.5 meters. | 1.5m |
| 2. | Side yard on flanking street  | 3.0m |

**6.2.7 Maximum Site Coverage**

Only one residential dwelling shall be constructed on each residential parcel of land.

- |    |  |     |
|----|--|-----|
| 1. | Dwelling unit, excluding attached garage | 26% |
| 2. | Attached and detached garage total       | 14% |
| 3. | Total site coverage, excluding deck      | 40% |
| 4. | Total site coverage                      | 50% |

**6.2.8 Maximum Building height**

- |    |   |       |
|----|---|-------|
| 1. | Principal building                      | 10.0m |
| 2. | Maximum height of detached garage       | 5.0m  |
| 3. | Maximum height of an accessory building | 4.5m  |
| 4. | Antenna structures                      | 8.0m  |

**6.2.9 Minimum floor area**

- |    |   |                    |
|----|---|--------------------|
| 1. | Principal building, excluding attached garage | 93.0m <sup>2</sup> |
|----|---|--------------------|

**6.2.10 Parcel area**

- |    |             |                    |
|----|-------------|--------------------|
| 1. | All parcels | 1500m <sup>2</sup> |
|----|-------------|--------------------|

**6.2.11 General Regulations - See Part 7**

**6.2.12 Specific Use Regulations – See Part 8**

**6.2.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.



### **6.3 R2A – Residential Zero Lot Line District**

#### **6.3.1 Purpose**

To accommodate single detached houses which are constructed adjacent to one side property line.

#### **6.3.2 Permitted Uses**

1. Accessory Building
2. Attached Garage
3. Carport
4. Decks and Patios
5. Demolition of building (Approval by the discretion of the Development Authority)
6. Detached Garage
7. Essential Utility Services
8. Foster Home
9. Home Office
10. Hot Tubs
11. Kinship Care Home
12. Single Dwelling Building
13. Additional uses accessory to the above

#### **6.3.3 Discretionary Uses**

1. Assisted Living Facility
2. Day Home Operation
3. Minor Home-Based Business
4. Modular Housing
5. Residential Care Facility
6. Residential Sales Centre
7. Tent Structures
8. Additional uses accessory to the above

#### **6.3.4 Minimum Front Yard Setback**

- |                        |      |
|------------------------|------|
| 1. Principal building  | 6.0m |
| 2. All other buildings | 6.0m |
| 3. Deck                | 4.0m |

#### **6.3.5 Minimum Rear Yard Setback**

- |  |      |
|--|------|
| 1. Principal building                            | 6.0m |
| 2. Deck  | 3.0m |
| 3. Detached garage, rear entry                   | 5.5m |
| 4. Detached garage, side entry /front yard entry | 1.5m |
| 5. Accessory building                            | 1.0m |

### 6.3.6 Minimum Side Yard Setback

1. Conventional layout: Each side yard shall be a minimum of 1.5 metres, except that where a parcel has no access to a lane, one side yard shall be at least 1.5 metres and the other shall be at least 3 metres.
2. Zero Side Yard Layout: Notwithstanding the previous section, a building (includes; principal dwelling, garages, accessory buildings, carports) may be constructed with no side yard on one side provided that,
  - a) there is a four-metre clear space between the buildings on the zero-lot line and the buildings on any other parcel, and
  - b) a one-metre easement is registered against the adjoining parcel so as to allow access for maintenance of the wall which is on the property line; and
  - c) in the case of a corner parcel, there is a 3-metre side yard between the buildings on the corner parcel and any flanking street or lane.
3. Decks shall not be constructed on the zero-lot line as part of the principal building unless it is totally constructing in the front or rear yard and complies with the setback requirements.
  - i. decks, > 0.5m and < 1.0m above grade 1.0m
  - ii. decks, 1.0m or > above grade 1.5m

### 6.3.7 Maximum Site Coverage

Only one residential dwelling shall be constructed on each residential parcel of land. No more than 50% of the lot shall be covered by buildings including covered decks.

### 6.3.8 Building Height

- |  |       |
|--|-------|
| 1. Principal building                      | 10.0m |
| 2. Detached garage                         | 5.0m  |
| 3. Maximum height of an accessory building | 4.5m  |
| 4. Antenna structures                      | 8.0m  |

### 6.3.9 Minimum Floor Area

- |  |                    |
|--|--------------------|
| 1. Principal building, excluding attached garage | 83.0m <sup>2</sup> |
|--|--------------------|

### 6.3.10 Parcel area

- |                |                   |
|----------------|-------------------|
| 1. All parcels | 350m <sup>2</sup> |
|----------------|-------------------|

### 6.3.11 General Regulations - See Part 7

### 6.3.12 Specific Use Regulations – See Part 8

### **6.3.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the Alberta Building Code and Alberta Fire Code have been met.

## **6.4 R2 – Low Density Residential District**

### **6.4.1 Purpose**

To establish a district which is used primarily for low-density residential development.

### **6.4.2 Permitted Uses**

1. Accessory Building
2. Attached Garage
3. Carport
4. Decks and Patios
5. Demolition of Building (Approval by the discretion of the Development Authority)
6. Detached Garage
7. Duplex Housing
8. Essential Utility Services
9. Foster Home
10. Home Office
11. Kinship Care Home
12. Semi-Detached Housing, on separate titles
13. Single Dwelling Building
14. Additional uses accessory to the above

### **6.4.3 Discretionary Uses**

1. Assisted Living Facility
2. Bed and Breakfast Facility, within an approved single dwelling building
3. Boarding and Lodging Houses
4. Day Home Operation, within an approved single dwelling building
5. Development regulated by the Condominium Property Act
6. Garage Suites
7. Garden Suites
8. Global Vacation Rental Market, within an approved single dwelling building
9. Major Home-Based Business
10. Minor Home-Based Business
11. Modular and RTM Housing
12. Religious Assembly
13. Residential Care Facility
14. Residential Sales Centre
15. Secondary Suite, in single dwelling buildings only
16. Tent structures
17. Additional uses accessory to the above

#### 6.4.4 Maximum Site Coverage

Only one residential dwelling/building shall be constructed on each residential parcel of land.

1. Residential building without an attached garage	26%
2. Residential building with an attached garage	40%
3. Attached and detached garage total	14%
4. Total site coverage, excluding deck	40%
5. Total site coverage, including covered deck	50%

#### 6.4.5 Minimum Front Yard Setback

1. Principal building	6.0m
2. Decks	4.0m
3. All other buildings	6.0m

#### 6.4.6 Minimum Rear Yard Setback

1. Principal building	6.0m
2. Deck	3.0m
3. Detached garage, rear entry	5.5m
4. Detached garage, side entry /front yard entry	1.5m
5. Accessory building	1.0m

#### 6.4.7 Minimum Side Yard Setback

1. Side yard (except that in the case of a parcel with no lane and no front facing attached garage, and no mutual access easement, one side yard shall be 3 meters and the other shall be 1.5 meters.)	1.5m
2. Side yard on flanking street	3.0m

#### 6.4.8 Maximum Building Height

1. Principal building	10.0m
2. Detached garage, carports	5.0m
3. Accessory Building	4.5m
4. Antenna structures	8.0m

#### 6.4.9 Minimum floor area

1. Single dwelling building, excluding attached garage	75m <sup>2</sup>
2. Duplex unit, or semi-detached unit	75m <sup>2</sup>

#### 6.4.10 Parcel area

1. Single Family dwelling	400m <sup>2</sup>
2. Subdivided duplex	325m <sup>2</sup>

**6.4.11 General Regulations- See Part 7**

**6.4.12 Specific Use Regulations - See Part 8**

**6.4.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the Alberta Building Code and Alberta Fire Code have been met.

## **6.5 R3 - Medium Density Residential District**

### **6.5.1 Purpose**

To establish a district which land is primarily used for medium density residential development.

### **6.5.2 Permitted Uses**

1. Accessory Building
2. Attached Garage
3. Carport
4. Decks and Patios
5. Demolition of building (Approval by the discretion of the Development Authority)
6. Detached Garage
7. Essential Utility Services
8. Foster Home
9. Fourplex Housing
10. Home Office
11. Kinship Care Home
12. Row House
13. Semi-Detached Housing, on separate titles
14. Triplex Housing
15. Additional uses accessory to the above

### **6.5.3 Discretionary Uses**

1. Assisted Living Facility
2. Bed and Breakfast Facility, within an approved single dwelling building
3. Boarding and Lodging House
4. Day Home Operation, within an approved single dwelling building
5. Development regulated by the Condominium Property Act
6. Duplex Housing, on one (1) title
7. Garage Suites
8. Garden Suites
9. Global Vacation Rental Market, within an approved single dwelling building
10. Major Home-Based Business
11. Minor Home-Based Business
12. Modular and RTM Housing
13. Residential Care Facility
14. Residential Sales Centre
15. Row Housing, Stacked
16. Single Dwelling Building
17. Tent Structures
18. Additional uses accessory to the above

**6.5.4 Maximum Site Coverage**

1. Residential building, without attached parking	35%
2. Residential building combined with parking lot area	70%
3. Residential building with all underground parking and/or attached garages	50%
4. Detached garage, or carport parking total	20%

**6.5.5 Maximum Site Density Ratio**

1. Fourplex, triplex	95 units/ hectare
2. Row houses	45 units/ hectare

**6.5.6 Minimum Front Yard Setback**

1. Principal building	6.0m
-----------------------	------

**6.5.7 Minimum Rear Yard Setback**

1. Principal building	6.0m
2. Deck	3.0m
3. Detached garage, rear entry	5.5m
4. Detached garage, side entry /front yard entry	1.5m
5. Accessory building	1.0m

**6.5.8 Minimum Side Yard Setback**

1. Side yard (except that in the case of a parcel with no lane and no front facing attached garage, and no mutual access easement, one side yard shall be 3 meters and the other shall be 1.5 meters.)	1.5m
2. Side yard on flanking street	3.0m

**6.5.9 Maximum Building Height**

1. Principal building	10.0m
2. Detached garage, carport	5.0m
3. Accessory building	4.5m
4. Antenna structures	8.0m

**6.5.10 Minimum floor area**

1. Single dwelling building, excluding attached garage	75m <sup>2</sup>
2. Duplex unit, or semi-detached unit	75m <sup>2</sup>
3. Apartment units	45m <sup>2</sup>
4. All other building styles	60m <sup>2</sup>



**6.5.11 Parcel Area**

Minimum parcel area shall be determined by the Development Authority to allow for on-site parking at the side or rear; all necessary yards, unobstructed emergency access to the building as required by the Fire Department; and space for such other activities or things as the Development Authority may specific.

**6.5.12 General Regulations - See Part 7**

**6.5.13 Specific Use Regulations - See Part 8**

**6.5.14 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.6 R4 - High Density Residential District**

### **6.6.1 Purpose**

To establish a district in which land is primarily used for maximum density residential development.

### **6.6.2 Permitted Uses**

1. Apartment Building
2. Accessory building
3. Carport
4. Detached Garage
5. Demolition of building (Approval by the discretion of the Development Authority)
6. Essential Utility Installations
7. Foster Home
8. Home Office
9. Kinship Care Home
10. Additional uses accessory to the above

### **6.6.3 Discretionary Uses**

1. Assisted Living Facility
2. Boarding and Lodging House
3. Development regulated by the Condominium Property Act
4. Duplex Housing
5. Essential Utility Services
6. Fourplex Housing
7. Garage Suite
8. Garden Suite
9. Global Vacation Rental Market, within an approved single dwelling building
10. Modular and RTM Housing units
11. Residential Care Facility
12. Residential Sales Centre
13. Row Houses
14. Row Housing, Stacked
15. Semi-Detached Garage
16. Semi-Detached Housing
17. Tent Structures
18. Triplex Housing
19. Additional uses accessory to the above

### **6.6.4 Maximum Site Coverage**

- |  |                  |
|--|------------------|
| 1. Residential building, without in building parking   | 50%              |
| 2. Residential building combined with exterior parking | 70%              |
| 3. Residential building, with in building parking      | 60%              |
| 4. Detached garage or carport parking total            | 20%              |
| 5. Accessory building                                  | 40m <sup>2</sup> |

#### 6.6.5 Minimum Front Yard Setback

1. Principal building	6.0m
2. Door access to parking	6.0m
3. Decks and/or balconies	4.0m
4. Detached garage, carport and accessory buildings	15.0m

#### 6.6.6 Minimum Rear Yard Setback

1. Residential building;	
a) with a front attached garage	6.0m
b) without an attached garage	13.0m
2. Deck, with balcony	5.0m
3. Garage, rear entry	5.5m
4. Detached garage side entry /front yard entry	
a) less than 2.7m wall height	1.0m
b) wall height 2.7 m or greater	1.5m
5. Open carport	3.0m
6. Accessory building, other than detached garage	1.5m

#### 6.6.7 Minimum Side Yard Setback

1. All buildings	1.5m
2. Apartments	3.0m
3. Non-covered decks	1.0m

#### 6.6.8 Maximum Building Height

1. Apartments	12.0m
2. All other residential building styles	10.0m
3. Accessory building	4.5m
4. Garage, carport	5.0m

#### 6.6.9 Minimum floor area

1. Duplex unit, or semi-detached unit	75m <sup>2</sup>
2. Apartment Unit	45m <sup>2</sup>
3. Units in all other building styles	60m <sup>2</sup>

#### 6.6.10 Parcel Area

Minimum parcel area shall be determined by the Development Authority to allow for on-site parking at the side or rear; all necessary yards, unobstructed emergency access to the building as required by the Fire Department; and space for such other activities or things as the Development Authority may specific.

**6.6.11 General Regulations - See Part 7**

**6.6.12 Specific Use Regulations - See Part 8**

**6.6.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.7 R5 - Condominium Residential District**

### **6.7.1 Purpose**

To establish a district in which a large parcel of land is the location of numerous different housing complexes. The entire project shall be planned in advance prior to the issuance of any permits being issued using standard planning practices and be approved by the Town's Development Authority prior to the issuance of any permits.

### **6.7.2 Permitted Uses**

1. Accessory Building
2. Attached Garage
3. Carport
4. Duplex Housing
5. Essential Utility Services
6. Foster Home
7. Fourplex Housing
8. Home Office
9. Internal Roadway Systems
10. Kinship Care Home
11. Single Dwelling Building
12. Triplex Housing
13. Uses accessory to the above

### **6.7.3 Discretionary Uses**

1. Apartment Building
2. Assisted Living Facility
3. Community Recreation Service
4. Detached Garage
5. Residential Care Facility
6. Residential Sales Centre
7. Minor Home-Based Business
8. Major Home-Based Business
9. Oversize Detached Garage
10. Row Housing
11. Storage Compounds
12. Storm Water Retention Facilities

### **6.7.4 Maximum Site Coverage**

- |                             |                  |
|-----------------------------|------------------|
| 1. Residential building     | 40%              |
| 2. Community building       | 10%              |
| 3. Detached garage, carport | 10%              |
| 4. Accessory building       | 40m <sup>2</sup> |

**6.7.5 Minimum Building Setback**

1. No building shall be placed within 6.0m of any parcel boundary.
2. No building shall be placed within 6.0m of any internal roadways, which serve more than seven (7) dwelling units measured perpendicular from the backside of sidewalks where sidewalks exist or the backside of curbs where sidewalks do not exist.
3. No residential building shall be placed within 3.1m of any other building or greater if required by the Alberta Building Code.

**6.7.6 Maximum Building Height**

1. Residential building	10.0m
2. Detached garage, carport	4.0m
3. Community building	6.0m
4. Accessory building	3.7m
5. Antenna structures	8.0m

**6.7.7 Minimum floor area**

1. Apartment Unit	45m <sup>2</sup>
2. All other dwelling units	75m <sup>2</sup>

**6.7.8 Parcel Area**

Minimum parcel area shall be determined by the Development Authority to allow for on-site parking at the side or rear; all necessary yards, unobstructed emergency access to the building as required by the Fire Department; and space for such other activities or things as the Development Authority may specify.

**6.7.9 General Regulations - See Part 7**

**6.7.10 Specific Use Regulations - See Part 8**

**6.7.11 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.8 RMD – Residential Mixed Dwelling District Regulations**

### **6.8.1 Purpose**

To establish a district which land is used to provide for a range of dwelling types and densities and provides the opportunity for more efficient utilization of land in developing neighbourhoods, while encouraging diversity in built form.

### **6.8.2 Permitted Uses**

1. Additional uses accessory to the above
2. Decks and Patios
3. Demolition of building (Approval by the discretion of the Development Authority)
4. Development regulated by the Condominium Property Act
5. Duplex Housing
6. Modular and RTM Housing
7. Fourplex Housing
8. Foster Home
9. Kinship Care Home
10. Row Housing
11. Single Detached Housing

### **6.8.3 Discretionary Uses**

1. Assisted Living Facility
2. Day Home Operation, within an approved single dwelling unit.
3. Garage Suites
4. Garden Suites
5. Global Vacation Rental Market, within an approved single dwelling unit
6. Minor Home-Based Business
7. Residential Care Facility
8. Residential Sales Centre
9. Row Housing, Stacked
10. Secondary Suite, in single dwelling unit only
11. Tent Structures
12. Additional uses accessory to the above

#### 6.8.4 Maximum Site Coverage

<b>Maximum Site Coverage</b>				
	Total Maximum Site Coverage	Principal building	Accessory building	Principal building with attached Garage
(a) Single Detached Housing	52%	35%	17%	45%
(b) Semi-detached Housing	49%	32%	17%	45%
(c) Row Housing – Internal Dwelling	55%	35%	20%	55%
(d) Row Housing – End Dwelling	45%	30%	15%	45%
(e) Fourplex housing	55%	35%	20%	55%

#### 6.8.5 Minimum Site Area

<b>Minimum Site Area</b>		
	Primary vehicular access is not from a Lane	Primary vehicular access is from a Lane
(a) Single Detached Housing	375 m <sup>2</sup>	375 m <sup>2</sup>
(b) Semi-detached Housing	555 m <sup>2</sup>	555 m <sup>2</sup>
(c) Row Housing – internal Dwelling	150 m <sup>2</sup>	150 m <sup>2</sup>
(d) Row Housing – end Dwelling	186 m <sup>2</sup>	186 m <sup>2</sup>
(e) Fourplex housing	150 m <sup>2</sup>	150 m <sup>2</sup>

#### 6.8.6 Minimum Front Yard Setback

- |    |                                     |      |
|----|-------------------------------------|------|
| 1. | Principal building                  | 6.0m |
| 2. | Decks or balconies                  | 4.0m |
| 3. | Detached garage, accessory building | 6.0m |

#### 6.8.7 Minimum Rear Yard Setback

- |    |   |      |
|----|---|------|
| 1. | Principal building                            | 6.0m |
| 2. | Deck  | 3.0m |
| 3. | Detached garage, rear entry                   | 5.5m |
| 4. | Detached garage, side entry /front yard entry | 1.5m |
| 5. | Accessory building                            | 1.0m |



**6.8.8 Minimum Side Yard Setback**

1. Single dwelling building	1.5m
2. Semi-detached building	1.5m
3. Duplex Building	1.5m
4. Row houses	1.5m
5. Fourplexes	1.5m
6. Accessories	1.5m

**6.8.9 Maximum Building Height**

1. Principal building	10.0m
2. Detached garage, carport	5.0m
3. Accessory building	4.5m
4. Antenna structures	8.0m

**6.8.10 Minimum floor area**

1. Single dwelling building, excluding attached garage	75m <sup>2</sup>
2. Duplex unit, or semi-detached unit	75m <sup>2</sup>
3. Fourplex unit	45m <sup>2</sup>
All other building styles	60m <sup>2</sup>

**6.8.11 General Regulations - See Part 7**

**6.8.12 Specific Use Regulations - See Part 8**

**6.8.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.9 RMP - Manufactured Home Park District**

### **6.9.1 Purpose**

1. To establish a district where rental sites are provided for the placement of manufactured homes.
2. Notwithstanding any other provision of this Bylaw to the contrary, no development permit shall be issued for the placement of a manufactured home unit which is more than five (5) years old within the RMP District.
3. No development permit will be issued for any permitted or discretionary use without approval obtained from the Manufactured Home Park Manager/Owner.

### **6.9.2 Permitted Uses**

1. Accessory Building
2. Addition
3. Decks and Patios
4. Demolition of building (Approval by the discretion of the Development Authority)
5. Essential Utility Services
6. Foster Home
7. Home Office
8. Kinship Care Home
9. Manufactured Home
10. Manufactured Home Community
11. Manufactured Home Site
12. Modular Homes
13. Additional uses accessory to the above

### **6.9.3 Discretionary Uses**

1. Assisted Living Facility
2. Carport
3. Day Home Operation, within an approved single dwelling building
4. Detached Garage
5. Minor Home-Based Business
6. Global Vacation Rental Market, within an approved single dwelling building
7. Residential Care Facility
8. Residential Sales Centre
9. Tent structures
10. Additional uses accessory to the above

### **6.9.4 Minimum Lot Area**

1. Manufactured home site,  
within a manufactured home community 400m<sup>2</sup>
2. All other uses, to the satisfaction of the Development Authority

**6.9.5 Minimum Manufactured Home Site Width**

- |    |             |       |
|----|-------------|-------|
| 1. | Single wide | 12.2m |
| 2. | Double wide | 15.0m |

**6.9.6 Minimum Manufactured Home Site Depth**

- |    |             |     |
|----|-------------|-----|
| 1. | Single wide | 35m |
| 2. | Double wide | 35m |

**6.9.7 Maximum Manufactured Home Site Coverage**

- |    |  |     |
|----|--|-----|
| 1. | Manufactured home, additions, and enclosed porches | 35% |
| 2. | Garage and accessory buildings combined area       | 15% |

**6.9.8 Minimum Front Yard Setback (from approved site boundary)**

- |    |   |      |
|----|---|------|
| 1. | Manufactured / Modular home, additions, enclosed porches, covered decks | 6.0m |
| 2. | Garage and accessory building   | 6.0m |

**6.9.9 Minimum Side Yard Setback (from approved site boundary)**

- |    |   |      |
|----|---|------|
| 1. | Manufactured home/M Modular Home        | 1.5m |
| 2. | Addition and/or porch                   | 3.0m |
| 3. | Detached garage and accessory buildings | 1.5m |
| a) | Where abutting a street                 | 3.0m |
| 4. | Attached garage                         | 1.5m |
| 5. | Deck >0.5 and <1.0m above grade         | 0.6m |
| 6. | Deck 1.0m or > above grade              | 1.5m |

**6.9.10 Minimum Rear Yard Setback (from approved site boundary)**

- |    |   |      |
|----|---|------|
| 1. | Manufactured home/Modular Home          | 1.5m |
| 2. | Addition and/or porch, decks            | 1.5m |
| 3. | Detached garage and accessory buildings | 1.5m |

**6.9.11 Maximum Building Height**

- |   |                   |
|---|-------------------|
| 1. Manufactured / Modular home, additions, enclosed porches | 5.0m (one storey) |
| 2. Detached garage and accessory buildings                  | 4.5m              |

**6.9.12 General Regulations - See Part 7**

**6.9.13 Specific Use Regulations - See Part 8**

**6.9.14 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.10 C1 - Downtown Commercial District**

### **6.10.1 Purpose**

To establish a central business district in which land is used for commercial service, entertainment services and retail development which does not require large tracts of land for efficient operation. In addition, this district will accommodate traditional civic development which functions as a central focus of the downtown and also downtown living with mixed uses.

### **6.10.2 Permitted Uses**

1. Accessory Building
2. Business Support Service
3. Child Care Service
4. Commercial School
5. Custom Manufacturing Establishment
6. Demolition of building (Approval by the discretion of the Development Authority)
7. Government Service
8. Health Service
9. Indoor Merchandise Sales
10. Licensed Restaurant
11. Multi-tenant Commercial Building
12. Office Building
13. Outdoor Restaurant Patio
14. Personal Service Business
15. Professional, Financial and Office Support Service
16. Public Education Service
17. Public Library and Cultural Exhibit
18. Restaurant
19. Single Tenant Commercial Building
20. Small Animal Service
21. Spectator Entertainment Establishment
22. Additional uses accessory to the above

### **6.10.3 Discretionary Uses**

1. Amusement Establishment
2. Apartment Building
3. Auctioneering Establishment
4. Automotive and Equipment Repair Shops
5. Booth Market
6. Cannabis Retail
7. Carnival
8. Drive-In Food Service
9. Equipment Rentals
10. Essential Utility Services
11. Funeral and Cremation Service
12. General and Limited Contractor Services

13. General Industrial Use
14. Hotel
15. Household Repair Service
16. Licensed Outdoor Patio
17. Liquor Store
18. Mixed Use Residential Suites
19. Mobile Catering Food Service
20. Modular Buildings
21. Motel
22. Nightclubs and Bars
23. Pubs and Lounges
24. Religious Assembly
25. Vehicle Oriented Uses
26. Wholesaling
27. Additional uses accessory to the above

#### **6.10.4 District Overlays**

1. District Overlays may apply to portions of this zoning classification that will add additional regulation to some of the properties within this classification. Refer to Part 13 of this Bylaw for further information.

#### **6.10.5 Maximum Lot Coverage**

- |   |     |
|---|-----|
| 1. Principal Building and accessory buildings | 90% |
|---|-----|

#### **6.10.6 Minimum Front Yard Setback**

- |                                   |      |
|-----------------------------------|------|
| 1. Principal Building             | 0m   |
| 2. Accessory Building             | 15m  |
| 3. Hotel, Motel, and/or Apartment | 5.0m |

#### **6.10.7 Minimum Side Yard Setback**

1. Determined by Alberta Building Code requirements based on construction type.

#### **6.10.8 Minimum Rear Yard Setback**

- |                       |      |
|-----------------------|------|
| 1. Principal Building | 6.0m |
| 2. Accessory Building | 1.5m |

**6.10.9 Maximum Building Height**

- |                       |       |
|-----------------------|-------|
| 1. Buildings          | 12.0m |
| 2. Accessory Building | 4.5m  |

**6.10.10 Parcel area**

- |                |                   |
|----------------|-------------------|
| 1. All parcels | 150m <sup>2</sup> |
|----------------|-------------------|

**6.10.11 General Regulations- See Part 7**

**6.10.12 Specific Use Regulations - See Part 8**

**6.10.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.11 C2 - Highway Commercial District**

### **6.11.1 Purpose**

To establish a district that encourages high quality business establishments along the primary high traffic corridor through the community. The types of businesses in the classification should provide services to motoring public, visitors to the community, and to local and regional business clients.

### **6.11.2 Permitted Uses**

1. Accessory Buildings
2. Automotive and Equipment Repair Shop
3. Automotive and Light Recreation Vehicle Sales/Rentals
4. Business Support Service
5. Convenience Vehicle Rentals
6. Custom manufacturing Establishment
7. Demolition of building (Approval by the discretion of the Development Authority)
8. Drive-in Food Service
9. Fleet Service
10. Hotel
11. Indoor Merchandise Sales
12. Indoor Participant Recreation Service
13. Licensed Outdoor Patio
14. Licensed Restaurant
15. Motel
16. Multi-tenant commercial Building
17. Office Building
18. Outdoor Restaurant Patio
19. Personal Service Business
20. Professional, Financial and Office Support Service
21. Public Library and Cultural Exhibit
22. Rapid Drive-through Vehicle Service
23. Restaurant
24. Single Tenant Commercial Building
25. Small Animal Service
26. Spectator Entertainment Establishment
27. Vehicle Oriented Uses
28. Warehouse Sales
29. Additional uses accessory to the above



### 6.11.3 Discretionary Uses

1. Adult Entertainment Facility
2. Amusement Establishment
3. Animal Kennel
4. Booth Market
5. Bulk storage of liquids & materials
6. Cannabis Retail Sales
7. Carnival
8. Casino and other gaming establishments
9. Commercial Storage Facility
10. Containers
11. Essential Utility Services
12. General Industrial Use
13. Government Services
14. Liquor Store
15. Mixed Use Residential Suites
16. Modular Buildings
17. Nightclubs and Bars
18. Outdoor Amusement Establishment
19. Pubs and Lounges
20. Truck/Auto and Factory Built Home Sales
21. Wholesale Establishment
22. Additional uses accessory to the above

### 6.11.4 District Overlays

1. District Overlays may apply to portions of this zoning classification that will add additional regulation to some of the properties within this classification. Refer to Part 13 of this Bylaw for further information.

### 6.11.5 Maximum Lot Coverage

- |   |     |
|---|-----|
| 1. Principal Building                     | 60% |
| 2. All buildings and paved areas combined | 90% |

### 6.11.6 Minimum Front Yard Setback

- |   |       |
|---|-------|
| 1. Service Stations\Vehicle oriented uses | 12.0m |
| 2. All other uses                         | 10.0m |
| 3. Accessory buildings                    | 10.0m |

### 6.11.7 Minimum Side Yard Setback

- |  |   |
|--|---|
| 1. Internal lot  | 3.0m  |
| 2. Corner lot  | 6.0m  |
| 3. Internal and corner lots must also meet building code limiting distance |   |
| 4. Accessory buildings   | 1.5m or<br>Determined by Alberta Building Code requirements based on construction type. |

**6.11.8 Minimum Rear Yard Setback**

- |                        |      |      |
|------------------------|------|------|
| 1. All lots            | 3.0m |      |
| 2. Accessory buildings |      | 1.5m |

**6.11.9 Maximum Building Height**

- |                       |  |       |
|-----------------------|--|-------|
| 1. Buildings          |  | 12.0m |
| 2. Accessory building |  | 4.5m  |

**6.11.10 Parcel area**

- |                |  |                   |
|----------------|--|-------------------|
| 1. All parcels |  | 150m <sup>2</sup> |
|----------------|--|-------------------|

**6.11.11 General Regulations - See Part 7**

**6.11.12 Specific Use Regulations - See Part 8**

**6.11.13 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.12 M - Industrial District**

### **6.12.1 Purpose**

The primary purpose of this zoning classification is to provide for high industrial developments that operate in such a manner that no nuisance is created or apparent outside an enclosed building. Limited outdoor activities (loading, service, storage, etc.) that are accessory to a principal use may occur providing the scale of such activities does not unduly conflict with the primary purpose of this zoning classification or dominate the use of the site. The zoning classification also allows for some commercial uses as discretionary uses that provide commercial services to the industrial areas.

### **6.12.2 Permitted Uses**

1. Accessory Building
2. Automotive and Equipment Repair Shop
3. Automotive and Light Recreation Vehicle Sales/Rentals
4. Business Support Service
5. Commercial School
6. Commercial Storage Facility
7. Convenience Vehicle Rental
8. Custom manufacturing Establishment
9. Demolition of building (Approval by the discretion of the Development Authority)
10. Equipment Rentals
11. Essential Utility Services
12. Fleet Service
13. Funeral and Cremation Service
14. General Contractor Service
15. General Industrial Uses
16. Greenhouse and Plant Nursery
17. Household Repair Service
18. Industrial Building
19. Licensed Restaurant
20. Limited Contractor Services
21. Outdoor Amusement Establishment
22. Public Education Service
23. Public Library and Cultural Exhibit
24. Railway
25. Recycling Depot
26. Restaurant
27. Service Stations
28. Small Animal Service
29. Small Animal Hospital
30. Truck/Auto and Factory Built Home Sales
31. Vehicle and Equipment Sales/Rentals
32. Vehicle Oriented Use
33. Additional use accessory to the above

### 6.12.3 Discretionary Uses

1. Animal Kennel
2. Auctioneering Establishment
3. Auto Salvage and Auto Recycling Yard
4. Booth Market
5. Bulk Storage of Liquids & Materials
6. Cannabis production facility
7. Cannabis retail sales
8. Casino & gaming establishment
9. Child Care Service
10. Government Services
11. Greenhouse & Plan Nursery
12. Higher Risk Industrial Uses
13. Hotel
14. Indoor Participant Recreation Service
15. Intermodal Container Storage
16. Licensed Outdoor Patio
17. Liquor Store
18. Mini Storage Facility
19. Minor Impact Utility Service
20. Mixed Use Residential Suites
21. Mobile Catering Food Service
22. Modular Buildings
23. Motel
24. Other uses deemed to be industrial in nature by the Development Authority which may include but are not limited to the following external impacts: noise, dust, emissions, large traffic volumes, truck traffic, hazardous goods, unusual operating hours
25. Outdoor Storage Yard
26. Pawn Shop
27. Public Park
28. Pubs and Lounges
29. Security Suite
30. Stockpile Site
31. Tent Structure
32. Towing Compound
33. Veterinary Service
34. Warehouse Sales
35. Wholesale establishment
36. Additional use accessory to the above

### 6.12.4 District Overlays

1. District Overlays may apply to portions of this zoning classification that will add additional regulation to some of the properties within this classification. Refer to Part 13 of this Bylaw for further information.

#### 6.12.5 Maximum Lot Coverage

- |   |     |
|---|-----|
| 1. Principal Building and accessory buildings | 60% |
|---|-----|

#### 6.12.6 Minimum Front Yard Setback

- |   |       |
|---|-------|
| 1. Principal Building, without front yard parking | 6.0m  |
| 2. Principal Building, with front yard parking    | 12.0m |
| 3. Accessory Building                             | 20.0m |
| 4. Vehicle Oriented Uses                          | 12.0m |

#### 6.12.7 Minimum Side Yard Setback

1. Determined by Alberta Building Code requirements based on construction type with minimum of 3.0m

#### 6.12.8 Minimum Rear Yard Setback

- |                       |      |
|-----------------------|------|
| 1. Principal Building | 3.0m |
| 2. Accessory Building | 1.5m |

#### 6.12.9 Maximum Building Height

- |                       |       |
|-----------------------|-------|
| 1. Principal Building | 12.0m |
| 2. Accessory Building | 4.5m  |

#### 6.12.10 Parcel area

- |                |                   |
|----------------|-------------------|
| 1. All parcels | 500m <sup>2</sup> |
|----------------|-------------------|

#### 6.12.11 General Regulations - See Part 7

#### 6.12.12 Specific Use Regulations - See Part 8

#### 6.12.13 Industrial Performance Standards

1. No operation or activity shall emit air and water contaminants in excess of the standards prescribed by the Province of Alberta pursuant to the Clean Air Act and the Clean Water Act and regulations pertaining thereto.
2. Any industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards at all times:
  - a) noise emit no offensive noise of industrial production audible at any point on the boundary of the lot on which the operation takes place;

- b) smoke: no process involving the use of solid fuel is permitted except the use of waste disposal incinerators of a design approved by the appropriate approving authority(s);
  - c) dust and ash: no process involving the emission of dust, fly ash or other particular matter is permitted;
  - d) smell: the emission of any odorous gas or other odorous matter is prohibited;
  - e) toxic gases, etc.: the emission of toxic gases or other toxic substances is prohibited;
  - f) glare and heat: no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned;
  - g) external storage of goods or materials is permitted if kept in a neat and orderly manner, suitably enclosed by a fence or wall to the satisfaction of the Development Authority; The Development Authority may, as a condition of a development, control the location, amount of goods, materials and any other items stored on site.
  - h) industrial wastes: no wastes shall be discharged into any sewer which does not conform to the standards established from time to time by bylaw of the Town;
3. The onus of proving to the development authority's satisfaction that a proposed development does, and will, comply with these standards rests with the developer and/or operator.
4. In considering the application, the Development Authority shall have regard to the intent of this Section, which is to establish use on the basis of:
- a) appropriate performance standards;
  - b) the methods, equipment and techniques of the applicant;
  - c) the use of neighbouring land and land use districts and the compatibility of the proposed use with neighbouring land and land use district.

**6.12.14 Appearance**

- 1. All yards abutting the highway or road shall be landscaped and the entire lot and all buildings maintained in a neat, tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- 2. All storage, freight or trucking yards shall be enclosed or completely screened by buildings, tree, landscaped features or fences, or a combination thereof to provide effective screening from the ground to a height of 2.0m.
- 3. All front yards shall be landscaped and maintained to meet or exceed the minimum standards outlined in this Bylaw.

**6.12.15 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.13 US – Urban Service and Open Space District**

### **6.13.1 Purpose**

To establish a district in which land is used for public and/or privately owned institutional, recreational and community service developments.

### **6.13.2 Permitted Uses**

1. Accessory Buildings
2. Additional uses accessory to the above
3. Booth Market
4. Carnival
5. Child Care Service
6. Community Recreation Service
7. Demolition of building (Approval by the discretion of the Development Authority)
8. Essential Utility Services
9. Exhibition and Convention Facility
10. Extended Medical Treatment Service
11. Government Services
12. Health Service
13. Indoor Participant Recreation Service
14. Outdoor Participant Recreation Service
15. Public Education Service, including modular additions
16. Public Library and Cultural Exhibit
17. Public Park
18. Recycled Materials Drop-off Centre
19. Religious Assembly
20. Spectator Entertainment Establishment
21. Campground

### **6.13.3 Discretionary Uses**

1. Auctioneering Establishment
2. Cemetery
3. Greenhouse and Plant Nursery
4. Major Impact Utility Service
5. Minor Impact Utility Service
6. Modular Buildings
7. Stockpile Site
8. Storm Water Ponds
9. Tent Structure
10. Additional uses accessory to the above



#### 6.13.4 Minimum Front Yard Setback

1. Must match the requirement of the zoning classification of the nearest adjacent property.
2. Must meet the minimum requirements of the Alberta Building Code.

#### 6.13.5 Minimum Rear Yard Setback

1. Building, with lane access 3.0m
2. Building, without lane access 6.0m
3. Other uses are at the discretion of the Development Authority

#### 6.13.6 Minimum Side Yard Setback

1. Must match the requirement of the zoning classification of the nearest adjacent property.
2. Must meet the minimum requirements of the Alberta Building Code.

#### 6.13.7 Maximum Site Coverage

1. Buildings 40%
2. All Buildings and parking lot 70%
3. The maximum lot coverage can be increased at the full discretion of the Development Authority if it is compatible with other uses in the vicinity or if the lot is adjacent to another Urban Service lot where shared amenities are provided that meet the intent of the regulation.

#### 6.13.8 Maximum Building Height

1. All buildings, except accessory buildings 12.0m
2. Accessory Building one (1) storey

#### 6.13.9 General Regulations - See Part 7

#### 6.13.10 Specific Use Regulations - See Part 8

#### 6.13.11 Alberta Fire and Building Codes

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## **6.14 UX - Urban Expansion District**

### **6.14.1 Purpose**

To establish a district for development which will not pose problems to the logical expansion of future urban uses.

### **6.14.2 Permitted Uses**

1. Accessory Buildings
2. Crop Farming
3. Demolition of building (Approval by the discretion of the Development Authority)
4. Essential Utility Services
5. Additional uses accessory to the above

### **6.14.3 Discretionary Uses**

1. Greenhouse and Plant Nursery
2. Major Impact Utility Service
3. Minor Impact Utility Service
4. Modular Buildings
5. Outdoor Amusement Establishment
6. Outdoor Participant Recreation Service
7. Pastureland
8. Private Sewage System
9. Stockpile Site
10. Temporary Building
11. Temporary Storage Yard
12. Tent Structure
13. Campground
14. Additional uses accessory to the above

### **6.14.4 Minimum Front Yard Setback**

1. Set by development permit conditions by the Development Authority.

### **6.14.5 Minimum Rear Yard Setback**

1. Set by development permit conditions by the Development Authority.

### **6.14.6 Minimum Side Yard Setback**

1. Set by development permit conditions by the Development Authority.

### **6.14.7 Maximum Lot Coverage**

All buildings

10%

**6.14.8 Maximum Building Height**

All buildings

7.0m

**6.14.9 Private Sewage Systems**

Where lots are not serviced with municipal sanitary sewers, they must use approved sanitary sewer pump-out holding tanks or have private sewage systems that have been designed and installed in full conformance with the appropriate provincial regulations.

1. The type and design of the private sewage system must be provided in full detail at the time of application for the principal building along with a copy of the permit to install a private sewage system.
2. Where lots are serviced with pressurized municipal sanitary sewers, they must connect to the municipal system with the approved system type.

**6.14.10 General Regulations - See Part 7**

**6.14.11 Specific Use Regulations - See Part 8**

**6.14.12 Alberta Fire and Building Codes**

Subdivision or Development and construction of any development or structure cannot begin until evidence is provided, to the satisfaction of the Development Authority, that all the requirements of the *Alberta Building Code* and *Alberta Fire Code* have been met.

## 6.15 DC - Direct Control District

### 6.15.1 Purpose

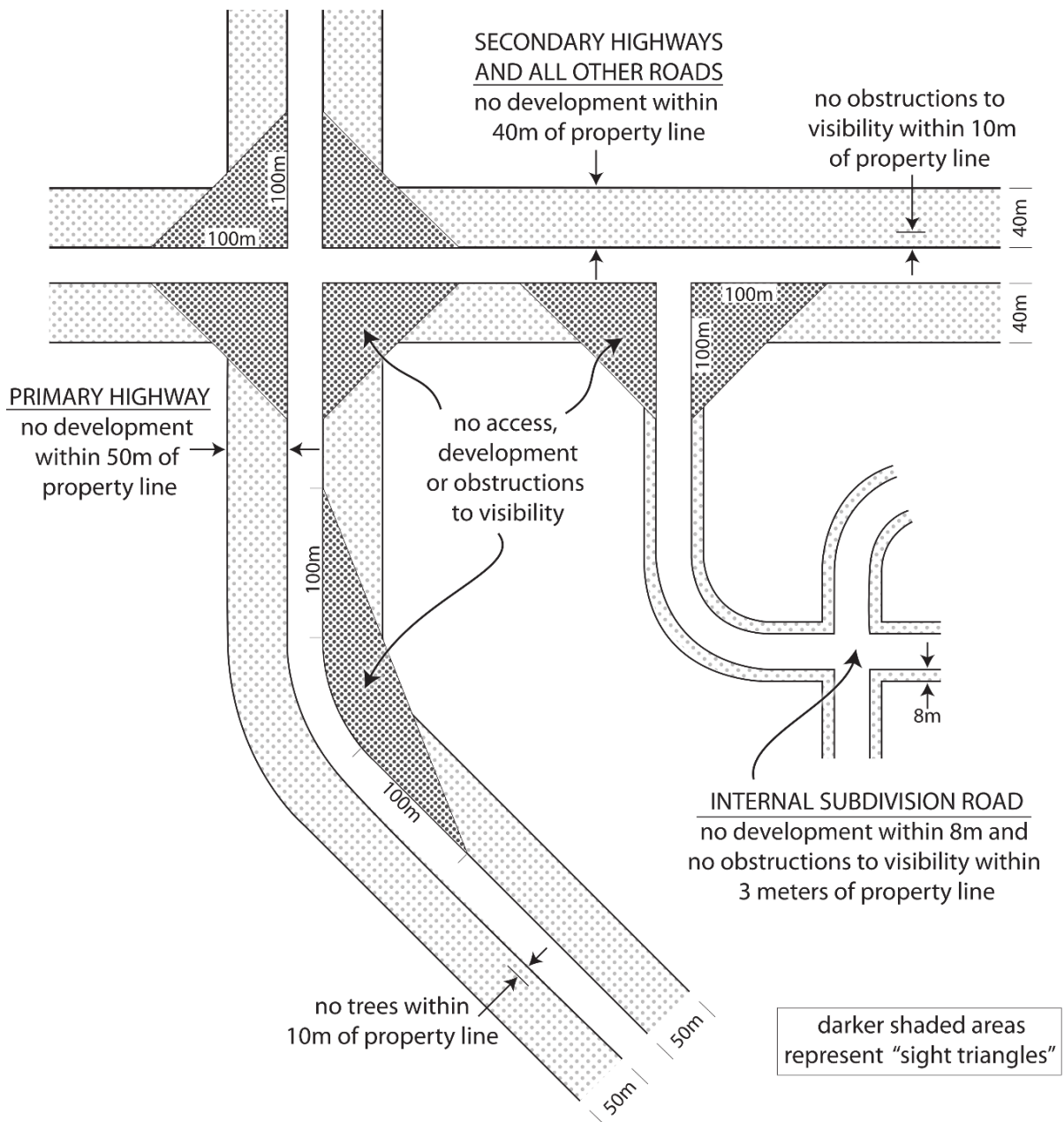
1. To establish a district or districts wherein the Council of the Town of Millet may regulate and exercise particular control over the use and development of land and buildings within a designated area.
2. As time progresses land and the community evolve, particular properties become into a state of transition where the redevelopment of land is subjective. While some of the buildings are in good condition and met the desired intentions of the day, any new development may require a change in use to meet the planning and development strategies for the present and future. These properties are generally in districts where they are surrounded by a myriad of other uses; therefore, any development must be sensitive to several issues. On these properties, the Town wants to remain open minded and flexible, consider the comments of surrounding property owners, and meet the objectives of the key planning documents of the Town such as the Municipal Development Plan, Area Redevelopment Plans, Area Structure Plans and Area Overlay Plans.
3. This classification should be limited in use where conventional classifications are not practical considering the site and its surrounding uses.
4. When an application has been received for a development or significant change in use on a property classified as Direct Control the Development Authority with consultation with other departments shall prepare a comprehensive report to Council with all of the planning issues identified for Council to consider when making their decision.
5. Town Council at its sole discretion can make the decision on the development permit or can delegate the decision to the Development Authority with direction that it deems appropriate.
6. For development and uses that are accessory to the principal use of the property and that do not make changes to the property that will not deter the desired long-term transition of the property, the Development Authority may make the decision on the application after public consultation on the application in accordance with Section 4.6.3, with the Development Authority replacing the decision-making power of Town Council. These applications include:
  - a) change in the use classification of the building to a different classification;
  - b) the placement of a moveable accessory building;
  - c) the construction of a deck or fence;
  - d) the construction of a detached garage not exceeding 40m<sup>2</sup>;
  - e) the placement of a sign;
  - f) a home-based business application;
  - g) temporary uses

**PART 6A - ANNEXED LANDS - JANUARY 1, 2018**

All regulations pursuant to County of Wetaskiwin No. 10 Land Use Bylaw 2017/48.

**Development Setbacks from Roads (Annexed lands January 1, 2018)**

**Country Residential District (CR) / Urban Fringe District (UF) / Industrial (IN)**



**6A.1 Country Residential District (CR) - (annexed lands January 1, 2018)**

**All regulations pursuant to County of Wetaskiwin No. 10 Land Use Bylaw 2017/48 Section 10.5.**

**Purpose**

The purpose of the Country Residential District (CR) is to allow for the subdivision and development on non-productive agricultural land of non-farm dwellings.

**Permitted Uses**

1. Buildings and uses accessory to the above
2. Dwelling, Detached
3. Dwelling, Modular – New

**Discretionary Uses**

1. Bed and Breakfast
2. Buildings and uses accessory to the above
3. Dwelling, Moved-in
4. Dwelling, Mobile – New
5. Dwelling, Mobile – Used
6. Dwelling, Modular – Used
7. Dwelling, Secondary Suite
8. Home Occupation
9. Public Utility
10. Show Home

**Parcel Size**

1. Minimum: 0.40 ha (1 acre)
2. Maximum: 2.02 ha (5 acres)

**Front Yard Setback**

All development shall be located at least:

1. 50.0 meters (164 feet) from the property line abutting a highway (see Figure 2); and
2. 40.0 meters (131 feet) from the property line abutting all other roads excepting internal subdivision roads (see Figure 2); and
3. 8.0 meters (26 feet) from the property line abutting internal subdivision roads (see Figure 2).

**Side Yard Setback**

1. 5.0 meters (16 feet)

### **Rear Yard Setback**

1. 10.0 meters (33 feet)
2. No development can be located within 8.0 meters (26 feet) of the property line adjacent to an internal subdivision road;
3. Obstructions to visibility are not allowed within 3.0 meters (10 feet) of the property line adjacent to an internal subdivision road.

As Pursuant to Section 9.15.1(c) County of Wetaskiwin No. 10 Land Use Bylaw 2017/48:

No person shall keep or permit in the Country Residential (CR) district, a permanent structure, including accessory buildings, corrals, holding and feeding facilities for animals, in the front yard unless approved by the Development Authority.

### **Animal Restrictions**

As Pursuant to County of Wetaskiwin No.10 Land Use Bylaw 2017/48Section 9.2.

#### **Section 9.2 Animal Restrictions:**

With the exception of the Agricultural, and Watershed Protection districts,

1. the number of livestock other than domestic pets on a parcel smaller than 1.2 hectares (3 acres) in size shall be at the discretion of the Development Authority but should not exceed the equivalent of 1 animal unit for properties less than 2.0 acres and 2 animal units for property between 2.0 and 3.0 acres; and
2. livestock other than domestic pets on parcels larger than 1.2 hectares (3 acres) shall be at the discretion of the Development Authority who shall consider the impact to adjacent land uses.

### **Subdivision Standards**

1. Site suitability testing is required before subdivision approval and includes but is not limited to water supply, water table levels, percolation rates, environmental impact assessment, etc.
2. Density restrictions shall be at the discretion of Council based on factors including but not limited to tests listed under Section 10.3.7(a). Density greater than 24 parcels on a quarter section shall be considered as being of a higher density and may be subject to requirements for infrastructure above the general Town standards. Subdivision creating more than 2 lots per quarter section, or re-subdivision of a previously developed quarter, may be subject to a requirement for the adoption of or amendment to an Area Structure Plan.
3. A proposal to subdivide an existing acreage lot(s) will be subject to the approval of the Subdivision Authority.

## Building Height

1. The maximum building height of all buildings shall be 10.0 meters (33 feet)
2. The maximum height of an accessory building shall be 6.0 meters (20 feet).

## Recreational Vehicles

Recreational Vehicles may be authorized pursuant to County of Wetaskiwin No. 10 Land Use Bylaw Section 3.12.

### Recreational Vehicles 3.12

**3.12.1** Where the use complies with the maximum number of Recreational Vehicles set out in the respective definition of the use, and the use otherwise complies with all other provisions of this Bylaw, (Recreational Vehicle is subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys). Recreational Vehicles may be authorized as follows:

**Short Term Camping** means the use of land for the parking of a Recreational Vehicle that is used for no more than fourteen (14) consecutive days as temporary accommodation for users engaged in recreational or seasonal pursuits.

Short Term Camping is exempt from the requirement for a development permit in the following land use districts (Recreational Vehicles are subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys):

- v. Country Residential (subject to an existing approved dwelling)
- xiv. Urban Fringe

Recreational Vehicle (RV) Storage is exempt from the requirement for a development permit in the following land use districts (Recreational Vehicles are subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys):

- v. Country Residential
- xvi. Industrial
- xviii. Urban Fringe

In the Country Residential (CR) where there is no permanent dwelling on a parcel of land, the Development Authority may include a condition that approves Recreational Vehicle Use as a time limited Accessory Use provided the approval is given concurrently with the approval of a development permit for a Detached dwelling on the land. The conditional approval shall only be for the months of April thru October and will lapse after 12 months of the issuance of the development permit. If construction of the detached dwelling is not completed by the time the conditional approval for the Recreational Vehicle Use expires, the Recreational Vehicle must be removed from the land unless the Development Authority has approved a new development permit approving the ongoing use of the Recreational Vehicle as an Accessory Use to the Detached dwelling. The maximum number of Recreational Vehicle Use approvals shall be two (2).



A Recreational Vehicle may NOT be augmented by an attached canopy, deck, lean-to or any other attached accessory building. Non-attached accessory buildings require a development permit.

Sewage and wastewater systems, including holding tanks and onsite treatment are subject to approval from a Provincially Accredited Safety Codes Agency.

Utility hookups are subject to approval from a Provincially Accredited Safety Codes Agency.

Recreational Vehicle Use during special events shall be governed by the Town of Millet approval.

### **Enforcement**

Offences and fines are outlined in Part 12 Town of Millet Land Use Bylaw.

## **6A.2 Industrial District (IN) - (annexed lands January 1, 2018)**

**All regulations pursuant to County of Wetaskiwin No. 10 Land Use Bylaw 2017/48 Section 10.18.**

### **Purpose**

The purpose of the Industrial District (IN) is to allow for the development of industrial land uses in the Town where there is a minimal impact on the social and physical environment.

### **Permitted Uses**

1. Agriculture, Extensive
2. Buildings and uses accessory to the above

### **Discretionary Uses**

1. Abattoir
2. Auto Wrecking Yard
3. Buildings and uses accessory to the above
4. Bulk Fuel Dealer
5. Cannabis Production Facility- situated at least 400.0 meters (1,312 ft) away from any lot that has residential districting or is an early childhood, primary or secondary school.
6. Grain Elevator, Terminal or Handling Facility
7. Manufacturing and Processing Operation
8. Other uses deemed to be industrial in nature by the Development Authority which may include but are not limited to the following external impacts: noise, dust, emissions, large traffic volumes, truck traffic, hazardous goods, unusual operating hours.
9. Public Utility
10. Resource Processing Operation
11. Veterinary Clinic
12. Warehouse

### **Parcel Size**

Dependent on the level of servicing and site standards related to the proposed use.

### **Setbacks**

1. Front yard: 40.0 meters (131 feet)
2. Side yard: 20.0 meters (66 feet)
3. Rear yard: 20.0 meters (66 feet)

### **Special Provisions**

The developer may also be asked to provide information on location, industry type, building size, workforce, demand for water and proposed source, demand for emergency services, production of effluent and method of treatment, transportation routes to be used, ancillary services required (roads, rail spurs, pipelines) and any additional information which the Development Authority deems necessary to make a decision.

## **Recreational Vehicles**

Recreational Vehicles may be authorized pursuant to County of Wetaskiwin No. 10 Land Use Bylaw Section 3.12

### **Recreational Vehicles 3.12**

**3.12.1** Where the use complies with the maximum number of Recreational Vehicles set out in the respective definition of the use, and the use otherwise complies with all other provisions of this Bylaw, (Recreational Vehicle is subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys). Recreational Vehicles may be authorized as follows:

Recreational Vehicle (RV) Storage is exempt from the requirement for a development permit in the following land use districts (Recreational Vehicles are subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys):

- v. Country Residential
- xvi. Industrial
- xviii. Urban Fringe

### **Enforcement**

Offences and fines are outlined in Part 12 Town of Millet Land Use Bylaw.

### **6A.3 Urban Fringe District (UF) - (annexed lands January 1, 2018)**

**All regulations pursuant to County of Wetaskiwin No. 10 Land Use Bylaw 2017/48 Section 10.20.**

#### **Purpose**

The purpose of the Urban Fringe District (UF) is to manage lands surrounding hamlets and towns so that they can be converted to urban uses. Subdivision and development, which will act as a barrier to this urban growth, is not allowed.

#### **Permitted Uses**

1. Agriculture, Extensive
2. Buildings and uses accessory to the above

#### **Discretionary Uses**

1. Agriculture, Intensive
2. Bed and Breakfast
3. Buildings and uses accessory to the above
4. Dwelling Detached
5. Dwelling, Mobile – New
6. Dwelling, Modular – New
7. Dwelling, Modular – Used
8. Dwelling, Moved-in
9. Dwelling, Secondary Suite
10. Home Occupation
11. Intensive Livestock Operations - situated within 400.0 meters (1312 feet) from any land not classified as Agricultural or Severed Agricultural
12. Kennel
13. Minor Business
14. Public Park
15. Public Utility
16. RV/OHV Storage
17. Tree Farm

#### **Setbacks**

##### **Front yard**

All development shall be located at least:

- a) 50.0 meters (164 feet) from the property line abutting a highway (see Figure 2); and
- b) 40.0 meters (131 feet) from the property line abutting all other roads excepting internal subdivision roads (see Figure 2); and
- c) 8.0 meters (26 feet) from the property line abutting internal subdivision roads (see Figure 2).

**Side yard**

1. 5.0 meters (16 feet)

**Rear yard**

1. meters (33 feet)

**Subdivision and Development Standards**

The Subdivision Authority or the Development Authority may apply standards found elsewhere in this Bylaw in making a decision on a subdivision or development permit application.

**Recreational Vehicles**

Recreational Vehicles may be authorized pursuant to County of Wetaskiwin No. 10 Land Use Bylaw Section 3.12

**Recreational Vehicles 3.12**

**3.12.1** Where the use complies with the maximum number of Recreational Vehicles set out in the respective definition of the use, and the use otherwise complies with all other provisions of this Bylaw, (Recreational Vehicle is subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys). Recreational Vehicles may be authorized as follows:

**Short Term Camping** means the use of land for the parking of a Recreational Vehicle that is used for no more than fourteen (14) consecutive days as temporary accommodation for users engaged in recreational or seasonal pursuits.

Short Term Camping is exempt from the requirement for a development permit in the following land use districts (Recreational Vehicles are subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys):

- v. Country Residential (subject to an existing approved dwelling)
- xiv. Urban Fringe

Recreational Vehicle (RV) Storage is exempt from the requirement for a development permit in the following land use districts (Recreational Vehicles are subject to a 5-meter (16.5 feet) setback distance from any road or street abutting the property exempting back alleys):

- v. Country Residential
- xvi. Industrial
- xviii. Urban Fringe

In the Country Residential (CR) where there is no permanent dwelling on a parcel of land, the Development Authority may include a condition that approves Recreational Vehicle Use as a time limited Accessory Use provided the approval is given concurrently with the approval of a development permit for a Detached dwelling on the land. The conditional approval shall only be for the months of April thru October and will lapse after 12 months of the issuance of the development permit. In the event that construction of the Detached dwelling is not completed by

the time the conditional approval for the Recreational Vehicle Use expires, the Recreational Vehicle must be removed from the land unless the Development Authority has approved a new development permit approving the ongoing use of the Recreational Vehicle as an Accessory Use to the Detached dwelling. The maximum number of Recreational Vehicle Use approvals shall be two (2).

A Recreational Vehicle may NOT be augmented by an attached canopy, deck, lean-to or any other attached accessory building. Non-attached accessory buildings require a development permit.

Sewage and wastewater systems, including holding tanks and onsite treatment are subject to approval from a Provincially Accredited Safety Codes Agency.

Utility hookups are subject to approval from a Provincially Accredited Safety Codes Agency.

Recreational Vehicle Use during special events shall be governed by the Town of Millet approval.

### **Enforcement**

Offences and fines are outlined in Part 12 Town of Millet Land Use Bylaw.

## **PART 7: GENERAL REGULATIONS**

### **7.1 Fences**

#### **7.1.1 Fence Height and Locations**

1. Residential
  - a) On any residential property, except as hereinafter provided, a person shall not construct a fence or wall, or permit a hedge to grow taller than:
    - i. 1.0m beyond the front face of the principal building to the front property line; or
    - ii. 1.83m on side yards, rear yards, or fences running perpendicular to the side face of the buildings.
  - b) Privacy walls up to 1.83m in height may be built on decks or patios, measuring from the surface of the deck or patio provided the deck or patio is at least 1.5m from the side and rear property line.
2. Industrial and General Commercial
  - a) On properties zoned Light or Heavy Industrial or General Commercial a person shall not construct a fence or wall taller than:
    - i. 2.0m to the top of the fence; or
    - ii. 2.3m to the top of the security wire.
3. Highway Commercial and Downtown Commercial
  - a) On properties zoned Highway Commercial and Downtown Commercial, a person may construct a chain link fence on side and rear property lines and perpendicular to the side of the principal building not taller than:
    - i. 1.83m to the top of the fence; or
    - ii. 2.3m to the top of the security wire.
  - b) Decorative fencing may be permitted in the front yard at the discretion of the Development Authority with the issuance of a development permit.
4. Public Facilities
  - a) Fences at public recreational facilities, playgrounds or school grounds will be permitted to be constructed to a height greater than 1.83m, to suit the facility needs and must be approved in writing by the Development Authority.

5. Measurement Location

- a) Fence height shall be measured from the average grade level. Where grade levels differ between properties, the average of the two elevations, and measured 0.3m from the fence shall be used.

6. Commercial and Industrial Gate locations

- a) Vehicle gates in commercial and industrial fences providing access from public roadways must allow enough space for vehicles entering the property with the gate in a closed position to be completely off the public roadway.

**7.1.2 Fence Materials**

1. Residential

- a) Residential fences may be constructed of wood, concrete, brick, manufactured plastic boards, or chain link fence materials.
- b) All materials used in the construction of wood fences shall be graded lumber unless otherwise pre-approved in writing by the Development Authority.
- c) Snow fences are not permitted in residential districts unless authorized by the development authority.

2. Commercial and Industrial

- a) Commercial and Industrial fences, if constructed, shall be of standard chain link materials installed to Town Design standards, unless otherwise approved in writing by the Development Authority.
- b) Snow fences are not permitted in commercial and industrial districts unless authorized by the development authority.

**7.1.3 Fence Maintenance**

- 1. All fences shall be constructed and maintained to stand without bracing.
- 2. All mandatory fencing shall be maintained to its original design.

**7.1.4 Restricted Fencing**

1. Barbed Wire

- a) No barbed wire fence will be allowed in any district except as security wire on top of commercial and industrial chain link fences above 1.83m to a maximum height of 2.3m above grade.
- b) The Development Authority may relax this requirement in an agricultural area where residences would not be in close proximity to the proposed fence.



2. Electrified Fencing

- a) Electrified fencing is prohibited in all districts.

**7.1.5 Mandatory Fencing**

1. Uniform Fencing

Properties within residential sub-divisions with uniform fencing required by a development agreement shall keep the uniform fencing in place and keep the fence maintained to the neighbourhood standard. One gate not exceeding 1.0m wide will be permitted in the uniform fence from each property provided the gate opens inward to the property.

2. Railways

All commercial, industrial and residential properties, which are subject to a development permit and are adjacent to railways, shall have 1.83m chain link fencing installed to prevent unauthorized access to the railway property. The property owners are responsible for the maintenance of this fencing.

3. Swimming Pools

All swimming pools and hot tubs shall be fenced as required by the Alberta Building Code.

**7.2 Decks, Patios and Platforms**

1. The maximum site coverage, minimum yard setbacks and the minimum soft landscaping percentages of the specific district regulations must be complied with when applying for or issuing a development permit for a deck.
2. When a deck or patio contains more than one level, the deck area shall include the areas of all combined levels.
3. When a property contains more than one deck, the maximum deck area shall include all decks.
4. Where a deck provides egress from a required exit of a building it must have stairs that provide safe access to grade.
5. Access platforms and stairs providing access to platforms that provide access to or egress from the principal building that are less than 2.5m<sup>2</sup> in platform area, are allowed without a permit within the minimum side yards, provided they are constructed of non-combustible materials and do not interfere with property drainage and provided they are not enclosed by walls or covered by a roof structure.
6. Patios are allowed to be constructed without a development permit provided the soft landscaping and site drainage requirements are met and there is no roof over the patio.

7. Where drainage swales exist between properties that provide required drainage flow, decks, patios and platforms and the supporting structures must be designed and constructed so they do not interfere with this required drainage.
8. Where roofs are constructed over, or intended to be constructed over, decks or patios, the deck or patio must meet the minimum property line setbacks and maximum site coverage of the specific district regulations for the principal building and must have a foundation structure installed that meets the building code requirements that would support the roof and the appropriate snow loads.
9. Freestanding gazebos are required to meet the minimum setback requirements of the specific district regulations for a detached garage.
10. Decks must meet all of the current Alberta Building Code requirements.

### **7.3 Detached Garages, Carports and Accessory Buildings**

Unless otherwise provided in this Bylaw, all accessory buildings shall conform to the site regulations for the district in which they are located with regard to setbacks, building height and lot coverage.

#### **7.3.1 Detached Garage**

1. A detached garage must not be connected to the principal building.
2. Garages that are connected by breezeways are considered an attached garage and deemed part of the principal building.
3. Garages that are less than 2.0m from the wall surface of the principal building to the wall surface of the garage, or less than 1.2m from eave to eave are deemed to be attached garages and must meet the setback requirements of the principal building.

#### **7.3.2 Exterior Finish**

1. Detached garages must have an exterior finish installed within eighteen months of the development permit consistent with materials that are similar to those commonly used in new residential construction.
2. Soffits are not permitted within 450mm to a side yard property line. Soffits constructed 450mm to 1200mm to a side property line must have no openings and be protected by one of the materials listed as prescribed by the current edition of the Alberta Building Code.
3. The materials used for exterior finish must include materials approved for use as cladding, stucco, soffits or roofing under the Alberta Building Code under the appropriate application.
4. The exterior finish must be completed to a professional standard and complimentary to the appearance of the principal building.

5. Where roof slopes terminate within 1.0m of a property line they must be equipped with eavestroughs and downspouts. The downspouts must not terminate within 0.6m of a property line.
6. The grade away from the garage, measured perpendicular to a side property line, must not exceed 20% within 1.0m of the property line.
7. The side yard of a detached garage must be kept in a neat and tidy order and free of flammable debris.

### **7.3.3 Carports**

1. Where carports are attached to the principal building, they are deemed to be part of the principal building and must meet the required principal building setbacks and other regulations as outlined in the specific district regulations.
2. Carports attached to buildings other than the principal building must meet the required building setbacks and other regulations for that building as outlined in the specific district regulations.
3. Freestanding carports must meet the same regulations as a detached garage as outlined in 7.3.1.

### **7.3.4 Accessory Building**

1. All accessory buildings shall be located at least 2.0 m from any principal building.
2. An accessory building shall not be used as a dwelling unit.
3. An accessory building shall not be constructed within the required front yard setback area of any district.
4. Accessory buildings shall be constructed with exterior finish materials that compliment those of the principal building.
5. An accessory building shall not be located on an easement or utility right-of-way.
6. An accessory building shall not be developed or approved on a lot prior to the issuance of a development permit for the principal building or use on the lot.
7. Decks, balconies, sunrooms and the like shall not be constructed on top of an accessory building unless the setbacks of the accessory building comply with the allowable setbacks for the principal building in that district.
8. An accessory building, regardless of the size, is required to meet the setback requirements for the district in which it is located.
9. Portable storage containers are not permitted as either a permitted or discretionary use in any residential district.

#### **7.4 Building Separations**

1. In addition to the required building setbacks from property lines, all buildings must meet or exceed the limiting distance requirements for building separation and construction assembly designed for compliance of the Alberta Building Code. A building placed within 2.0m of another building is deemed to be part of the adjacent building
2. The wall construction and the exterior finishes of the walls must meet or exceed the minimum requirements of the building code based on the distance between buildings.
3. The minimum distance measured from the eave of one building to the wall of another building on the same site shall not be less than 1.4m.
4. The minimum distance between the eave of one building to the eave of another building on the same site shall not be less than 0.8m.
5. Where the wall of one principal building is within 3.2m of another principal building on the same site or adjacent site and where one of the buildings eaves are 1.5m or greater above the eaves of at adjacent building, the wall of the taller building must have an exterior finish that is of non-combustible material and the taller building must have the eaves protected to reduce the risk of fire spread from building to building.

#### **7.5 Development on or Near Slopes**

1. For the purpose of this section 'top of bank' is determined by the Development Authority.
2. A development on or near a slope must include a geotechnical assessment conducted by a professional engineer licensed in the Province of Alberta as part of the development permit application. The report must demonstrate defined flood hazard areas, bank stability, safe building elevations, and mitigation of the potential for flood damage or erosion of the bank, to the satisfaction of the Development Authority.
3. No permanent building shall be permitted within 20.0 m of the top of bank of any water body, or the top or bottom of a slope that exceeds a 15% grade.
4. No permanent building shall be permitted within a 1:100-year floodplain, unless the developer is able to demonstrate adequate flood proofing.
5. The Development Authority may require a greater or lesser setback based on the geotechnical assessment.
6. Where the Development Authority has granted a setback less than 20.0 m in accordance to (2) above, the applicant shall enter into a development agreement including security in favour of the Town relieving the Town of responsibility for damage or loss due to flooding subsidence or erosion.

## 7.6 Flood Risk Management

1. In the floodway, the only uses and structures allowed are:
  - a) private open space,
  - b) parks and natural areas,
  - c) flood management devices, and
  - d) the continuation of existing uses, buildings, and structures which are listed as permitted or discretionary uses in that land use district and for which development permits were issued before this bylaw was adopted.

New buildings are not permitted or discretionary.

2. In the flood fringe, the Development Authority may require the applicant to provide a report from a professional engineer certifying that the following factors have been incorporated into the design of the building and lot:
  - a) Canada Mortgage and Housing Corporation guidelines for building in areas susceptible to flooding;
  - b) The flood-proofing of habitable rooms, electrical panels, heating units, and operable windows;
  - c) Basement and site drainage;
  - d) Information on proposed grade elevation in relation to the 1:100-year flood elevation; and,
  - e) The Development Authority must be satisfied that adequate flood-proofing exists before issuing a development permit. Encroachment on a slope would require an engineering report/certificate.
3. Despite the above, the Development Authority must permit repairs to an existing building in a flood fringe without requiring that the building be flood-proofed, and may permit:
  - a) Minor renovations to an existing building in the flood fringe without requiring flood-proofing; and
  - b) Additions to an existing building in the flood fringe if such additions are adequately flood-proofed, without requiring flood-proofing of the entire building.
4. The Development Authority may request assistance from Alberta Environment in applying or interpreting this section.
5. A minimum building setback from water bodies, slopes, top of banks, shall be determined by a licenced Geotechnical Engineer or a qualified person.

6. No trees or vegetation shall be cleared from any water body, watercourse or the crest of a slope, where the removal could have a negative impact on the water body, water course or slope stability.
7. Where this section disallows buildings and land uses which are allowed elsewhere in the bylaw, this section governs.

## **7.7 Landscaping**

The Development Authority may require that landscaping and/or screening conforms to landscaping guidelines, which fall under the Town of Millet Design Standards, Policy 51. The intent of landscaping and screening is to contribute to a reasonable standard of appearance for developments, to provide a positive overall image for the Town.

1. When landscaping or planting is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within twelve (12) months of the occupancy or the commencement of operation of the proposed development.
2. Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.
3. All apartment or row housing developments shall include a landscaped area to be developed.
4. A minimum of ten percent (10%) of the site area of all commercial developments shall be landscaped.
5. In commercial and industrial districts, garbage and waste material must be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares.
6. The owner of the property, or his/her assignees or successor(s), shall be responsible for the proper up keep and maintenance of the required landscaping. If the required landscaping does not survive, the applicant/owner must replace it with a similar type of species and with a similar caliper, width and height.
7. The Development Authority may, as a condition of a development agreement, require submission of a security up to the value of the estimated cost of providing the proposed landscaping to ensure that such landscaping is carried out with reasonable diligence. The condition of the security is that, if the landscaping is not completed in accordance with this Bylaw and development permit within one (1) growing season after completion of the development, then the specified security amount shall be made available to the Town to use to ensure the landscaping is installed according to the agreement.

### **7.7.1 Development Maintenance Standards**

1. Where a residential property was part of a development that had particular community features such as uniform fencing and subdivision signage the owners of the property must maintain the items to the standard they were constructed or installed.

### **7.8 Public Lands and Town Boulevards**

1. There shall be no unauthorized encroachments onto municipal property, including parks and road rights-of-way. Where an encroachment exists without Town approval, the owner shall be required to remove the encroachment at his/her own expense or seek permission from the Town CAO or Council for the encroachment to remain.
  - a) There shall be no encroachments into Alberta Transportation Highway Right-of-Ways without written approval from Alberta Transportation.
2. Landscaping, planting or other development not authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the growth, removal or maintenance of such landscaping shall be the responsibility of the owner.
3. Every owner or occupant of land shall be responsible for maintaining any development allowed under this Section, and for controlling the weeds on boulevards owned by the Town abutting their property.

### **7.9 Outdoor Lighting of Sites**

1. Any outdoor lighting for any development shall be located and arranged so that:
  - a) No direct rays of light are directed at any adjoining properties;
  - b) Indirect rays of light do not adversely affect an adjacent site; and
  - c) Direct and indirect rays of light do not interfere with the effectiveness of any traffic control devices.

### **7.10 Building Design, Character and Exterior Treatment**

1. The exterior design of a new building and the quality of the exterior building finishes shall be completed within eighteen months of the issuance of the development permit;
2. The exterior design and character of a building being considered for a development permit shall be approved by the Development Authority whom shall be guided by the following principles:
  - a) in residential districts:
    - i. the building is designed to limit perceived building mass and large building surfaces;
    - ii. large surfaces may be broken up by using a combination of exterior building finishes;

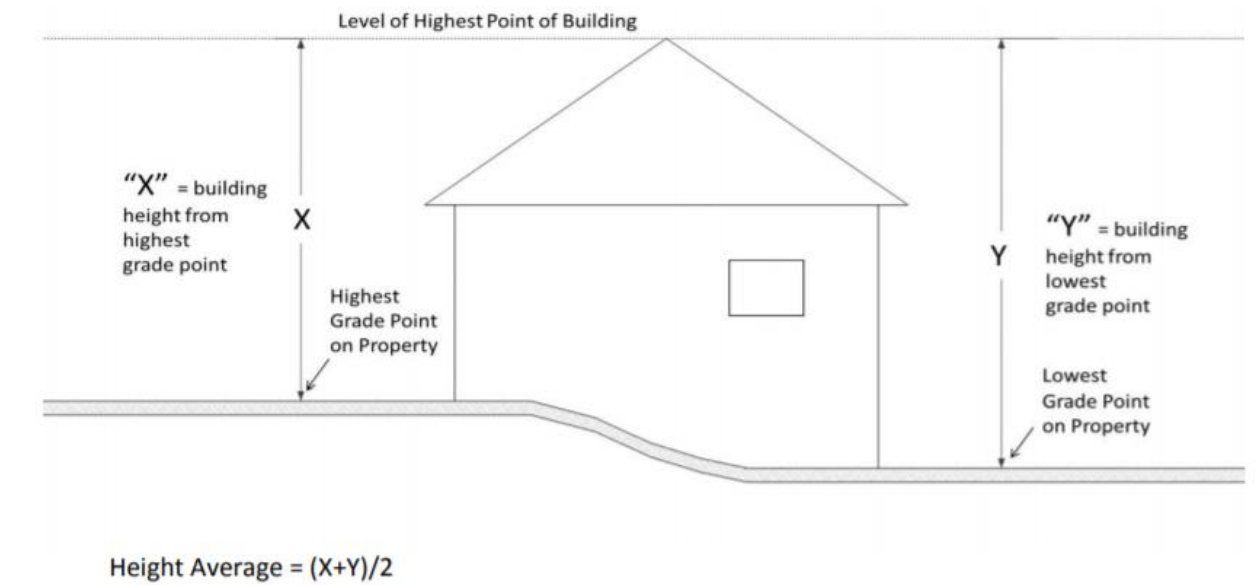
- iii. the building finishes should either be of types and colours that are typical for the construction of the time period or suited to be similar with those already in the neighbourhood;
  - iv. roof slopes and roof styles should be used that are within a reasonable range of those that are characteristic of the neighbourhood; and
  - v. the style and character of accessory buildings shall be of similar style and complimentary to the principal building.
- b) in commercial/industrial districts:
- i. all buildings on a site shall be constructed using similar architectural theme and exterior finishes/colours, unless the function of individual buildings dictates a specific style or image associated with a company. In such instances, development must maintain harmony in terms of building lines, mass, as well as quality and colour of exterior treatment;
  - ii. all mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building, or concealed by incorporating it within the building roof;
  - iii. where a building has a floor area of greater than 2000m<sup>2</sup> or has an exterior wall length greater than 30m that is directly visible from a public roadway the roof line and building facade shall include design elements that reduce the perceived mass of the building and add architectural interest. As well, the use of landscaping adjacent to exterior walls which are visible from adjacent public roads, other than lanes, to minimize the perceived mass of the building and to create visual interest.
  - iv. all buildings shall be constructed and finished with new durable materials designed to maintain the initial appearance of the development throughout the life of the project.
- c) in all other districts:
- i. shall be to the satisfaction of the Development Authority.

#### **7.11 Building Height Calculations for Sloped Grades**

1. If the height of a building is required to be measured or determined, it shall be measured by calculating the average vertical distance between the natural grade, or the average natural grade in the case of a sloping grade, and the highest point of the building as determined under Subsection (2).
2. In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilations; a skylight; a steeple; a smokestack; a parapet wall, or a flagpole or similar device not structurally essential to the building.



Building Height Calculations:



**7.12 Lot Grading and Property Drainage**

1. All development applications for development must conform to the lot grading guidelines, which fall under the Town of Millet Design Standards, Policy 51.
2. All roof drainage from a building shall be equipped with either roof drains or eavestroughs. Drainage shall be directed onto the parcel upon which the building is situated.
3. Any landscaping and/or recontouring shall be done so that the finished grade does not direct any surface drainage or cause impediment of drainage onto an adjoining site.

**7.13 Stripping and Grading**

1. With the exception of those lands governed by a valid development agreement, stripping and grading activities are considered a discretionary use in all districts and require a development permit.
2. An application for a development permit under this section shall contain the following information;
  - a) The area of the site on which the excavation and/or stripping will take place, including dimensions of the operation or area, location of any stockpiled materials, and the depth of soil removal;
  - b) The purpose of the proposed activity;
  - c) The surrounding land uses;

- d) The location of natural features, including trees, water bodies, slopes, etc., and details on how these features are to be retained and protected;
  - e) Alberta Environment approval if the excavation is to take place on the same site or adjacent to a site with a water body;
  - f) Existing grades of the land relative to adjacent sites and streets, as well as any natural features or drainage courses; and
  - g) The expected grades and condition of the land on completion of the activity.
3. As a condition of approval under this section, the Development Authority may require any or all of the following;
- a) That precautions are taken for the prevention and control of dust, noise or any other nuisance caused by the proposed operation;
  - b) That fencing or other screening is put in place to buffer the use from adjacent lands;
  - c) Measures that serve to protect any natural features on the site or on adjacent sites;
  - d) Steps that must be taken to promote the reclamation of the site if required, including restorative landscaping; and
  - e) Any other measures deemed necessary by the Development Authority in order to shield adjacent lands from the activity on the site.
4. Where significant excavation and fill is proposed as part of the development, the Development Authority may require an engineered plan bearing the seal and signature of a professional engineer in the Province of Alberta.
5. In all cases, site grades shall be established with regard to preventing drainage from one site to another, unless cross-site drainage conforms to a plan approved by the Town's Engineer.
6. The Development Authority may require a grading certificate as part of a development permit application, including the final elevations of the corners of the site and the elevations around the perimeter of any buildings.
7. As a condition of a development permit, the Development Authority may require security up to the estimated value of any proposed grading activities to ensure the work is carried out with reasonable diligence.

#### **7.14 Existing Improvements**

1. Where an infill site exists that has been previously developed and the site was serviced with water and/or sanitary sewer, and a development permit application has been made to construct a building on the site, depending on the age, size and capacity required, the materials used and/or the condition of the existing services the applicant of the permit or the owner of the property may be required to install new water and sanitary sewer services to the site from the municipal mains at their expense. If the old services are not used, they will be required to pay the cost to remove the municipal services. The costs include road sub base and surface repair, curb and gutter repair, sidewalk repair, and boulevard landscaping.
2. Abandoning existing service connections will be completed at property line. The water service CC is to be closed and the rod cut off 1.2m below finished grade. Sanitary services are to be disconnected at property line and cased in concrete. Documentation must be provided to the Town of Millet referencing existing property pins, sidewalks, underground infrastructure, and other street furniture to properly locate the abandoned service.
3. Where a development permit application is made and due to building and fire codes a fire hydrant is required, the owner must enter into a development agreement regarding the cost of the necessary water service, the fire hydrant and related values and mains to serve the hydrant.

#### **7.15 Connections to Existing Facilities**

The Developer shall file a request for a connection to existing facilities with the Town at least 48 hours prior to starting. At time of connection an inspection must be completed prior to backfilling. In the event existing services must be shut off, the Developer will notify all affected customers of this fact. The Developer must have all material, equipment and labour on hand as necessary to complete this connection in the shortest possible time before he will receive approval to make this connection. Depending upon the length of service interruption, the Developer may have to provide temporary services to the affected customers.

#### **7.16 Interference with Existing Services**

Any of the services to be installed by the Developer shall be installed in such a manner as to least interfere with existing services. Any additional cost incurred by the Town on account of the installation of services by the Developer shall be the sole responsibility of the Developer.

#### **7.17 Temporary Closing of Roads**

In the event that a road must be partially or fully closed for a crossing or connection, the Developer shall provide all detours, signs, flagmen, barricades, etc. necessary to provide for the orderly control of traffic around the construction area. The town must be notified at least 48 hours in advance of any road closures and appropriate permits obtained by the Developer, from the Town Engineer.

### **7.18 Road Crossings**

Any existing facilities disturbed during construction shall be returned as a minimum requirement to the original condition. Where it is necessary to excavate an existing road or lane for the purpose of providing an open trench crossing (for a water or sewer main, gas main, telephone cable, etc.) such excavation must be backfilled with compacted sand/or gravel material to the satisfaction of the Town Engineer. The Developer shall be responsible to repair any trench settlements which may occur within two years from installation of the service.

### **7.19 Utility Services to Sites**

Where an un-serviced site exists and municipal water, sanitary sewer and or storm sewer service mains are available, and a development permit application is made to construct or place a building on the site that requires service connections, the owner must enter into a development agreement with the Town regarding the cost of installing the necessary services.

## 7.20 Corner Lots

### 7.20.1 Corner Lots and Sight Triangle Provisions

In residential areas, a site abutting onto two (2) or more streets shall have a front yard setback and flanking front yard setback in accordance with the requirements of this Bylaw.

The Development Authority may apply a flanking setback on double fronting lots where, in his opinion, there would be no adverse effect to adjacent neighbors.

No person shall place or maintain any object, structure, fence, hedge, shrub or tree more than 1.0 m in height in or on that part of a Corner Site located within any District other than commercial, which lies within a Sight Triangle formed by a straight line drawn between two points on the closest roadway curbs of the intersecting streets or lanes 8.0 m from the point where the curbs would intersect if extended in a straight line.

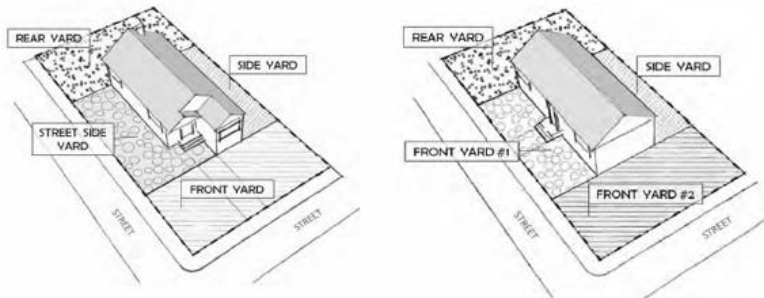
In every District, the location of Buildings on Corner Sites shall be subject to approval by the Development Authority who shall take into account:

- a) the location of existing adjacent buildings;
- b) the permitted setback on adjacent sites; and
- c) the need to ensure safe traffic movement through the intersection.

The applicant is required to ensure that sight triangles shall be maintained on corner lots.

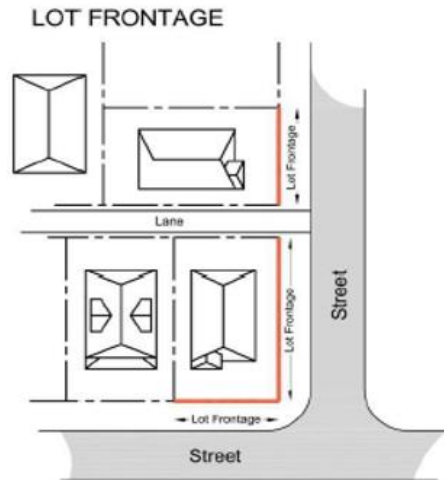
### 7.20.2 Corner Lot Site Provisions

1. In residential areas a site abutting two or more streets shall have either two front yards or one front yard and one street side yard as determined by the Development Authority.
2. In all cases, the location of buildings on a corner site shall be subject to approval by the Development Authority who shall account for the location of existing buildings on adjacent sites or permitted setbacks on adjacent sites.

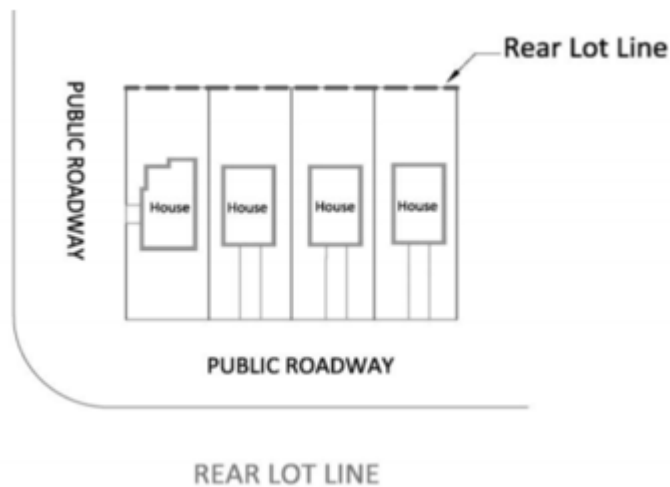


**Front Property Line** - on a corner lot the shortest property line that adjoins a public street. In the case of a rear lot line, the front property line shall be the property line located nearest to the public street and that is approximately parallel to a public street.

**Lot Frontage** - in the case of corner lots, both the front property line and flanking side property line are considered to have lot frontage.

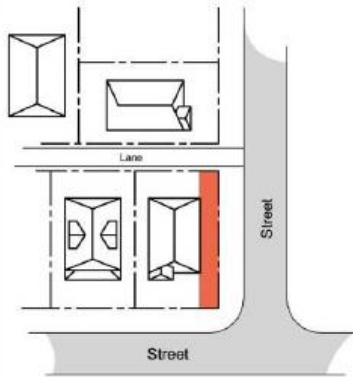


**Rear Lot Line**- the property line of a lot which is furthest from and opposite the front line, or in the case of corner lots, the property line of a lot which is opposite from the shortest of the front lot lines. For corner lots that have public roadways on three (3) or more sides, there is no rear lot line.



**Property Line, Flanking Side**- in the case of a corner lot means the longest property line that abuts a street.

**Flanking Side Yard** - means a side yard abutting the street on a corner lot. The flanking side yard is determined by the horizontal dimension measured from a flanking side property line at a right angle to the nearest point of a wall of any building or structure on the lot. In the case of a curved flanking side property line, the flanking side yard will also form a curve.



### Setbacks

Flanking front yard minimum 20% of the lot width for a corner lot on the side abutting a street, however, can not be less than 2.4 m or more than 4.5 m.

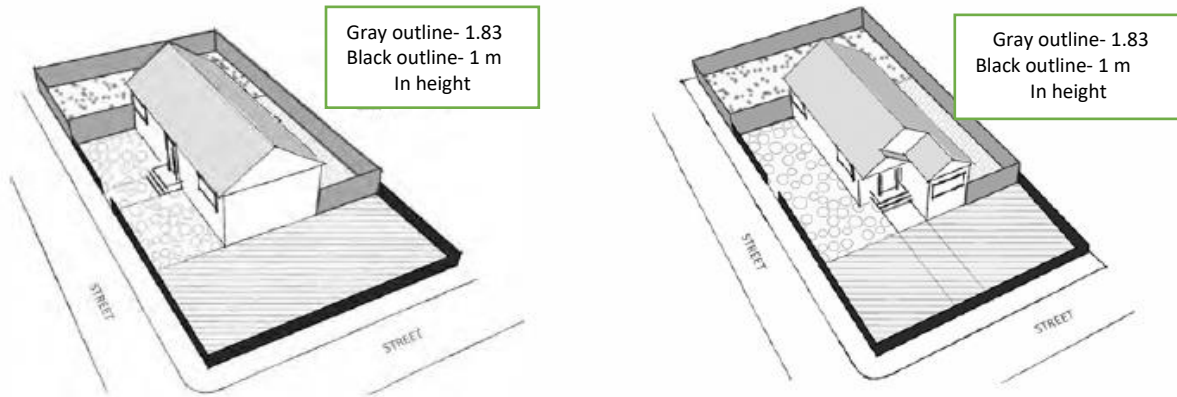
Rear yard minimum setback must be 7.0 m or 4.5 m on a corner lot with access to a lane.

### 7.20.3 Detached Garage and Accessory Buildings

1. Where the garage is proposed on a rear yard of a corner lot which is also the side yard of an adjacent parcel, the garage shall be no closer than 1.5 m from the property line;
2. Where the shed is proposed on a rear yard of a corner lot which is also the side yard of an adjacent parcel, the shed shall be no closer than 1.5 m from the property boundary;

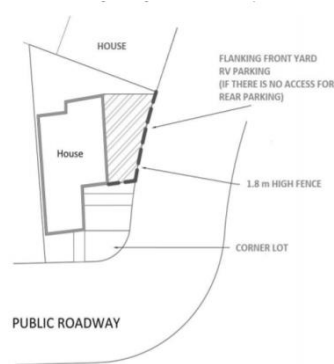
### 7.20.4 Fencing

1. For corner sites the maximum height of a fence shall be:
  - a) 1.0m for the portion of the fence which extends into the front yard(s) and/or the street side yard;
  - b) 1.83m for the portion of the fence located in the rear yard or side yard.
2. The Development Authority may issue a variance to a fence height for a street side yard or front yard on a corner site as it applies to subsection 2(a) above, taking into consideration the development on adjacent Sites.
3. Where a site has both its front yard and rear yards facing onto a street, a development permit is required for a fence. The height and specifications for a fence in such a case shall conform to the surrounding neighborhood context.



### 7.20.5 Recreation Vehicles

1. On a corner lot with no access to a lane, a recreational vehicle may be parked year-round on a pad in the rear yard at the discretion of the Development Authority, taking into consideration access and adjacent properties; or
2. In the front flanking yard providing:
  - a) visibility when egressing in a vehicle from an adjacent property is not impaired;
  - b) vehicular visibility at an intersection is not impaired;
  - c) the recreational vehicle is enclosed within a 1.8 m high fence; and
  - d) sight triangles are maintained as specified in Section 7.22.1 Corner Lot and Sight Triangle Provisions of this Bylaw.





## 7.21 Objects and Uses Prohibited or Restricted in Residential Districts

1. No person shall keep on any part of a site, outside of approved buildings in any residential zone;
  - a) any damaged, or un-roadworthy vehicle, stored outside of a building for more than 14 days;
  - b) No more than one (1) unregistered vehicle on the property at all times, unless permission is granted by the Enforcement Officer;
  - c) open unprotected excavations without advisory signage, safety fencing or onsite security;
  - d) power generating wind turbines that create noise or exceed the height of the principal building;
  - e) construction or demolition debris for periods longer than ten-day periods;
  - f) on-site or adjacent street parking for more than one vehicle with business signage per property;
  - g) containers designed for intermodal transfer of goods (sea cans), unless approved development ex. housing, etc.;
  - h) unless approved in writing by the Development Authority, any storage of construction materials for longer than a six-month period;
  - i) stockpiles of earth and landscaping materials for periods exceeding 90 days;
  - j) fire pits without appropriate fire department permits;
  - k) propane tanks exceeding 45kg bottles (in total), and not expired.
  - l) container storage of flammable products exceeding 100 litres in total volume;
  - m) storage of excavation equipment such as backhoes, tractors other than riding lawnmowers; and similar equipment at the discretion of the Development Authority.
  - n) defined uses that are not listed as permitted or discretionary uses in that district or deemed to be legal non-conforming uses; and/or
  - o) any items deemed a nuisance under the Nuisance Bylaw.

### **7.22 Public Utility Buildings**

1. Public utility buildings that do not include offices are permitted in any district, unless specified elsewhere in this Bylaw.
2. Notwithstanding the above, the location of a public utility building on a site is subject to setbacks which are satisfactory to the Development Authority. This shall also apply to any equipment placed on a site.

### **7.23 Relocation of Buildings**

1. A development permit is required when a building over 10m<sup>2</sup> is moved to a new location, either within a site, or from one site to another.
2. A development permit for the removal of a building from a site requires proof of service disconnection for all applicable utilities.
3. Any foundation remaining on a site that is not demolished subsequent to the removal of a building must be secured by fencing or other means in order to prevent unauthorized access.
4. In order to receive development permit approval for an existing building to be moved, the proposed location of the building must meet the district regulations and all other requirements of this Bylaw.

### **7.24 Construction Damage Deposits**

1. A construction damage deposit shall be provided to the Town at the time of issuance of a development permit. Fees are based on the type of project. This requirement may be waived if, in the opinion of the Development Authority, there are no improvements abutting the property that could sustain damage during construction.
2. It is the owner's or agent's responsibility to ensure that prior to commencement of construction or demolition there is no previous damage to existing requirements. If there is existing damage, it shall be reported within two (2) working days of the issuance of the development permit to the Development Authority and to have the damage documented and acknowledged in writing by the Development Authority.
3. It is the owner's responsibility to apply in writing to the Town's Development Authority for a damage deposit refund inspection. The rough grading must be complete and the black dirt placed and graded in accordance with the approved grading plan.
4. If damage has occurred, the deposit will be used by the Town to repair or replace damages.
5. If the cost to repair the damage is less than the amount of the damage deposit, then the Town shall return the difference to the applicant.
6. If the cost to repair the damage is more than the deposit, then the Town can invoice the owner and place the charges against the tax roll of the lands.

7. The damage deposit placed in regards to one permit cannot be transferred to a different project.
8. If the applicant does not apply for the inspection, the Town has the right to perform an inspection and make any repairs necessary as if the applicant has applied for an inspection.

#### **7.25 Site Consolidation**

1. A development permit application that proposes to use two or more sites shall require that the two or more sites be consolidated into a single lot by a plan of subdivision prior to approval, unless approved by the Town as a plan of survey.
2. The consolidation of sites for development of single detached dwellings is not permitted unless such a consolidation will allow for development of a dwelling that is in keeping with the neighbourhood character, to the satisfaction of the Development Authority.

#### **7.26 Restrictive Covenants**

1. It is not the responsibility of the Town to enforce any restrictive covenant in its issuance of a development permit unless the Town has registered the restrictive covenant.

#### **7.27 Storage of Liquids or Other Materials**

1. Regulations for setbacks and other conditions will be determined on an individual basis when the development permit is approved. The Municipal Planning Commission may require a written inspection by a qualified person for the containment system.
2. Persons liable shall take all reasonable steps to prevent any spills or releases of any liquids or materials onto any land within the storage area and outside the storage area. Reasonable steps may include but are not limited to:
  - a) A fence to prevent spreading by wind;
  - b) A blank wall;
  - c) Ensuring lids or caps are placed on storage containers.
3. Observed substance spills and release events, create an immediate obligation to report the release. The persons responsible must repair, remedy, and confine the effects of the substance and all costs associated.
4. Any spills or leaks are required to be reported to the Town of Millet.
5. Any spill, release or emergency that may cause, is causing, or has caused an adverse effect to the environment must be reported immediately to Alberta Environment by calling the 24-hour Environmental Hotline at 1-800-222-6514.

**7.28 Underground Tanks**

1. A development permit is required for installation or removal of underground tanks.
2. Any underground tank removal or installation must be referred to the Town's fire department.
3. All applicable petroleum tanks shall be registered with the Petroleum Tank Management Association of Alberta and comply with the requirements of the Alberta Fire Code 2006, as amended.
4. After the removal of tanks, the owner must reclaim the site in accordance with the Alberta Environmental Protection and Enhancement Act.

## **PART 8: SPECIFIC USE REGULATIONS**

### **8.1.1 Day Home Operation**

1. A Day Home Operation is deemed a home-based business and a development permit application must be completed and approved prior to operation.
2. The maximum number of children for which care may be provided in a day home shall be established by the Development Authority who shall have regard for the nature of the day home, the density of the District in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of the development.
3. Notwithstanding Subsection (2) above, the number of children within a day home established within a dwelling unit in any Residential District shall not exceed six (6).
4. A Day Home Operation shall have parking spaces readily available for parent drop off and pick up of children either on-site or on the street directly in front of the Day Home Operation.
5. A development permit application for a registered Day Home Operation shall be accompanied by documentation that will show compliance with the following clauses within this Subsection.
6. The number of children cared for in a Day Home Operation shall not exceed six children under the age of 13 at any given time, and shall conform to the Province of Alberta Family Day Home Operations Standards Manual:
  - [http://www.child.alberta.ca/home/documents/childcare/Final\\_Client\\_Copy-FDH\\_Standards\\_Manual.pdf](http://www.child.alberta.ca/home/documents/childcare/Final_Client_Copy-FDH_Standards_Manual.pdf)
7. Outdoor play space shall be provided that meet or exceed the requirements of the Province of Alberta Family Day Home Operations Standards Manual.
8. Children in care shall be supervised in accordance with the Province of Alberta Family Day Home Operations Standards Manual.

### **8.1.2 Child Care Service**

1. A Child Care Service shall provide outdoor play space in accordance with the following regulations:
  - a) drop-in centres, or those facilities that provide part-time and casual care for children for three or more consecutive hours each day, up to 40 hours a month per child, and
  - b) nursery schools, or those facilities that provide play-based activities for children for three or less consecutive hours each day, do not require outdoor play space;

- c) out-of-school care centres, or those facilities that provide care for school-aged children before and after school, at lunch, and those days schools are closed, shall provide at least 7m<sup>2</sup> of outdoor play space per child. This space does not have to be fenced or adjacent to the facility. Alternative play space, such as a public park, is acceptable as long as the alternative play space is within 500m distance of the facility;
2. In addition to 8.1.2 (1), daycare centres, or those facilities that provide regular and extended periods of care for pre-school-aged children for more than three but less than 24 consecutive hours each day, shall provide outdoor play space and include the following elements:
- a) each facility shall provide at least 7m<sup>2</sup> of outdoor play space per child and this space shall be abutting the daycare facility;
  - b) outdoor play space shall be located at ground level in a safe location. Noisy, noxious or hazardous adjacent uses such as loading/unloading areas, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, or storm-water lakes should either be avoided or their effects mitigated through landscaping, buffering, fencing, or other means;
  - c) if no reasonable or safe opportunity exists for at grade outdoor play space, the Development Authority may approve an above grade outdoor play space provided that the following conditions are met:
    - i. secure perimeter fencing is provided that is at least 1.83m in height and is set back a reasonable distance from the edge of the building and designed so that children cannot climb over it;
    - ii. roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless, the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area;
    - iii. all landscaping and playground equipment is securely anchored against the effects of wind and normal use; and
    - iv. the play space and location of playground equipment is designed to provide a safe location for the play space;
  - d) outdoor play space shall be securely enclosed on all sides with the exception for developments proposed on zoned sites US where existing play fields are proposed as outdoor play space;
  - e) in a residential zone, outdoor play space may be allowed in any required yard, providing it is designed to limit any interference with other uses, or the peaceful enjoyment of the properties of nearby residents, through landscaping, buffering and the placement of fixed play equipment;

- f) in any non-residential zone, the outdoor play space shall not be located in any required yard that abuts a public roadway unless the design, size and other characteristics of the proposed play space shall mitigate the potential impact of the traffic on the public roadway on children using the play space;
  - g) the length of the outdoor play space shall be no more than 1.5 times the width to maximize the usability of the space and allow opportunities for a variety of outdoor activities;
  - h) the outdoor play space shall have a shaded area, wind protection, and adequate sunlight.
  - i) in the case of a Child Care Service use that includes both a daycare centre and an out-of-school care centre, the facility must meet the outdoor play space requirements of each facility.
3. A Child Care Service shall provide exterior lighting of the facility for a well-lit environment.
4. Parking shall be provided according to the regulations outlined in this Bylaw. In addition, drop-off parking shall be provided as follows:
- a) a separate on-site drop-off area shall be provided at the rate of one on-site drop-off space for every ten children;
  - b) the drop-off area shall be located within 60m from the main entrance of the Child Care Service facility.
5. All major indoor play spaces used by children shall have direct source of natural light from windows.
6. In residential zones, the following conditions shall apply:
- a) in all low density residential zones the Development Authority shall, in making a decision on the suitability of the Child Care Service for the location proposed, give preference to those facilities that would be located on a collector or an arterial road, on a corner site, adjacent to or in community facilities such as a school, park, church or community centre, or adjacent to commercial areas or multi-family development;
  - b) a Child Care Service in any residential zone shall not change the principal character or external appearance of the dwelling in which it is located. If a new building is constructed, it must retain the character of a residential dwelling. Any associated signage on the dwelling must not detract from the residential character of the neighbourhood;
  - c) no portion of a Child Care Service use, including the building or bay of building and outdoor play space, shall be located within 50m of a service station. This distance shall be measured from the pump island, fill pipes, vent pipes, or service station or vehicle-oriented use building, depending on whichever is closest to the child care facility;

- d) the Development Authority, in deciding whether to approve or refuse a Child Care Service in a commercial zone, shall consider the suitability of surrounding development, taking into account, among other matters, traffic, noise and proximity to hazardous uses, to ensure the proposed Child Care Service is in a safe location; and
- e) all development permit applications for Child Care Services shall include plans that show all elevations, floor plans that show indoor play and rest areas including the location of windows, and a site plan that shows the required on-site parking, drop-off facilities and, where appropriate, the outdoor play area, its access from the building, location and type of fixed play equipment, shaded and sheltered areas, the hard surfaced area, as well as fencing, landscaping and any buffering to be provided.

### **8.1.3 Foster Home**

1. A child coming into foster care can be an infant, child or youth under the age of 18, of any gender, sexual orientation, or ethnic background.
2. Alberta's foster care program is based on the belief that family and community are the most beneficial and desirable environments for raising a child.
3. An application under Section 105.3 of the Act (Child, Youth and Family Enhancement Act) for a foster home license or a renewal of a foster home license may be made only by an adult individual.
4. Must comply with any other relevant Provincial legislation and regulations.
5. A foster home means a 'residential facility' as defined in Section 105.1 of the Act;
  - i. That is the home of the holder of a foster home license, and
  - ii. (ii) in which care is provided to foster children in a family setting;
6. A foster home license means, 'a license authorizing the holder to operate a foster home'.
7. Where a care residence is located in a residential district, the architectural style of the residence should reflect and compliment the residential development of the surrounding neighborhood.
8. The building style in the district where a foster care home is situated shall be a use within the district (e.g. residential care facility in the R1 – (Residential Detached) District shall be contained within a single detached dwelling unit.
9. A foster care home is a permitted use in all residential districts and does not require a development permit.



#### **8.1.4 Kinship Care Home**

1. A caseworker from Children's Services or a Delegated First Nation Agency may contact the person(s) directly to advise them that they are considering taking a child or youth that they know into care. They could be asked to attend a family or network meeting to assist with safety planning for the child or youth. If, during this meeting, it is determined that the child's or youth's safety cannot be met in their family home, the person(s) contacted may be asked to consider becoming a kinship caregiver.
2. A kinship caregiver and a kinship care support worker work together to fully explore the needs of the child(ren) and youth currently or planning to be cared for.
3. The kinship caregiver is supported throughout the process as well as receive ongoing support throughout the duration of time the child is placed with them.
4. Must comply with any other relevant Provincial legislation and regulations.
5. Where a care residence is located in a residential district, the architectural style of the residence should reflect and compliment the residential development of the surrounding neighbourhood.
6. The building style in the district where the extended family home operates shall be a use within the district (e.g. residential care facility in the R1 (Residential Detached) District shall be contained within a single detached dwelling unit.
7. A kinship care home shall be a permitted use in all residential districts and does not require a development permit.

#### **8.2 Boarding and Lodging House Facility**

1. Boarding houses shall;
  - a) Permit a maximum of two (2) persons per sleeping unit; and
  - b) Have no cooking facilities in a sleeping unit but may include limited food preparation facilities such as a fridge, sink and a microwave.
2. Any sleeping unit in a boarding and lodging house shall be compliant with current codes regarding safe egress, exit signage, fire safety and early warning devices.
3. Any sleeping unit in a boarding and lodging house shall comply with all Municipal, Provincial and Federal regulations.
4. Parking shall be provided in accordance with Parking Requirements as set out in Part 9 of this Bylaw.
5. Signage shall be provided in accordance with the Signage Requirements as set out in Part 10 of this Bylaw.
6. No home occupations, garage suites, garden suites or secondary suites are permitted on the same parcel as a boarding house.

7. As a condition of a development permit for a boarding and lodging house, the applicant shall be required to provide the Development Authority;
  - a) A building inspection;
  - b) An inspection by a Public Health Inspector; and,
  - c) A valid business license.

### **8.3 Bed and Breakfast Facility**

1. The operation of a bed and breakfast shall be accessory to the principal residential use of a single detached dwelling.
2. A development permit application for a bed and breakfast facility shall be accompanied by documentation that will show compliance with the following clauses within this Subsection.
3. Have no more than four (4) sleeping rooms and a maximum of eight (8) guests permitted at any one time;
4. There shall be no cooking facilities within guest rooms;
5. Parking shall be provided in accordance with Parking Requirements as set out in Part 9 of this Bylaw.
6. Signage shall be provided in accordance with the Signage Requirements as set out in Part 10 of this Bylaw.
7. No home occupations, garage suites, garden suites or secondary suites are permitted on the same parcel as a bed and breakfast.
8. As a condition of a development permit for a bed and breakfast, the applicant shall be required to provide the Development Authority;
  - a) A building inspection;
  - b) An inspection by a Public Health Inspector; and,
  - c) A valid business license.

### **8.4 Global Vacation Rental Market Facility**

1. A rental market online facility is within the primary residential dwelling and must meet all of the requirements when applying for a development permit.
2. No garage suites, garden suites or secondary suites are permitted on the same parcel.
3. Location within a residential zoning classification, shall be limited to one sleeping unit dedicated for guests, for remuneration on a per night basis up to a maximum of 14 days.
4. There shall be no cooking facilities within guest rooms.

5. Owner must be residing in the home during rental period.
6. Requires the dedication of one parking stall provided onsite.
7. No signage is permitted.

### **8.5 Assisted Living Facility**

An Assisted Living Facility;

1. Shall contain dwelling units and/or individual rooms that have their own washroom, bedroom and sitting area;
2. Must include at least one communal dining room and an accompanying kitchen to serve the dining room;
3. May provide communal, social or recreation activities, housekeeping support, and limited on-site health care services and facilities for the exclusive use of the residents; and;
4. May include a manager's or caretaker's suite and administrative offices.

### **8.6 Residential Care Facility**

1. While identified as a discretionary use, discretion is to be limited as to whether the intensity and form (building style) of development is appropriate for the land use district. The occupancy of the care residence is not to play a factor in determining whether a care residence is an appropriate development.
2. Where a care residence is located in a residential district, the architectural style of the care residence should reflect and compliment the residential development of the surrounding neighborhood.
3. A Residential Care Facility shall be of a size, scale, and outward appearance that is typical of surrounding residential developments.
4. The building style in the district where the care residence operates shall be a use within the district (e.g. residential care facility in the R1 (Residential Detached) District shall be contained within a single detached dwelling unit).
5. The facility shall have permanent or semi-permanent staff on-site. The number of staff that will be required to meet the expected supervision and care for the residents living on-site and the number of staff working on-site shall be provided in the development permit application.
6. With three or more residents within a Residential Care Facility, the organization (refers to business owner operating the facility), property owner (refers to owner on title of the property) shall have a valid development, building permit and business license (under rental properties) in order to operate.

7. If there are two or less residents living at the property, it is considered to be a household and no development permit is required, however, a building permit is still required under the provincial Alberta Building Code (ABC) for this type of development.
8. A building permit is required if you will be renovating or re-purposing an existing building to convert it to a Residential Care Facility, or if you are constructing a new building for your facility.
9. The following would qualify as a change in occupancy, and would require a building permit and development permit to operate in the building if an existing residential care facility wishes to proceed with changes to its residents such as;
  - i. An increase to the number of occupants
  - ii. A change in the age range of occupants
  - iii. A change in the mental or physical capabilities of the occupants
10. The licensee can be either a corporation, partnership or individual.
11. There can be no more than one Residential Care Facility per block.
12. Parking spaces cannot be tandem (placed back-to-back) and must be on-site. The parking spaces will need to be hard surfaced with concrete, asphalt, gravel or similar pavement. Parking on mud and grass is not permitted.
13. It shall be developed only as a purpose-built freestanding structure or single detached housing converted for the purpose. No major home-based business, secondary suite, garden suite or garage suite shall be permitted as part of the Residential Care Facility development.
14. An application under section 105.3 of the Act (Child, Youth and Family Enhancement Act) for a residential care facility license or a renewal may be made only by an adult individual.
15. In all cases, the corporation, partnership or individual must comply with any other relevant Provincial legislation and regulations.

## **8.7 Temporary Shelter Service**

1. A development sponsored or supervised by a public authority or non-profit agency for the purpose of providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time. Typical uses are overnight shelters.
2. Temporary shelter services are a direct control use that must be approved by resolution of Town Council considering the following regulations:
  - a) temporary shelter services must be within a permanent building that meets all Safety Codes regulations;
  - b) temporary shelter services shall not be permitted on a site within of 200m from any site with a residential zoning classification;

- c) temporary shelter services shall not be permitted on a site within 100m of a site with operating retail store;
- d) the Development Authority must allow temporary shelter service without due notification process, with written direction from the Director of Disaster Services due to an emergency; and
- e) temporary shelter services must provide outdoor space or supervised indoor space for persons waiting to use the facility as overnight accommodation to deter loitering in the neighbourhood.

## **8.8 Accessory Suites**

### **Dwelling Density Maximum**

The maximum dwelling unit density for the following accessory suites, shall be two (2) units per parcel, one (1) principal dwelling (separate title), and one (1) may be in the form of either a secondary suite, garage suite, or garden suite dwelling.

#### **8.8.1 Secondary Suite**

1. For this Section, secondary suites “floor area” refers to the floor area of the suite excluding stairways to a common landing, floor area of furnace rooms and shared common areas.
2. No more than one (1) secondary suite is permitted in the primary dwelling.
3. Parking shall be in accordance with Part 9, Schedule 1.
4. A secondary suite shall not be developed within the same principal building containing a major home-based business, unless the secondary suite is an integral part of a bed and breakfast facility.
5. A secondary suite shall remain accessory to and subordinate to the principal building and:
  - a) in the case of a secondary suite built partially or entirely above grade the floor area of the secondary suite shall not exceed 40% of the floor area of the principal building; or
  - b) in the case of a secondary suite, where the floor of the suite is below grade, the floor area of the secondary suite shall not exceed 85% of the floor area of the principal dwelling.
6. The floor area of a secondary suite shall not be less than 30m<sup>2</sup>.
7. A secondary suite shall have a separate entrance from the primary dwelling unit, either from a common indoor landing or directly from the exterior of the structure.
8. A secondary suite shall comply with the Alberta Safety Codes.

9. A building containing a secondary suite will not be approved for conversion to condominium ownership.

### **8.8.2 Garage Suite**

1. The development of a garage suite dwelling use must comply with all regulations and standards for setbacks, height and site coverage regulations in the district where it is located.
2. A garage suite must be a self-contained dwelling unit and comply with Alberta Safety and Building Codes.
3. A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
4. Garage suite dwelling use shall not be constructed on the same site where the principal dwelling contains a bed and breakfast, boarding facility, home occupation, garden suite or secondary suite.
5. The maximum floor area of a garage suite shall be;
  - a) 60.0 m<sup>2</sup> or equal to or less than the floor area located completely or partially above the garage;
  - b) 50.0m<sup>2</sup> for dwelling located attached to the side or rear of the garage.
6. The minimum floor area of a garage suite dwelling shall be 30.0m<sup>2</sup>.
7. Windows contained within the garage suite dwelling shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
  - a) off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garage suite dwelling window on an abutting site;
  - b) placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property.
8. Garage suite dwelling shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
9. Parking shall be in accordance with Part 9, Schedule 1.
10. A garage suite shall only be allowed, where provided for in a Land Use District, on a lot occupied by a single detached dwelling.
11. A garage suite shall not be allowed on a lot with multi-housing.

12. A maximum of one (1) garage suite is allowed on any lot on which a single detached dwelling is located.

### **8.8.3 Garden Suites**

1. The development of a garden suite dwelling use must comply with all regulations and standards for height and site coverage regulations in the district where it is located.
2. A garden suite must be a self-contained dwelling unit and comply with Alberta Safety and Building Codes.
3. Garden suite dwelling shall not be constructed on the same site where the principal dwelling contains a bed and breakfast, boarding facility, home occupation, garage suite or secondary suite.
4. The minimum side yard setback for a garden suite dwelling shall be 1.5 m.
5. The maximum floor area of a garden suite dwelling shall be 50.0 m<sup>2</sup>.
6. The minimum floor area shall be 30.0 m<sup>2</sup>.
7. On a corner site, the minimum flanking front yard setback for a garden suite dwelling shall not be less than the flanking front yard setback of the principal dwelling.
8. Windows in a garden suite dwelling shall be strategically sized and placed in conjunction with landscaping and/or the placement of other accessory developments to minimize overlook into yards and windows of abutting properties, to the satisfaction of the Development Authority.
9. Garden suite dwelling shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
10. Parking shall be in accordance with Part 9, Schedule 1.
11. A garden suite shall only be allowed, where provided for in a Land Use District, on a lot occupied by a single detached dwelling.
12. A garden suite shall not be allowed on a lot with multi-housing.
13. A maximum of one (1) garden suite is allowed on any lot on which a single detached dwelling is located.

### **8.9 Mixed Use Residential Suites**

1. Applications for mixed-use residential suites will be considered provided:
  - a) the building does or will, with renovation, meet the requirements of the Alberta Building Code and Alberta Fire Code;

- b) the floor space is located above the first storey; or is located entirely in the back 60% of the floor space of the first floor of the building and any entrances to first floor suites is from the back or side of the building.
- 2. On-site parking is provided in addition to the parking and loading spaces required for the commercial or industrial space.
- 3. Prior to occupancy of any mixed-use residential suites a copy of all required satisfactory Safety Codes inspection report be provided to the Development Authority
- 4. Despite having a permit issued for a mixed-use residential suite, for all municipal bylaws and regulations, the property is deemed a commercial or industrial property and not a residential property.

### **8.10 Security Suite**

- 1. Security suites shall not exceed 80m<sup>2</sup> in floor area.
- 2. Security suites must be designed and constructed to meet all building code requirements.
- 3. The occupier of a security suite must be accepting of all surrounding and commercial and industrial uses and associated noise and traffic.

### **8.11 Apartment Building**

- 1. Notwithstanding the other regulations of this zone, where an apartment building directly abuts a site zoned to allow a single dwelling building as a permitted use, the following regulations shall apply:
  - a) a minimum landscaped setback of 7.5m shall be required from any apartment building to any property line common with a single dwelling unit. No loading facilities shall be located within this setback area;
  - b) no outdoor parking, trash collection or outdoor storage areas shall be developed within 3.0m of any property line that abuts a site zoned to allow a single dwelling building as a permitted use;
  - c) a solid screen fence 1.83m in height, shall be installed along all property lines that abut a site zoned to allow a single dwelling building as a permitted use, except for common flanking front yard boundaries which shall be 1.0m in height;
  - d) design techniques including, but not limited to, the use of sloped roofs, variations in building setbacks and articulation of building façades, shall be employed in order to minimize the perception of massing of the building when viewed from adjacent residential areas and roadways;
  - e) building finishes shall be compatible with the exterior finishing materials and colours typical of adjacent single detached housing; and



- f) where an apartment building is to be developed directly adjacent to a site zoned to allow single detached housing as a permitted use, the maximum building height for the directly adjacent façade of such apartment building shall not exceed 9.0m or 2 ½ storeys, unless the portion of the façade which is above 9.0m is stepped inward from the lower façade by a distance equivalent or greater than height of the façade that is above 9.0m.
2. A minimum outdoor amenity area of 7.5m<sup>2</sup> per dwelling shall be provided. This area may include the area of balconies and patios.
3. All parking lots and walkways shall be well lit to provide for a safe, secure environment.
4. All signs related to the name of the building, sale, lease or rental of suites conform to Part 10.

### **8.12 Manufactured Home**

1. Applications for the placement of a manufactured home, as defined, shall include the unit CSA certification number, the manufacturer name and model name, and shall supply a letter from the manufactured home community owner or manager supporting the application for placement of the manufactured home and any additional accessory structures.
2. Manufactured homes shall be supported and tied down in accordance with manufacturers' specifications and the Alberta Building Code.
3. Additions, decks and porches require separate development permits or shall be specified to at the time of the original development permit application. The application shall include a letter from the manufactured home community owner or manager supporting the application for placement of the deck or addition.

### **8.13 Modular Housing**

1. Applications for the placement of modular housing, as defined, shall include all information required by Section 4.2, and be treated the same as site-built buildings.
2. In addition, applications must include a copy of a certificate indicating the CSA certification number, the foundation type and drawings, and indicate all decks and porches.
3. Modular Housing must be placed on a permanent foundation equal to that of a site-built home in a R1, R1A, R2A, R2, R3 and R4 residential districts.
4. Modular homes in a RMP residential district shall be placed on a screw pile foundation or similar and must be acceptable with the Alberta Building Code Standards.
5. Modular and site-built simply describes a method of construction; it does not describe a style of building. Homes described as a single family, town-home, duplex or two storeys can be built using one of these construction methods or a combination of them both.

#### **8.14 Modular Building**

1. Modular buildings may be used for long-term, temporary or permanent facilities, such as schools and classrooms, civilian and military housing, industrial facilities, churches, health care facilities, sale and retail offices, fast food restaurants and more.
2. The modules are six-sided boxes constructed in a remote facility, then delivered to the intended site of use. Using a crane, the modules can be placed side-by-side, end-to-end, or stacked, allowing a wide variety of configurations and styles in the building layout.

#### **8.15 Residential Sales Centre**

1. A residential sales centre may be in the form of a show home(s) with a sales office, a show suite within a multi-family building, or as a separate temporary building.
2. Sites containing residential sales centres shall be located and developed such that their impacts on local roadways and surrounding residential development are minimized. In deciding upon an application, the Development Authority shall take into consideration the scale of the residential sales centre, its proximity to arterial or neighbourhood collector roadways, and to occupied residential development.
3. Where sites are located within 60m of existing development, the applicant shall demonstrate that sufficient parking is available on or adjacent to the site so that parking congestion shall not develop on that portion of local streets serving existing development in the vicinity of the residential sales centre.
4. The siting and development of residential sales centre buildings shall comply with the regulations of the land use zone applying to the site except that:
  - a) the Development Authority may attach conditions requiring additional setbacks to minimize any adverse impacts on adjacent development;
  - b) in the case of a temporary structure, the height of the building, including any hoardings or false fronts, shall not exceed one storey or 4.0m.

#### **8.16 Private Swimming Pool**

1. A development permit is required for a permanent (120 days) private swimming pool, defined as: any permanent (120 days) private swimming pool with a water design depth greater than 600mm (24") at any point. All private swimming pools must be assembled and used according to the manufacturer's specifications.
2. Private swimming pools will be permitted in residential zones, provided that:
  - a) The facility is secured against entry by the public other than owners, tenants or their guests in accordance with the requirements of the Safety Codes Act; and,
  - b) The method and degree of treatment of water is to the satisfaction of the Health Officer.

- c) They are not located in the front yard.
- 3. An opening for access through a fence around a private swimming pool shall be protected by a gate that is the same height as the fence, equipped with a self closing device, equipped with a self latching mechanism located on the inside of the gate that is at least 1.5m above the ground level, and that is capable of being locked.
- 4. An outdoor hot tub that is equipped with a cover can carry a weight of 100kg and that is capable of being latched and locked, can have the minimum fence height requirements of a fence or gate reduced to 1.0m.
- 5. A private swimming pool shall be setback at least 1.5m away from any property line.
- 6. A building that is built specifically to enclose a private swimming pool shall meet the same yard setback requirements as the principal building.

### **8.17 Home-Based Business - General Provisions**

Home based businesses are intended to permit the incidental use of a dwelling for purposes related to the operation of a business, provided that the business use does not cause excessive vehicular or pedestrian traffic or otherwise interfere with or detract from the peace and quiet of a residential neighbourhood.

In determining if a particular business can be carried on as a home-based business, the Development Authority may refuse to consider a particular business as a home-based business or refuse to approve a proposed home-based business if, in the opinion of the Development Authority the proposed business use would be more appropriately located in a commercial or industrial district having regard for the overall compatibility of the business use with the residential character of the area.

No person shall operate or permit or allow the operation of a minor or major home-based business without a development permit and a current business license. A development permit for a home-based business shall only be valid for the address identified in the permit. Only one (1) home-based business may be operated per dwelling unit unless otherwise approved by the Development Authority.

The business shall not generate pedestrian or vehicular traffic or parking in excess that would be detrimental to the amenities and safety of the residents in the vicinity of the parcel.

An application for a development permit for a minor or major home-based business shall describe:

- a) the nature of the business;
- b) the hours of operation;
- c) the materials, equipment and/or vehicles that will be used and where they will be stored;
- d) the number of resident and non-resident employees;

- e) the number of business visits per day expected to the property, and;
- f) the number of parking spaces on the property.

If the applicant is not the registered owner of the property, a letter from the owner is required granting the applicant permission to use the property for the proposed business. Uses that would typically not be approved as home-based business uses include; retail stores, auto body repairs, auto body painting, automotive repairs, vehicle or equipment storage or cleaning, sheet metal work, welding work, upholstery work, cabinet making; with the exception of personal services including but not limited to; home offices, beauty care and health care services.

### **8.17.1 Home Office**

1. A Home Office shall comply with the following regulations:
  - a) there shall be no exterior display or advertisement;
  - b) there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;
  - c) the home office shall not employ any person other than residents of the dwelling;
  - d) there shall be no outdoor business activity, or outdoor storage of materials or equipment other than office equipment associated with the business allowed on the site;
  - e) there shall be no business traffic to the property;
  - f) the home office shall not change the principal character or external appearance of the dwelling involved; and

### **8.17.2 Minor Home-Based Business**

1. A minor home-based business shall comply with the following regulations:
  - a) there shall be no exterior display or advertisement other than an identification plaque or sign;
  - b) there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;
  - c) the minor home-based business shall not employ any person on-site other than a resident of the dwelling;
  - d) there shall be no outdoor business activity, or outdoor storage of materials or equipment associated with the business allowed on the site. Indoor

storage shall only be allowed inside the dwelling or buildings accessory to the principal building;

- e) the minor home-based business shall not change the principal character or external appearance of the dwelling involved; and
- f) in addition to the information requirements of Section 4.2 of this Bylaw, each application for a development permit for the use class minor home-based business shall include a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week and details for the provision of parking.

### **8.17.3 Major Home-Based Business**

1. A major home-based business shall comply with the following regulations:
  - a) there shall be no exterior display or advertisement other than an identification plaque or sign;
  - b) there shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;
  - c) the major home-based business shall be of a nature that will not cause excessive vehicular traffic, however, will allow business visits that do not cause unreasonable traffic flow to the residence;
  - d) the number of non-resident employees or business partners working on-site shall not exceed one at any one time;
  - e) there shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business. Indoor storage related to the business activity is be allowed in either the dwelling or accessory buildings;
  - f) the major home-based business shall not change the principal character or external appearance of the dwelling or accessory building;
  - g) a major home-based business, operating as a bed and breakfast facility shall conform to Section 8.7.4, in addition to this Section;
  - h) in addition to the information requirements Section 4.2 of this Bylaw, each application for a development permit for the use class major home-based business shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for parking, and where any materials or equipment associated with the business use are to be stored; and
  - i) the major home-based business will not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a commercial or industrial zone having regard for the overall compatibility of the use with the residential character of the area.

- j) A major home-based business shall not be allowed within a principal dwelling containing a secondary suite, garage or garden suite, unless the home-based business is a bed and breakfast facility and the secondary suite is an integral part of the bed and breakfast facility.

#### **8.18 Windmills and Solar Power Arrays**

1. A windmill attached to the roof of a building is deemed to be part of the building but is not restricted by the height limits set by other parts of this bylaw.
2. A free-standing windmill is an accessory building.
3. A free-standing windmill shall be set back from the property boundary by the same distance as the overall height of the structure, including blades which extend above the top of the tower.
4. No development permit shall be issued for the construction or enlargement of any structure which would significantly reduce the amount of sunlight falling on any solar radiation collector system which is complete or under construction at the time of application for that development permit.

#### **8.19 Pubs and Lounges**

1. All required parking for a pub or lounge shall be on the same site as the facility.
2. There shall be exit doors leading from the facility directly to the provided parking lots.
3. All pubs and lounges shall keep all doors, windows and other openings in the exterior walls closed, except for doors during the entrance and exiting of patrons, to prevent noise to the surrounding properties.
4. Noise from a pub or lounge shall be controlled so it does not emit beyond the boundaries of the site.
5. The Development Authority may consider limiting the hours of operation, as a condition of the Development Permit, if the site is adjacent to or across a street or lane from residential uses. Consideration would be based on potential outdoor noise and annoyances from traffic and pedestrian uses.

#### **8.20 Nightclubs and Bars**

1. All required parking for nightclubs and bars shall be on the same site as the facility.
2. There shall be exit doors leading from the facility directly to the provided parking lots.
3. All nightclubs and bars shall keep all doors, windows and other openings in the exterior walls closed, except for doors during the entrance and exiting of patrons, to prevent noise to the surrounding properties.

4. Noise from a nightclub or bar shall be controlled so it does not emit beyond the boundaries of the site.
5. The Development Authority may consider limiting the hours of operation, as a condition of the Development Permit, if the site is adjacent to or across a street or lane from residential uses. Consideration would be based on potential outdoor noise and annoyances from traffic and pedestrian uses.

#### **8.21 Outdoor Restaurant Patio**

1. Additional parking shall be provided to accommodate the patrons to the same parking ratio as the restaurant facility.
2. If an outdoor restaurant patio is within 75m of a property with a residential zoning classification, the development permit may restrict the hours of use.

#### **8.22 Licensed Outdoor Patio**

1. Additional parking shall be provided to accommodate the patrons to the same parking ratio as the licensed facility.
2. If a licensed outdoor patio is within 75m of a property with a residential zoning classification, it shall be prohibited from use between the hours of 10:00 p.m. one day and 7:00 a.m. the next day.
3. A licensed outdoor patio shall be fenced and be designed to have the only access gained to the patio by entering through the licensed facility.

#### **8.23 Cannabis Retail Sales**

The Federal Government regulates all aspects of cannabis production and medical cannabis sales, while the Provincial Government regulates non-medical cannabis sales, licensing, minimum age, public consumption, safety (protection of minors) and enforcement.

1. A retail cannabis store may not be located within 100 meters of:
  - a) a provincial health care facility
  - b) a school
  - c) a parcel of land designated as school reserve
2. Only one retail cannabis store will be allowed at any given time within each of the following districts listed below;
  - a) C1 – Downtown commercial
  - b) C2 – Highway commercial
  - c) M – Industrial
  - d) IN – Industrial
3. The retail location must adhere to the following:

- a) contain a point -of-sale area;
  - b) shipping/receiving area must be separate from other businesses;
  - c) provide a secured storage area;
  - d) must be equipped with an alarm system;
  - e) must be equipped with a video surveillance system;
  - f) provide secured product displays; and,
  - g) cannot offer a drive-through window service.
4. Retailers must only purchase cannabis from AGLC.
  5. Store hours may not open earlier than 10 a.m. or later than 2 a.m.
  6. Only approved cannabis accessories are allowed for sale.
  7. Minors may not enter a store, even in the company of an adult.
  8. Retailers may not sell cannabis to intoxicated persons.
  9. A licensee shall place a high priority on maintaining a safe premise.
  10. A cannabis licensee cannot sell, assign or transfer a cannabis license.
  11. The written approval of AGLC is required before making any structural changes to a retail cannabis store.
  12. Structural changes include:
    - a) removal or relocation of the walls enclosing a licensed premise; and
    - b) renovations that result in a change to the premises floor plan previously submitted to and approved by the AGLC.
  13. The retail cannabis store must operate as a separate business in accordance with Part 2 of Schedule 2 of the Gaming, Liquor and Cannabis Regulations.
  14. Retail cannabis store license applications are subject to review and approval by AGLC.
  15. An approved development permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with all other legislations.
  16. At the discretion of the Development Authority, the business regulations for cannabis retail businesses may include;
    - a) Requiring the applicant to submit certain documents such as a security plan, proof of a security alarm contract, 24/7 contact information, a list of employees and a police information check;
    - b) Limiting the hours of operation;
    - c) Requiring business owners to keep records of all business activities;
    - d) Only one submission will be accepted for each proposed location;
    - e) Requiring measures to prevent nuisances; such as odour etc.; and,
    - f) Any other additional requirements.



17. Store name and signs

- a) Each retail cannabis store must have a distinct business name, approved by AGLC, reflecting the nature of the business, and is not registered by another business interest.
- b) Signage and contents must comply with all federal, provincial and municipal requirements.
- c) Signage must be in good taste and not depict a lifestyle, endorsement, person, character or animal.
- d) Signage may not promote intoxication. Terms and images such as, but not limited to, 'chronic', 'stoned' or 'high' are not permitted.
- e) Sign(s) or identification may not include graphics which;
  - i. Appeal to minors;
  - ii. Show the use of cannabis;
  - iii. Display intoxication;
  - iv. Display or identify a cannabis product or accessory;
  - v. Display a price or indicate a price advantage; or
  - vi. Display any sporting or cultural event or activity.

**8.24 Cannabis Production Facility**

The Federal Government regulates all aspects of cannabis production and medical cannabis sales, while the Provincial Government regulates non-medical cannabis sales, licensing, minimum age, public consumption, safety (protection of minors) and enforcement.

1. All production facilities must be authorized under the Federal and Provincial Legislations.
2. The Development Authority shall ensure production facilities are adequately suited for the proposed locations through measures such as impact assessments, consultations, zoning and community standards.
3. The Development Authority may impose ancillary restrictions such as setbacks, fencing and even a limitation on the number of production facilities in any given district.
4. All production facilities must comply with the Industrial Performance Standards pursuant to Part 6, Section 6.12 of this Bylaw.

**8.25 Booth Market**

1. A development permit is required for an outdoor booth market or for an indoor booth market on a property that classified anything other than urban service or shopping centre commercial.
2. A permit application for a booth market shall:

- a) indicate the maximum number of vendors that will be taking part in the event;
  - b) indicate the specific dates that the event will be operating;
  - c) identify the parking that will be utilized for the vendors and for patrons;
  - d) include a drawing showing the layout of the booths; and
  - e) include separate applications for all signage within the Town that will be promoting the event.
3. The organizing party for any booth market shall ensure that proper exiting is in place and is maintained according to the Alberta Fire and Building Codes.
  4. Outdoor booth markets shall provide a minimum of one garbage receptacle for every four booths.
  5. No development permit is required for a sunshade structure at a booth market; however, they shall be set up to resist wind uplift.
  6. Organizations that hold booth markets on a regular basis can obtain annual permits.

#### **8.26 Campgrounds**

1. Each recreational vehicle parking space shall be adequate for recreational vehicle use.
2. The Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act.
3. The Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
4. All internal roads shall be the responsibility of the Developer for both construction and all future maintenance.
5. The Developer shall provide on-site potable water supply which meets all applicable Provincial water requirements.
6. The Developer shall provide sewage disposal facilities which meet all Provincial regulations.
7. The Developer shall be required to enter into a development agreement with the Municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development and any necessary municipal infrastructure to service the development when determined necessary by the Development Authority.

8. A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
9. All setback requirements shall be at the discretion of the Development Authority.
10. Fire pits must meet the Alberta Fire Code regulations.

#### **8.27 Outdoor Amusement Establishment**

1. An outdoor amusement establishment placed, as a secondary use to a commercial development on a parking lot shall not reduce the onsite parking by more than 10% of the required stalls for the commercial development.
2. An outdoor amusement establishment placed on a separate site shall have at least eight on-site customer parking stalls.
3. An outdoor amusement establishment where potential noise is generated by the facility shall not be placed within 200m of a residential property, measured from the actual perimeter of the outdoor amusement establishment to the property boundary of the residential property.
4. An outdoor amusement establishment shall be fenced with chain link fencing with all entrance through a controlled gate.
5. An outdoor amusement establishment must have on-site washroom facilities or have agreed access to public washrooms with the operator of an adjacent facility.

#### **8.28 Carnival**

1. A development permit must be applied for at least three weeks prior to set up for the event.
2. The application must include:
  - a) proof of Safety Codes certification,
  - b) a general layout of the proposed site,
  - c) an emergency vehicle access plan,
  - d) the location for storage of equipment and vehicles,
  - e) the hours of operation,
  - f) a policing and security plan, and
  - g) a litter control plan.
3. The Development Authority may require that additional professional security be provided at the expense of the carnival operator.

4. The applicant may at the Development Authority's discretion be required to provide cash refundable security to ensure the site is left clean and tidy.
5. The carnival operator must arrange a meeting with the Fire Chief, RCMP, and ambulance personnel prior to public access to the site and review the emergency plans and gain the support of these officials.
6. The carnival operator must provide the names and immediate contact information of the top three carnival personnel to the Fire Chief and RCMP prior to the commencement of the carnival.
7. The Development Authority can make conditions regarding the hours of operation of the carnival.

### **8.29 Food Trucks**

1. A food truck participating in a Town sanctioned special event held on municipal property does not require a business license.
2. A business license application for a food truck must be for a specified site, with map showing proposed area. Also, a letter of consent from property owners of all proposed locations.
3. A development permit is not required for a food truck unless it is a permanent use year-round.
4. A business license application shall include:
  - a) A valid food handling permit issued by Alberta Health Services;
  - b) Fire inspection approval;
  - c) A waste disposal plan for disposal of garbage, grease, grey water and recycling; and;
  - d) Provision for water and power, if applicable; if a generator is required for power, it shall be quiet and not cause a disturbance.

### **8.30 Greenhouse and Plant Nursery**

1. Greenhouse buildings for public access must be designed by a professional engineer and be constructed and maintained in accordance with the design. A generic design will be accepted provided the design meets Canadian standard.
2. Applications to place a greenhouse building intended for public access shall include the building design drawings.
3. Greenhouse buildings intended for year-round placement shall be firmly attached to a permeable surface and shall be able of surviving 120km/h winds.

4. Greenhouse buildings placed in parking lots intended for commercial businesses shall not reduce the available parking spaces to a number less than the number of required parking stalls for the commercial use.
5. Greenhouse buildings less than 80m<sup>2</sup> in floor area shall meet or exceed the minimum building setback requirements of accessory buildings and not exceed the height requirements of accessory buildings.
6. Greenhouse buildings 80m<sup>2</sup> or greater in floor area shall meet or exceed the minimum building setback requirements of principal buildings and not exceed the maximum height requirements of the principal buildings.
7. All materials or goods stored outdoors shall be kept in a neat and tidy order at all times.
8. Storage of bulk landscaping materials shall be kept on pallets or in constructed bins.
9. Greenhouse buildings located on residential properties are deemed an accessory building.

#### **8.31 Temporary Commercial Establishment**

1. The movement of people to and from the site should not adversely impact the enjoyment of the immediate residential neighbourhood; and
2. The use shall not generate significant noise or odour beyond the site that may impact the use and enjoyment of the neighbouring properties; and
3. The size and scale of the on-site parking area shall not adversely impact the aesthetic value of the residential neighbourhood or shall be sufficiently screened from adjacent properties and any public street; and
4. The vehicular traffic generated by the development shall not be significantly greater than the traffic generated from other sites within the surrounding neighbourhood.
5. A temporary commercial establishment requires a temporary development permit.

#### **8.32 General Industrial Uses**

1. This use class shall only be used when the use class does not fit into any other classification defined in this Bylaw.
2. Applications for this use class shall include a detailed written description of the industrial activity intended for the site.
3. Applications for this use class shall clearly fit within the definition outlined in Part 2 of this Bylaw.
4. The applicant shall, at time of application, provide written verification of their intent and agree to comply with the Industrial Performance Standards outlined in the district regulations in Part 6, Section 6.12 of this Bylaw.

5. Applications for this use class must comply with the Alberta Fire Code.

### **8.32.1 Higher Risk Industrial Uses**

1. All fuel storage tank systems for bulk fuel facilities must be designed, installed, and operated in accordance with the Alberta Fire Code.
2. All fuel storage tank systems must have a permit to install from the Petroleum Tank Management Association of Alberta.
3. All fuel storage tank systems must not be located within 100m of a residential property measured from the proposed tanks to the residential property line.
4. Prior to use of the fuel tank systems, the applicant shall submit a letter of installation compliance addressed to the Town from the designing engineer.
5. Every facility at which the transfer of propane takes place shall have a risk and safety management plan. If the facility handles greater than 30,000 USWG, the risk and safety management plans must be approved by a professional engineer.
6. Bulk propane handling facilities with a vessel not greater than 5,000 USWG shall be located at least 320m from a residential property and bulk propane handling facilities with a vessel not greater than 30,000 USWG shall be separated from residential properties by 640m.
7. All other uses that are deemed a High Hazard Industrial Occupancy (F1) under the Alberta Building Code must be located at least 250m from any property classified as residential and located south and/or east from residential properties.

### **8.33 Automotive and Equipment Repair Shop**

1. The design for an Automotive and Equipment Repair Shop, that includes the outdoor storage of tires, must be reviewed for compliance with the Alberta Fire Code and include a fire protection plan.
2. An Automotive and Equipment Repair Shop that provides for the repair of motor vehicles shall have a minimum of 1.5 parking stalls for each service bay.
3. Any parking or storage of dismantled vehicles or equipment at a site approved as an Automotive and Equipment Repair Shop shall be within a fenced and screened compound.
4. Any fenced compound on a site approved for an Automotive and Equipment Repair Shop shall not be placed within 12m of the front property line.
5. The storage of dismantled vehicles and equipment within a fenced compound shall not cover more than 450m<sup>2</sup> or it shall be deemed an Auto Recycling and Salvage Yard.

6. The storage area of an Automotive and Equipment Repair Shop must be hard-surfaced and be kept free of vegetation.
7. The placement of overhead doors within an Automotive and Equipment Repair Shop shall allow for on site manoeuvring of vehicles and queuing of vehicles that are entering and leaving the building.

### **8.34 Auto Recycling and Salvage Yard**

1. The design for an auto recycling and salvage yard must comply with the Alberta Fire Code and include a fire prevention plan.
2. The site of an auto recycling and salvage yard must be fenced to a height of 2.4m with commercial grade chain link materials including privacy slats.
3. The maximum storage height within the storage area shall be 3m.
4. The fenced area of an auto recycling and salvage yard must be set back at least 12m from the front property line.
5. The front 12m of the property must include 40% of the area as soft landscaping.
6. An application for an auto recycling and salvage yard must be accompanied by a Storm Water Management Plan that meets the Town of Millet Design Standards and that has been approved in writing by the Development Authority prior to the issuance of a development permit.
7. The storage area of an Auto Recycling and Salvage Yard must be hard-surfaced and be kept free of vegetation.
8. An Auto Recycling and Salvage Yard shall be equipped with a private on-site fire hydrant that meets the Town of Millet Design Standards.
9. No storage of salvage or unlicensed vehicles shall be kept outside of the fenced area.
10. An Auto Recycling and Salvage Yard shall have a permanent building that is equipped with offices and washroom facilities.

### **8.35 Vehicle Oriented Uses**

#### **8.35.1 Application of Subsection**

1. Developments in the following use classes shall comply with the special regulations of this Section:
  - a) Drive-in Food Service;
  - b) Service Station;
  - c) Rapid Drive-through Vehicle Service

2. The Development Authority may also require that developments not included in the use classes listed in clause (1) above, such as drive-through automated teller machines or other similar uses, shall comply with the regulations of this Section if such developments provide drive-in service or service in which patrons remain within their vehicle.

### **8.35.2 Development Regulations**

1. Sites shall be located:
  - a) at the intersection of two or more public roadways, but not including lanes, provided that a site may be located between intersections where there is a service road or a centre median; or
  - b) as part of a shopping centre or in conjunction with other commercial development, if the Development Authority is satisfied that the development shall not adversely affect the functioning of surrounding public roadways, or traffic circulation on the site.
2. The minimum frontage shall be 30m of the lot.
3. Service Stations and Rapid Drive-through Vehicle Services shall have a minimum lot depth of 30m.
4. Site area and coverage shall be provided as follows:
  - a) the minimum site area for Drive-in Food Services, or developments shall be 930m<sup>2</sup>, and the maximum site coverage shall be 15%;
  - b) the minimum site area for a Service Station as an independent development shall be 1200m<sup>2</sup> and the maximum site coverage, including pump islands, shall not exceed 20%;
  - c) where two or more of the uses are part of a mixed-use development on the same site, the total site area requirements shall be the sum of the requirements of the uses computed separately, unless the applicant can demonstrate to the Development Authority that there is a complementary use of space which would warrant a reduction in site area requirement.
5. Queuing space shall be provided as follows:
  - a) for drive-in food services and other developments having a drive-through service window, queuing spaces shall be provided for vehicles approaching the drive-through service window, and on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle;
  - b) for rapid drive-through vehicle services adequate in-bound and out-bound queuing spaces shall be provided for each service bay.



- c) for Rapid Drive-through Vehicle Services and Drive-in Food Services, access aisles and queuing spaces associated with these use classes shall be located no less than 3m from any property line where the site containing these use classes abuts any site containing existing residential or residential-related uses, including situations where such sites are separated by a road or lane. The orientation of access aisles, queuing spaces and on-site vehicular circulation shall be designed to the satisfaction of the Development Authority.
  - d) all queuing spaces shall be a minimum of 6.5m long and 3m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.
6. Service Stations shall adhere to the following additional regulations:
- a) all pump islands shall be located at least 6m from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site; and
  - b) any canopy over a gas pump island shall be no closer than 3m to any boundary of the site, and shall be designed, finished, and of a height such that the canopy is not obtrusive, and maintains consistency with the design and eave line of the principal building on site. The canopy area shall not be included in the calculation of site coverage for this Subsection and;
  - c) where these use classes are adjacent to sites zoned residential or separated from them by a lane or are directly visible to residential uses across a public roadway, the design, finishing, lighting and siting of development, including the orientation of gas pump islands and service bays with the intent of achieving a compatible relationship with surrounding development and a high standard of appearance when viewed from adjacent roadways.
7. Rapid Drive-through Vehicle Services and Drive-in Food Services shall adhere to the following additional regulations:
- a) the design, finishing and siting of such development shall achieve a compatible relationship with surrounding development and a high standard of appearance when viewed from adjacent roadways; and
  - b) these use classes shall be located not less than 15m from any property line where the site containing these use classes abuts any site zoned residential or any site containing residential or residential-related uses, including situations where such sites are separated by a road or lane 10m or less in width. This 15m minimum setback distance may be reduced at the discretion of the Development Authority, if the Development Authority is satisfied that impacts on the residential or residential-related uses shall be minimal due to structural and design measures incorporated into the proposed development;
  - c) where these use classes and associated access aisles and queuing spaces are located within 30m of a property line where the site containing these use classes abuts any site zoned residential or any site containing existing residential or residential-related uses, including situations where such sites

are separated by a road or lane 10m or less in width, the following fencing and landscaping requirements shall apply:

- i. solid, screen fencing constructed of wood or suitable wood-like synthetic substitute, 1.83m in height; and
  - ii. required fencing shall be augmented with tree and shrub planting designed to soften the visual effect of the required fencing and shall be provided in accordance with the standards identified in Part 7.
8. Drive-in Food Services and other developments having a drive-through service window shall adhere to the following additional regulations:
- a) the location, orientation and setback of drive-through service windows shall be to the satisfaction of the Development Authority in consultation with the Transportation and Streets Department, having regard to the minimization of on-site and off-site traffic impacts.

### **8.36 Outdoor Storage**

1. Outdoor storage and display is not permitted in residential districts.
2. Outdoor storage of goods and materials shall be kept in a clean and orderly manner at all times and shall be screened from streets and adjacent residential uses to the satisfaction of the Development Authority.
3. Outdoor storage is not permitted within the required front yard setback of a development.
4. Outdoor display of goods and materials shall normally be temporary and shall be arranged and maintained in a clean and orderly manner. The location of an outdoor display shall be to the satisfaction of the Development Authority.
5. Any outdoor storage or display must not unduly interfere with the amenities of the district or materially interfere with the use, enjoyment or value of neighbouring sites.
6. Any outdoor storage or display must not interfere with pedestrian or vehicular circulation or use any required parking stalls.

### **8.37 Temporary Building**

1. An application for a temporary building shall be accompanied by the following:
  - a) information required under Section 4.2;
  - b) the development permit fee;
  - c) \$1,000 deposit fee to ensure removal of the temporary building by the development permit expiry date; and
  - d) information regarding the exterior appearance of the building.

2. A temporary building shall meet all yard setback requirements and building separation requirements required in the district zoning classification regulations.
3. The maximum time period a Development Authority may issue a development permit for is eighteen months from date of development permit approval. The Development Authority may, at their discretion, issue one extension of up to one additional year.
4. Failure to remove the temporary building on, or before the expiry date, will result in:
  - a) penalties;
  - b) per day fines pursuant to Section 10; and
  - c) use of the deposit fee to have the building and contents removed from the site.

### **8.38 Canvas and Tent Structures**

1. A development permit is required for all canvas and tent structures that are greater than 10.0m<sup>2</sup>.
2. A canvas or tent structure must comply with all applicable regulations of this Bylaw, and the maintenance and appearance of the structure shall be to the satisfaction of the Development Authority.
3. Temporary canvas and tent structures may be permitted in a residential district for a special event, provided the structure is not erected on the property for a period longer than seven (7) consecutive days.
4. Canvas and tent structures shall be deemed a discretionary use in all districts. The applicant applying for the structure shall demonstrate to the Development Authority that the proposed structure will not adversely impact the surrounding community. Should the use have more than a potential minor impact based on the criteria, the application shall be declined. In carrying out this assessment the Development Authority shall consider the following criteria:
  - a) The aesthetic appearance and finish of the structure and the compatibility with other structures on the property and the surrounding area; and
  - b) That the placement of the structure does not impact pedestrian and vehicular circulation on the site.
5. Canvas or tent structures to be utilized for a special event in districts other than residential shall notify the Development Authority. Structures shall be erected the day before and removed the day after the event.
6. Tent structures shall be constructed as per manufacture instructions and if required, safety code regulations.

### **8.39 Intermodal Container Storage (Sea-Cans)**

1. Sea-cans may be used on a site as an accessory building provided, they be:
  - a) Accessory to a principal use and governed by the same regulations as an accessory building;
  - b) Located only in an industrial, institutional, or C2 - Highway Commercial District;
  - c) Located on the ground and not stacked on top of another sea-can;
  - d) Used for storage purposes only; and
  - e) Screened from adjacent residential and commercial uses by a solid fence, wall or on-site landscaping that provides year-round screening. The height of the fence or wall, or the amount of landscaping will be at the discretion of the Development Authority.

### **8.40 Stockpile Site**

1. Other than a site approved for development work related to an approved subdivision, approved building project, or for municipal work, no person or party shall create a stockpile of materials without first obtaining a development permit to do so.
2. An application to place a stockpile on a site shall be accompanied by a letter signed by the property owner, stating the guaranteed date of removal of the stockpile and the name of the party responsible to remove the stockpile.
3. Any stockpile shall be kept in a safe and manageable manner and not be deemed a nuisance or unsafe property.
4. Any stockpile shall be kept free of noxious weeds.
5. No person shall create a stockpile of materials that have been relocated from a site where the soils may have been contaminated with environmentally sensitive materials.
6. No person shall create a stockpile within 200m of an existing residential property without the site being fully fenced to discourage the access of persons and having signs placed to advise of the dangers.
7. The Development Authority may require the applicant to provide financial security to ensure that the stockpile is removed from the site within agreed timelines.

**8.41 Auctioneering Establishment**

1. Indoor auctioneering establishments shall have on-site parking provided as regulated in Part 9, Section 9.12 Schedule 1.
2. Outdoor auctioneering establishments shall 25% of the site dedicated for patron parking.

**8.42 Mini Storage Facility**

1. Mini storage facilities shall be entirely fenced with chain link fencing.
2. Access gates to enter the mini storage facilities site shall be set back from the front property line by at least 7m and shall not swing outward.
3. Building spacing and layout shall meet the requirements of the Alberta Building Code

**8.43 Small Animal Kennel**

1. Pens, rooms, exercise runs and holding stalls may be required to be soundproofed to the satisfaction of the Development Authority.
2. All development permit applications may be referred to the appropriate Health Authority or animal control agency for comment prior to the Development Authority making a decision.
3. No building, use, or exterior exercise areas or runs that are used to accommodate the animals may be located within 6.1m (20.0 ft) of any property line adjacent to a dwelling or a residential parcel.
4. All exterior exercise areas or runs may be required to be enclosed with a fence acceptable to the Development Authority.
5. The Development Authority may regulate the hours that dogs are allowed outdoors.
6. The Development Authority may regulate the number of animals based on size and type of animals, size of parcel and proximity to dwellings. Pups under six (6) months shall not be included in the number.
7. Developments which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
8. A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments.

#### 8.44 Recreation Vehicle

1. No more than one (1) recreational vehicle may be stored on a lot less than 0.5 ac. in area without a development permit.
2. Notwithstanding Subsection (1) a development permit may be issued, for a maximum of one (1) additional recreational vehicle on a residential lot if the applicant can demonstrate that parking and lot coverage provisions can be satisfied.
3. No person may occupy a recreational vehicle for a period longer than 14 consecutive days in a calendar year.
4. Recreational vehicles under Section 8.44 shall not include; small utility trailers, camper van conversions, tent trailers (not set-up), campers which are mounted in trucks, boats, snowmobiles, all-terrain vehicles, jet skis, or motorcycles and trailers to carry them.
5. A recreational vehicle may be stored within a side, rear, or front yard on a residential lot under the following conditions. The recreational vehicle is:
  - a) entirely contained within the lot;
  - b) located on a hard surfaced or gravel pad;
  - c) located in the front yard exclusively during the regular summer season (between April 1 and October 31); and
  - d) removed from the front yard or relocated between November 1 and March 31 of each calendar year.
6. No person shall reside or use any type of recreation vehicle as a dwelling unit/residence within the Town limits unless that parcel of land is designated for that use.
7. A vacant residential or commercial lot shall not be used for storage, including RV storage unless a development permit has been issued for a commercial storage facility.
8. Notwithstanding Subsection 4(d), at the discretion of the Development Authority Officer one (1) recreational vehicle may be permitted year-round in a front yard on a hard surfaced or gravel pad if there is a minimum of 3.1 m (10.0ft) between the recreational vehicle when parked and the edge of sidewalk or, where there is no sidewalk, 3.1 m (10.0 ft) from the back of curb adjacent to the lot. Where there is no curb or sidewalk, the required setback from a front lot line shall normally be 3.1 m (10.0 ft). However, this distance may be reduced at the discretion of Enforcement Officer. In no instance will the placement of an RV in a front yard be allowed where the RV would impede or obstruct the safety of pedestrians or vehicle traffic on adjacent sidewalks or roadways.
9. A development permit may be issued for temporary use of a recreational vehicle not to exceed sixty (60) days during construction of a primary residence.

10. Recreational vehicle regulations for annexed lands (January 1, 2018); Country Residential (CR), Urban Fringe (UF) and Industrial (IN), see district zoning regulations.

## **PART 9: VEHICULAR PARKING AND LOADING REQUIREMENTS**

### **9.1 General Parking**

See Schedule 1 for minimum number of vehicular parking space requirements. The following minimum number of parking stalls shall be provided and maintained upon the use of a parcel or building in any district as described in Schedule 1 of this Land Use Bylaw. Any calculation of the number of parking stalls which produces a requirement for part of a stall shall be rounded up to the next higher integer.

For uses not listed, the number of stalls shall be determined by the Development Authority having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.

The Development Authority may refuse to grant a development permit to an applicant not fully complying with parking or loading requirements.

All off-street parking areas that enter onto a paved public roadway must be hard surfaced.

When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking stalls 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 to intensified use.

The parking stall 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.

Each parking stall shall have dimensions of not less than 3.0m (9.84 ft) by 6.0m (19.69 ft).

### **9.2 Variance to Downtown Parking Requirements**

1. Notwithstanding the regulations of this section, in the downtown area, the following provisions shall apply:
  - a) in the case of major renovations, site improvements, and architectural modifications to an existing building, no additional parking shall be required;
  - b) in the case of major structural expansion of an existing building, additional parking shall be required for the expanded part only;
  - c) in the case of a change in the use of an established building, additional parking shall not be required provided no alteration to the exterior dimensions of the building occurs;
2. In the case of any downtown development or re-development, the Development Authority Officer shall review such development in respect of the variance powers granted in this Bylaw and may exercise such powers as deemed necessary.



**9.3 Parking Stalls for Physically Disabled Persons**

1. Parking stalls for physically disabled persons shall be located as close as possible to ramps, walkways and commercial building entrances. No handicap designated stalls shall be allowed in residential areas.
2. Parking shall be arranged in such a way that users of wheelchairs are not required to pass behind parked cars.
3. Parking stalls shall conform with the requirements of the Alberta Building Code.
4. Each parking stall shall be clearly identified by painting the international symbol of accessibility. The sign shall be mounted at a height of at least 1.2 m (4.0 ft) from the pavement or sidewalk to the bottom of the sign and be positioned so as to be easily seen by drivers who are attempting to park.
5. The access aisle shall lead to a curb cut to the adjacent sidewalk connecting to a building entrance.
6. The number of parking stalls for vehicles used by physically disabled persons shall be as follows:

<b>NUMBER OF STANDARD VEHICLE PARKING STALLS</b>	<b>NUMBER OF PHYSICALLY DISABLED PERSON VEHICLE PARKING STALLS</b>
1 to 25	1
26 to 50	2
51 to 100	3
>100	3 plus 1 / 100

**9.4 Vehicular Access to Sites**

1. Arterial roads may allow limited access to business and residential frontage.
2. If the adjacent road is not an arterial roadway, vehicle access will be permitted from the adjacent road to the driveway leading to the attached garage.
3. An approved driveway plan is required for new curb crossings or modifications.
4. If a lane exists, driveway access to rear detached garage must be from the lane and in the case of corner lots from the lane or side streets and not from the front roadway.
5. Vehicular access to required parking lots from streets other than arterial roadways may be permitted depending on traffic volumes.

**9.5 Access to a Major Street**

1. Where a site has a residential zoning classification, the site fronts onto an arterial road, and the site has access to a road other than the arterial road or has access to a lane, no vehicular access will be permitted to the site from the arterial roadway unless granted written permission.

2. Where a site has a residential zoning classification, the site fronts onto an arterial road, and the site does not have access to a road other than the arterial road and has no access to a lane, the Town may allow a vehicular access to be constructed to gain limited vehicular access to the site under written permission.
3. Where a site has a commercial, industrial or urban service zoning classification, one vehicular access to the site may be considered from the arterial roadway provided the location and design of the vehicular access is approved in writing.
4. No median cuts will be permitted within medians on arterial or collector roadways unless a traffic impact assessment has been completed by an appropriate professional and the assessment indicates that the median cut meets the requirements of the municipal and provincial standards for traffic safety as determined by the Development Authority.
5. Where two adjacent commercial properties both require vehicular access to an arterial roadway the Town provides strong consideration towards shared vehicular access points with joint crossing agreements in place.
6. All zoning classifications that require vehicular access from an arterial road may require permission from Alberta Transportation.

#### **9.6 Emergency Access to Buildings**

1. Sites shall be so designed that streets and access routes for firefighting equipment shall be provided in accordance with the requirements of the Safety Codes Act.
2. At the discretion of the Development Authority, setbacks in any land use district may be increased in order to provide adequate firefighting methods to the structure(s) on the site.

#### **9.7 Loading Spaces**

1. Loading spaces may be required for non-residential development and apartments.
2. Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuver entirely within the bounds of the parcel before moving onto a public roadway.
3. Loading spaces shall be located in the rear and side yards only.
4. Hard surfacing of the loading space shall be required where a loading space enters a paved public roadway; otherwise the Development Authority may permit all weather surfacing.

**9.8 Dead-End Roads**

In residential subdivisions, all dead-end roads shall be provided with a cul-de-sac or turnaround consistent with the requirements outlined in the Standard Drawings and the Transportation Association of Canada Manual. The maximum length of dead-end roads that service residential lots shall be 200m.

**9.9 Approaches and Driveways**

Approaches and driveways shall be in accordance with the Transportation Association of Canada Geometric Design Guide for Canadian Roads as modified herein.

1. Private Driveways

All driveways shall be constructed to provide a minimum 1.5m clearance from any structure such as hydrants, light-standards, service pedestals, transformers, manholes and catch basins. Driveways on corner lots shall be located to provide a minimum of 8.0m clearance from the lot property line adjacent to the intersection.

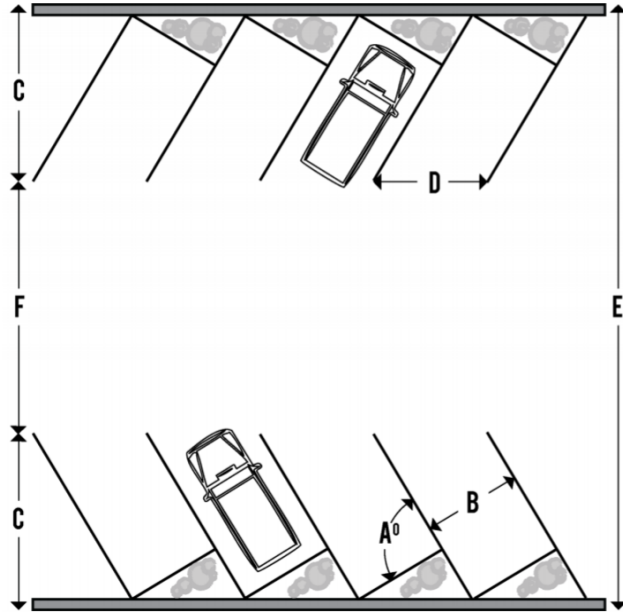
2. Commercial/Industrial Driveways

Intersection spacing shall be at a minimum horizontal distance of 10m from the edge of driveway to the end of the curb return and must be designed to accommodate the types of vehicles the business/industry will generate.

**9.10 Parking Facility Dimensions**

1. All parking spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions and shall conform to the requirements shown.

PARKING ANGLE IN DEGREES	WIDTH OF SPACE	DEPTH OF SPACE	WIDTH OF SPACE	OVERALL SPACE DEPTH	WIDTH OF MANOEUVRING AISLE (ONE WAY)	WIDTH OF MANOEUVRING AISLE (TWO WAY)
A	B	C	D	E	F	G
0	3.0 m (9.84 ft)	3.0 m (9.84 ft)	7.0 m (22.97 ft)	9.1 m (29.86 ft)	3.6 m (11.81 ft)	6.7 m (21.98 m)
30	3.0 m (9.84 ft)	5.2 m (17.06 ft)	5.5 m (45.87 ft)	14.0 m (45.93 ft)	3.6 m (11.81 ft)	7.3 m (23.85 ft)
45	3.0 m (9.84 ft)	5.8 m (19.03 ft)	4.0 m (13.12 ft)	15.2 m (49.87 ft)	3.6 m (11.81 ft)	6.7 m (21.98 ft)
60	3.0 m (9.84 ft)	6.1 m (20.01 ft)	3.1 m (10.17 ft)	18.2 m (59.71 ft)	6.0 m (19.69 ft)	7.3 m (23.85 ft)
90	3.0 m (9.84 ft)	6.1 m (20.01 ft)	3.0 m (9.84 ft)	19.5 m (63.98 ft)	7.3 m (23.95 ft)	7.3 m (23.85 ft)



**9.11 Schedule 1- Vehicular Parking Requirement**

<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces or Garage Spaces Required</b>
<b>Residential and Residential-Related</b>	
<p>1. Primary residential dwelling Apartment Building Row Housing Row Housing Stacked</p>	<p>2 parking stalls 1 parking space per bachelor suite and bed sitting room, plus 1 parking space per 1-bedroom dwelling, plus 1.5 parking spaces per 2-bedroom dwelling, plus 1.75 parking spaces per 3 or more-bedroom dwelling, plus 1 parking space per 7 dwellings for visitor parking.</p> <p>The visitor parking must be readily available to an entrance of the building and be clearly identified as visitor parking.</p> <p>The Development Authority may accept tandem parking spaces of a number that is equivalent to the total required parking minus the total number of dwellings and minus visitor parking. Visitor parking spaces shall not be in tandem.</p>
<p>2. Boarding/Lodging Secondary Suite Garden/Garage Suite Global Rentals</p>	<p>1 parking space per 1 sleeping unit, in addition to the parking requirements for the primary dwelling.</p>
<p>3. Duplex Housing Manufactured Home (excluding Manufactured Home Parks) Semi-detached Housing</p>	<p>2 parking spaces per dwelling include 1 garage space.</p> <p>Where a front yard driveway provides access to a parking space that is not within the front yard, the Development Authority may consider this driveway as the provision of a second car parking space that is in tandem.</p>
<p>4. Minor and Major home based business Bed and Breakfast Facility Short-Term Rental</p>	<p>1 parking space in addition to parking required for primary dwelling.</p> <p>1 parking space per guest room is required in addition to the parking required for the primary dwelling.</p>
<p>5. Manufactured Home Parks</p>	<p>2 parking spaces per manufactured home lot, plus 1 parking space per 7 manufactured home lots as visitor parking. The visitor parking shall be dispersed, to be conveniently located for all lots.</p>
<p>6. Residential Sales Centre</p>	<p>4 parking spaces</p>

<b>Commercial Use Classes</b>	
7. Any development within a commercial use class not listed separately in this table, with a floor area of:	4 parking spaces per 100m <sup>2</sup> of floor area
8. Hotels and Motels	1.1 parking space per sleeping unit, plus 1 per employee
9. Nightclubs and Bars	1 parking space per 20m <sup>2</sup> public space, or 1 parking space per 3.5 persons occupant load, plus 1 per employee
10. Pubs and Lounges	1 parking space per 20m <sup>2</sup> public space, or 1 parking space per 3.5 persons occupant load, plus 1 per employee
11. Casino and Other Gaming Establishment	1 parking space per 20m <sup>2</sup> of public space, or 1 parking space per 3.5 persons occupant load, plus 1 per employee
12. Commercial School	1 parking space per 3.5 seats, plus auditorium requirements where applicable.
13. Booth Market	6.5 parking spaces per 100m <sup>2</sup> of floor area in the building used for this use class.
14. Funeral and Cremation Service	1 parking space per 3.5 seats plus 1 parking space per funeral home vehicle
15. Health Service	4.5 parking space per 100m <sup>2</sup> of floor area
16. Professional, Financial and Office Support Service	3.4 parking space per 100m <sup>2</sup> of floor area
17. Restaurant	1 parking space per 7.5m <sup>2</sup> of public space
18. Warehouse Sales	1 parking space per 100m <sup>2</sup> of floor area
<b>Industrial Use Classes</b>	
19. Any development within the Industrial Use Classes and Industrial Performance Use	1 parking space per 100m <sup>2</sup> of floor area provided this is not less than 3 parking spaces per tenant or establishment
<b>Basic Service Use Classes</b>	
20. Extended Medical Treatment Services	1.1 parking spaces per 100m <sup>2</sup> of floor area

<b>Community, Educational, Recreational and Cultural Service Use Classes</b>	
21. Any development within the Community, Educational, Recreational and Cultural Service Use Class not listed separately.	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
22. Child Care Service/Residential Care Facility	1 parking space per employee
23. Community Recreation Service	<p>16 parking spaces, plus where multipurpose room greater than 93m<sup>2</sup> is present and is used for general assembly purposes, an additional 2.2 parking spaces per 10m<sup>2</sup> over 93m<sup>2</sup> of floor area in a multipurpose room is required. The multipurpose area shall not include dressing rooms, change rooms, washrooms, storage areas, and cooking or kitchen areas, which are normally incidental to the primary function of the community recreation services.</p> <p>Where the community recreation service facility parking area immediately abuts a parking area for a school, a maximum of 50% of the additional parking spaces required, pursuant to the above clause, may be provided by including the parking facilities on the abutting school parking area.</p>
24. College, Business or Technical School	1 parking space per 3.5 seats, plus auditorium requirements where applicable.
25. Exhibition and Convention Facility	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
26. Indoor Participant Recreation Service Except:	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
<ul style="list-style-type: none"> <li>a) Bowling Alley</li> <li>b) Curling Rink</li> <li>c) Health and Fitness Club</li> <li>d) Hockey Rink and Swimming Pool</li> <li>e) Racquet Sport Facility</li> </ul>	<ul style="list-style-type: none"> <li>4 parking spaces per lane plus parking requirements for accessory uses</li> <li>8 parking spaces per sheet plus parking requirements for accessory uses</li> <li>1 parking space per 10m<sup>2</sup> of floor area</li> <li>1 parking space per 3.5 seats or 1 parking space per 5m<sup>2</sup> playing/water surface or assembly area</li> <li>2 parking spaces per court plus parking requirements for accessory uses</li> </ul>
27. Natural Science Exhibit	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons

28. Outdoor Participant Recreation Service Except:	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons
<p>a) Golf Course or Driving Range</p> <p>b) Sports Field, in association with school /park sites</p>	<p>5 parking spaces per hole (golf course) or 1 parking space per T-box (driving range) plus parking requirements for accessory uses</p> <p>A maximum of 10 parking spaces per field to be developed provided that the sports and playing fields are developed prior to the development of other uses on the site, such as community recreation service facilities or other school uses. The number and design of the parking spaces and the surface treatment of the parking area shall be approved by the Development Authority in consultation with Transportation and Streets Department, Community Services Department and the School Boards.</p>
29. Private Club	1 parking space per 3.6m <sup>2</sup> of public space
30. Public Library and Cultural Exhibit	1 parking space per 10m <sup>2</sup> of floor area used by patrons
31. Public or Private Elementary and Junior High Schools	<p>1.4 parking spaces per classroom</p> <p>This calculation shall include the ultimate parking requirements for all potential future school development on-site, whether contained in a core facility or in attached portable pods. Actual development of parking spaces may, however, be phased in accordance with each phase of school development.</p> <p>Where the school parking area immediately abuts a parking area for a community recreation service facility, a maximum of 50% of the smaller parking requirement between the school and the community recreation service facility may be provided by including the parking facilities on the abutting community recreation service parking area.</p>
32. Public or Private High Schools	<p>1.4 parking spaces for each classroom, plus 1 parking space for every 10 students</p> <p>This calculation shall include the ultimate parking requirements for all potential future school development on-site, whether contained in a core facility or in attached portable pods. Actual development of parking spaces may, however, be phased in accordance with each phase of school development.</p> <p>Where the school parking area immediately abuts a parking area for a community recreation service facility, a maximum of 50% of the smaller parking requirement between the</p>



33. Public or Private High Schools - continued	school and the community recreation service facility may be provided by including the parking facilities on the abutting community recreation service parking area.
33. Religious Assembly	1 parking space per 4 seats
34. Spectator Entertainment Establishment	1 parking space per 3.5 seats or 3.1 parking spaces per 10m <sup>2</sup> of floor area used by patrons

**Schedule 2 - Loading Spaces Requirement**

Use of building or site	Total floor area of building	Minimum number of loading spaces required
1. Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than 465m <sup>2</sup>	4 per 100m <sup>2</sup>
	465m <sup>2</sup> to 2300m <sup>2</sup>	
	Each additional 2300m <sup>2</sup> , or fraction thereof	

## **PART 10: SIGNAGE**

### **10.1 Purpose**

1. The purpose of this Section is to ensure that signs:
  - a) do not obstruct the orderly and safe flow of vehicular and pedestrian traffic;
  - b) do not create visual or aesthetic blight;
  - c) do not unduly interfere with the amenities of the district in which they are located; and
  - d) do not materially interfere with or affect the use, enjoyment or value of neighbouring properties.

### **10.2 Sign Definitions**

A-BOARD SIGN - an A-shaped sign with no external supporting structure that is set upon, but not attached to the ground.

AWNING SIGN - incorporated upon or within an awning.

BALLOON SIGN - an air-inflated sign.

BANNER SIGN - constructed from a non-rigid fabric in a banner style, which is attached to a pole or other structure.

BILLBOARD SIGN - a large engineered freestanding sign designed for a changeable message used generally for off-site and corporate advertising.

CANOPY SIGN - refers to a sign incorporated upon or within a building canopy.

CONSTRUCTION SITE IDENTIFICATION SIGN - a temporary sign erected on a site under construction for advertising or providing information related to the construction project.

DEVELOPER MARKETING SIGN - a temporary sign for promoting vacant lots or show homes in a new subdivision.

DEVELOPMENT DIRECTIONAL SIGN - a temporary sign for guiding or directing pedestrian or vehicular traffic to new subdivisions, new home areas or show homes.

DIRECTIONAL SIGN- refers to a sign for directing pedestrian or vehicular traffic including ingress and egress signs and parking signs but does not include advertising.

ELECTION SIGN- refers to a sign advertising a local candidate and/or party in a federal, provincial, school board or municipal election.

ELECTRONIC MESSAGE SIGN- refers to a sign or part of a sign on which the advertising is programmable or changeable by electrical or electronic means.

EVENT DIRECTIONAL SIGN - a temporary sign providing direction to a non-reoccurring event of less than three days in length; such as a property auction sale.

FASCIA SIGN - a sign placed flat and parallel to the face of the building so that no part projects more than 0.4 m from the building.

FENCE SIGN - a sign painted on or attached to a fence.

FIXED SIGN - a sign securely attached to the ground or a building.

FREESTANDING SIGN - anchored into the ground and not attached to a building.

GARAGE SALE SIGN - advertising the location of a garage sale.

GROUND SIGN - placed on a berm or flat on the ground, in flower beds, etc.

HIGH SIGN - a freestanding sign with advertising above an elevation of 3.0m.

HOME ADDRESS SIGN - a sign that is no larger than 0.7m<sup>2</sup>, which states only the municipal address and occupant names.

HOME BUSINESS SIGN - advertising an approved home business.

ILLUMINATION - the lighting of any sign by artificial means.

INDIRECT ILLUMINATION - the lighting of a sign by reflected light.

LOW SIGN - a freestanding sign with advertising at an elevation at or less than 3.0m above grade.

MULTIPLE TENANT SIGN - a sign for advertising two or more on-site developments or businesses.

MUNICIPAL SIGN - a sign erected by the Town.

NEIGHBOURHOOD IDENTIFICATION SIGN - displaying the name of a neighbourhood or business park.

NON-FIXED SIGN - any sign that is not a fixed sign.

OFF-SITE ADVERTISING - the advertising of a business, commodity, service or entertainment that is conducted, sold or offered elsewhere other than the site on which the sign is located.

OPEN HOUSE SIGN - for guiding vehicular traffic and pedestrians to real estate open house locations.

PEDDLER SIGN - advertising for a business operating from a temporary location.

PICKET SIGN - refers to a sign driven or pushed into the ground.

POLE SIGN - attached to an on-site light standard or freestanding sign support structure.

PORTABLE SIGN - with changeable message, designed to be readily relocated.

PROJECTING SIGN - refers to a sign that is attached to and supported by a building and extends at least 0.4m perpendicular to the building but excludes a canopy sign.

REAL ESTATE SIGN - refers to a sign for advertising property for sale, lease or rent.

ROOF SIGN - refers to a sign located upon, against, or above the roof of a building, or a sign attached to the roof or parapet of a building.

SIGN - a display board, screen, structure or material having characters, letters or illustration applied thereto, or displayed thereon, in any manner.

SIGN AREA - the area of one sign face available for advertising of a single or multiple faced sign, excluding the main support structure.

SIGN HEIGHT - the vertical distance measured at right angles from the highest point of the sign or sign structure, to the finished grade directly below.

SITE - the legal property identified on the Land Title.

UNDEVELOPED SITE - a site with assessable improvements of less than \$20,000 in value.

WALL SIGN - fastened to or painted on a wall at a level where the bottom of the sign is less than 2.4m above grade.

WINDOW SIGN - placed on or inside a window that faces the outside and is intended to be seen from the outside.

ZONING - the property zoning classification as shown on the Land Use District Map.

### 10.3 Specific Regulations for Particular Sign Types

#### A-Board Sign

1. Except in a C1 district, an A-board sign shall:
  - a) not exceed 1.0m in sign height;
  - b) not exceed 0.8m<sup>2</sup> in sign area;
  - c) must be located on private property;
  - d) not be located in prohibited sign locations;
  - e) only be placed during business hours;
  - f) only be placed in front of the business it advertises; and
  - g) not located within 6.0m of any permanent sign.
  
2. In a C1 district, an A-board sign shall:
  - a) not exceed 1.0m in sign height;
  - b) not exceed 0.6m in sign width;
  - c) not be located within 0.3m of a curb line of a public road way;
  - d) not be placed that it reduces the walking path
  - e) only be placed in front of the business it advertises;
  - f) be located adjacent to a permanent fixture where possible;
  - g) not be located within 5.0m of another A-board sign advertising a business on the same property; and
  - h) only be placed during business hours.

#### Awning or Canopy Sign

1. An awning sign or canopy sign shall:
  - a) not exceed a maximum vertical dimension of 1.5m;
  - b) have at least 2.4m clearance above finished grade;
  - c) not be suspended from the support structure in any way that poses a hazard to pedestrians or vehicles;
  - d) not extend above the parapet wall or roof line of the building; and
  - e) if on a residential, such as apartments or higher density property the sign shall:
    - i. not be greater than 3.0m<sup>2</sup> in sign area;
    - ii. provide the building name and address only; and
    - iii. not be illuminated.

### **Balloon Sign**

1. Balloon signs shall:
  - a) if mounted on the ground surface of a site:
    - i. not exceed 8m in height;
    - ii. be located at least 1.5m from all property lines with the exception of a corner lot where the sign must be set back a minimum of 6m from all property lines; and
    - iii. not interfere with the access to or from the site.
  - b) if mounted on a building, shall:
    - i. not have a combined building and sign height that exceeds the maximum building height allowed in the district; and
    - ii. be securely fastened to the building as per manufacturer recommendations.
  - c) A balloon sign may be illuminated.
  - d) No more than one balloon sign is allowed per site.
  - e) Balloon sign permits must be obtained every 90 days.

### **Banner Sign**

1. A commercial banner sign can be placed for up to 90 days on one permit.
2. A banner sign that is attached to the face of a building must comply with the dimensional regulations for fascia signs.

### **Billboard Sign**

1. Billboard Sign(s) shall be subject to the following regulations:
  - a) Billboard Sign may be allowed only on sites, which are an integral part of a commercial strip;
  - b) the maximum height of a Billboard Sign shall be 8.0m;
  - c) Billboard sign locations shall be separated from any other billboard sign location by a minimum of 100m. For billboard signs with an area of 20m<sup>2</sup> to 40m<sup>2</sup>, this separation shall be increased to 200m. For billboard signs over 40m<sup>2</sup>, this separation shall be increased to 300m. The separation shall be applied from the larger billboard sign location regardless of the size of any proposed billboard sign;
  - d) Billboard signs may be illuminated;
  - e) Billboard signs may include electronic copy or animation, subject to review of the Development Authority. The applicant shall provide evidence that the

proposed copy or animation does not cause undue distraction to pedestrian or vehicular traffic;

- f) All proposed billboard sign locations shall be reviewed in the context to the surrounding development, such as (but not limited to) the architectural theme of the area, any historic designations, the requirements of any statutory plan, any streetscape improvements and proximity to residential development.
- g) All billboards and the foundation for billboards must be designed by a professional engineer and comply with Alberta Building Code.

### **Construction Site Identification Sign**

1. No development permit is required, provided that the sign:
  - a) is a freestanding or fascia sign;
  - b) does not exceed 3.0m in sign height;
  - c) does not exceed 3.0m<sup>2</sup> in sign area; and
  - d) is not erected for a period longer than twelve months from the issuance of a building permit.
2. No more than one construction site identification sign is allowed per site.

### **Development Directional Sign**

1. A development directional sign must be located on private property adjacent to an arterial road right-of-way.
2. Development directional signs are discretionary in UR districts, for a period of time specified by the Development Authority and permits will be issued for a 90-day period.
3. A development directional sign must:
  - a) be freestanding;
  - b) not exceed 1.5m<sup>2</sup> in sign area;
  - c) not exceed 3.0m in sign height; and
  - d) be located a minimum of 30m from any arterial road intersection.

### **Developer Marketing Sign**

1. No permit is required, provided that the sign:
  - a) is freestanding;
  - b) is not illuminated;
  - c) is located in a subdivision or development that is subject to a subsisting development agreement;
  - d) does not exceed 3.0m in sign area; and
  - e) does not exceed 3.0m in sign height.
2. No more than one developer marketing sign is allowed per parcel of land.

### **Directional Sign**

1. A directional sign must be a freestanding, fascia or wall sign; and
  - a) if freestanding must not exceed 0.6m in sign area; or 1.2m in sign height; and
  - b) if a fascia sign, must not exceed 3.0m.

### **Electronic Message Sign**

1. An electronic message board sign shall not be erected adjacent to a property within a residential district.

### **Event Directional Sign**

1. Permits will be issued per event, provided the signs:
  - a) are in place for no more than seven days;
  - b) are not greater than 1.5m<sup>2</sup> in sign area;
  - c) are not illuminated;
  - d) are placed on private property, with written permission from the property owner;
  - e) are not placed on vacant lands; and,
  - f) are placed on public property, with written permission from the Town.



### **Fascia Sign**

1. A fascia sign shall:
  - a) not exceed a maximum vertical dimension of 1.5m;
  - b) have at least 2.7m clearance above finish grade;
  - c) not be suspended from the support structure in any way that poses a hazard to pedestrians;
  - d) not extend above the parapet wall or roof line of the building;
  - e) not extend more than 0.4m perpendicularly from a supporting building frontage; and
  - f) if on a higher density residential property shall:
    - i. not be greater than 3.0m in sign area;
    - ii. provide the building name and address only; and
    - iii. not be illuminated.

### **Federal, Provincial, Municipal or School Election Signs**

1. No development permits are required for a federal, provincial, municipal or school election sign, or any other sign connected with the holding of a vote conducted under federal, provincial or municipal law.
2. An election sign must be placed on private property; however, shall not:
  - a) be located within 2.0m back of a curb line of a public road way;
  - b) be located within 3.0m of a vehicle access to a property;
  - c) exceed 2.18m<sup>2</sup> in sign area; and
  - d) present a safety hazard.
3. Federal, provincial, municipal or school election signs must comply with the following:
  - a) election signs may be posted only between:
    - i. 12:00noon on nomination day and 72 hours after the closing of polling stations for municipal and school elections; or
    - ii. 12:00 noon on the day when an election is officially called and 72 hours after the closing of polling stations for federal and provincial elections.
  - b) in a residential district, election signs must:
    - i. not exceed 1.0m<sup>2</sup> in sign area;
    - ii. not exceed 1.2m in sign height; and
    - iii. be a freestanding or wall mounted sign.

### **Fence Sign**

1. Fence signs are not allowed in residential districts unless they are a property address sign, an election sign or a real estate sign; where no permit is required.
2. In commercial and industrial districts, fence signs shall not exceed 3.0m<sup>2</sup> in sign area and shall not extend above the height of the fence.

### **Flashing Sign**

1. Flashing signs are prohibited with the exception of an electronic message sign.

### **Freestanding Sign**

1. In districts where a freestanding sign is a permitted use:
  - a) the sign height shall not exceed the maximum building height permitted;
  - b) the sign area shall not exceed 7.5m<sup>2</sup>, and;
  - c) a freestanding sign must be separated by a minimum of 60m lineal separation from another freestanding sign or a billboard, on the same property.
2. In districts where a freestanding sign is a discretionary use:
  - a) the sign height shall not exceed 4.5m;
  - b) the sign area shall not exceed 4.0m<sup>2</sup> and;
  - c) shall be for an on-site business.
3. Angle bracing of signposts is not permitted.
4. The backside of a freestanding sign and the supporting posts must be painted and kept clean.
5. Freestanding signs must be placed at least 5m from other properties.
6. Freestanding signs must be placed at least 1m inside the private property.
7. No more than one freestanding sign is allowed per site, except for sites that are:
  - a) greater than 1.0ha where a maximum of three freestanding signs may be allowed, provided the site is located in a C2, M or IN district;
  - b) greater than 0.5 ha where a maximum of two freestanding signs may be allowed, provided the site is located in a C2, M or IN district; and
  - c) double fronting lots, in which case one freestanding sign is permitted per fronting side.

### **Garage Sale Sign**

1. Garage Sale signs or notices are only permitted on Community Notice Boards and at the address of the garage sale, with no permit required.

### **Home Business Sign**

1. Home business signs shall be permitted with a valid business license provided the sign is:
  - a) not greater than 0.14m<sup>2</sup> in sign area;
  - b) not illuminated; and
  - c) a window sign, a sign attached directly to the face of the building, or a freestanding sign less than 0.6m in height and placed within 2.0m of the residential building.

### **Neighbourhood Identification Sign**

1. A neighbourhood identification sign must:
  - a) be freestanding;
  - b) not exceed 3.0m<sup>2</sup> in sign area;
  - c) not exceed 2.4m in sign height; and
  - d) incorporate the neighbourhood name specified by the relevant plans.

### **Open House Sign**

1. An Open House sign is allowed with no permit required, provided:
  - a) the sign is either an A-Board sign or mounted on a stake firmly secured;
  - b) the sign is not greater than 0.6m in width or 1.0m in height;
  - c) the sign is setback at least 1.0m back from the curb edge;
  - d) the sign is placed on private property;
  - e) the sign indicates only the company logo, directional arrows, the salespersons' name and the words "Open House" or "Show Home";
  - f) the sign is only placed between 8:00 AM and 9:00 PM, provided the open house or show home is in operation; and
  - g) no more than one sign per company is placed at any intersection.

### **Peddler Sign**

1. A permit will be issued for a peddler sign provided the sign is:
  - a) on the same site as the business;
  - b) on an A-board sign, and;
  - c) for businesses licensed to operate within the Town.

### **Picket Sign**

1. Picket signs are allowed with no permits required in C1, C2, M and IN districts, provided the sign advertises for a business located on the site.
2. Picket signs shall not be greater than 0.7m in height.
3. No more than two picket signs shall be placed in front of any site.
4. Picket signs shall be completely located on private property.

### **Pole Sign**

1. Pole signs must:
  - a) be entirely located on private property, including projections; and
  - b) not be located within 5.0m of the boundary of another site.

### **Portable Sign**

1. Portable signs are intended for temporary on-site advertising relating to the commercial activities of the landowners or tenants.
2. Permit applications for portable signs must include:
  - a) a completed sign permit application form;
  - b) a site plan showing the proposed location of the site; and
  - c) the applicable fee.
3. Permits for portable signs will be valid for 30 days and are subject to a \$50.00 permit fee, with the exception of off-site signage for non-profit organizations.
4. Portable signs are permitted uses in C1, C2, M, US and IN districts and in association with churches and public schools in any land use district provided that the sign:
  - a) does not exceed 5.6m<sup>2</sup> in sign area;
  - b) does not exceed a height of 2.7m from grade;
  - c) is located a minimum of 1.0m from the frontage property line inside the site;
  - d) is not located within 5.0m of the boundary of another site;
  - e) is two sided only, with advertising on both sides of the sign and that the advertising refers to a business, event, or land use located on the site;
  - f) is securely but not permanently fastened to the ground;
  - g) portable signs must be 90m away from other portable signs on the same site, while also considering prohibited locations;
  - h) if the message on the sign is interfered with, the permit holder must ensure the message is corrected within 48 hours of being notified by the Development Authority;
  - i) the sign cannot be attached to, erected or placed on a roof;
  - j) the portable sign must have a uniform background colour;
  - k) where the message on a portable sign relates to a specific dated event, the sign shall be removed within 48 hours after the end of the event;
  - l) an off-site portable sign permit may be issued for up to 30 days provided:
    - i. the sign meets the placement criteria;
    - ii. the sign is used by a non-profit organization, and;
    - iii. a letter from the property owner authorizing the use of the property is attached to the application.

### **Town Owned Land**

- a) The Development Authority may issue development permits on portable signs to be on land owned or controlled by the Town west of the CPR right-of-way, east of 50 Street, north of 48 Avenue and south of 53 Avenue ("Town Land") for one-time special events to a maximum of 30 days.
- b) Development Permits of portable signs on Town land shall be issued only to persons operating businesses in the C1, C2, M and IN Districts who are unable to place portable signs on their own property, or not-for-profit organizations. A person placing a portable sign on Town land must hold a current business license issued by the Town.
- c) No more than two (2) portable signs shall be located on Town land at any time.

### **Projecting Sign**

1. A projecting sign is a permitted use in the C1, C2, M and IN districts.
2. A projecting sign is a discretionary use in US and DC districts.
3. A projecting sign must:
  - a) not exceed 1.5m<sup>2</sup> in sign area;
  - b) be placed so that the distance between the nearest edge of the sign and the building to which it is attached, does not exceed 0.35m;
  - c) provide a minimum vertical clearance of 2.7m from finished grade to the bottom of the sign;
  - d) not project over public property, other than in a C1 district, in which case the sign is set back 0.7m from a curb line and the owner accepts full liability for the sign;
  - e) have proper clearance from any electrical power lines or other utilities, and provide for safe pedestrian movement or any other activities or use underneath the projecting sign; and
  - f) except for corner locations, be located at right angles to the building facade.

### **Real Estate Signs**

1. No development permit is required provided:
  - a) the sign is a freestanding or fascia sign;

- b) that in R1, R1A, R2, R2A districts, the sign does not exceed 1.7m in sign height or 0.6m<sup>2</sup> in sign area; in other districts the sign does not exceed 3.0m in sign height or 3m<sup>2</sup> in sign area;
- c) that the sign advertises only the site upon which the sign is located;
- d) In residential districts, the real estate signs must be located on the property at least 1m from the public sidewalk.

### **Roof Sign**

1. A roof sign must not exceed 6m<sup>2</sup> in sign area.
2. The maximum vertical dimension of a roof sign, measured from the roof or parapet where the sign is located, is 3.0m, however, the height of the sign, added to the building height, must not exceed the maximum height requirements of the district.
3. No more than one roof sign is allowed per building.
4. A roof sign shall not overhang a building.
5. A roof sign may be illuminated.

### **Wall Signs and Murals**

1. No development permit is required provided the image of the mural is presented to the Town for approval.
  - a) a painted wall sign may be permitted on a wall, fence, or surface of any structure in a no-residential district, provided it will not, in the opinion of the Development Authority;
    - i. Distract motorists on any public road;
    - ii. Interfere with the Town's image;
    - iii. Interfere with the amenities of the neighbourhood, or
    - iv. Affect the use, enjoyment, or value of neighbouring properties.
2. A mural is a visual depiction of a person, location, event, or thing which provides and constitutes an amenity and does not serve any advertising purpose. A mural which is painted onto a wall may encompass up to 100% of the wall upon Town's approval.
3. The area of a wall sign that is not part of a wall mural will be calculated based on the rectangular area of the advertising and must not exceed 20% of the wall.

### **Window Sign**

1. No permits are required for window signs.

#### **10.4 Off-site Advertising**

1. Except for signs identified under Section 10.5, fixed signs containing “Off-site Advertising” are prohibited.
2. Except for signs identified under Section 10.5, fixed signs containing “Off-site Advertising” are not permitted on undeveloped sites.

#### **10.5 Existing Signs**

1. All fixed signs that have been issued a development permit previous to the adoption of this Bylaw are allowed to stay without conforming to these regulations. (Considered “legal non-conforming”).

#### **10.6 Exempt Sign**

1. Provided they otherwise comply with this Bylaw, a development permit is not required for:
  - a) signs posted or exhibited inside a building;
  - b) window signs provided they are not for the purpose of advertising a minor or major home-based business or home office;
  - c) signs posted or exhibited in or on an operating motor vehicle, provided the vehicle is not temporarily or permanently parked for the purpose of displaying the sign;
  - d) municipal or provincial signs;
  - e) signs displayed on benches approved by the Town;
  - f) signs located on a community notice board;
  - g) signs erected pursuant to a development agreement;
  - h) emergency or warning signs placed on a public building, lot or utility lot; or home address signs.

#### **10.7 Regulations Which Apply to All Signs**

1. Where the regulations require an opinion, it is the opinion of the Development Authority that is to be considered.
2. Unless otherwise stated in this Bylaw, all signs require development permits.
3. Signs shall not be constructed nor located such that they could, in any case be confused with or detract from a traffic control device or any other municipal sign or municipal device.

4. Signs shall not be constructed nor located such that they interfere with the safe or orderly movement of pedestrians or vehicular traffic, or the sight lines required under this or any other bylaw.
5. Unless otherwise stated in this Bylaw, a sign height must not exceed the maximum building height allowed in the district.
6. The combined sign area of all signs on a building face shall not be greater than 25% of the overall wall area.
7. The illumination of a sign must not negatively affect, nor pose a safety hazard to an adjacent site.
8. Wiring must be fully concealed or in a conduit for electrified signs and comply with electrical codes.
9. Signs must be designed and constructed to ensure public safety.
10. Signs must be of professional quality and kept in good repair.
11. If a sign fits within two or more sign categories, then the strictest regulations shall apply.
12. Except for a municipal sign, a sign otherwise permitted in this Bylaw, or sign permitted in a contractual agreement with the Town, no sign or poster may be placed on public property, on any median or on any traffic control device, publicly owned power poles or light standards.
13. No sign shall be placed in a prohibited sign location.
14. The business advertising on any sign that projects over a Town sidewalk or road right-of-way is responsible to keep the sign free and clear of ice and snow that could fall and injure pedestrians below. The business is also responsible to ensure that the sign is securely fastened and kept in good order.
15. Unless stated otherwise in this Bylaw, a sign shall refer only to goods services or events sold or taking place on the site.
16. Landscaping and paved areas around and under a sign must be maintained to match the landscaping and paved area nearby the sign.
17. Non-fixed signs and low signs shall be designed and installed to withstand 80km winds without being blown over or away.
18. If a business identified on a sign ceases, all signage referencing that business must be removed within 30 days.
19. Where the message on a sign relates to a specific dated event, the message shall be changed within 48 hours after the end of the event.



## 10.8 Signs Considered in Zoning Classifications

1. In determining where particular sign types are permitted, or discretionary uses refer to Chart at the end of this Section.

## 10.9 Sign Development Permit Applications

1. Applications for all signs shall include the following information in duplicate and the appropriate application form shall be fully and accurately completed:
  - a) the municipal address of the land or building where the sign is to be erected, if any;
  - b) the legal description of the land on which the proposed sign is to be erected;
  - c) the zoning classification of the land on which the proposed sign is to be erected;
  - d) the applicant's name, address, telephone number and interest in the land;
  - e) the landowners name, address, telephone number;
  - f) the name of the advertised business or development where the sign is to be erected;
  - g) whether the development where the sign is to be erected is a single occupancy or multiple occupancy development;
  - h) a letter from the owner of the property on which the sign is to be erected, or his agent, authorizing the applicant's sign development application;
  - i) the name of the company the sign is to be installed or erected by;
  - j) the party responsible for compliance with the regulations;
  - k) the type of sign as defined in these regulations;
  - l) the detailed dimensions of the sign;
  - m) the wording to be placed on the sign;
  - n) the distances from all roads, intersections, driveways, property lines and other signs;
  - o) and if deemed required by the Development Authority, detailed site plans showing:
    - i. the overall dimensions of the sign, including all sign boxes and cabinets;
    - ii. a description or illustration of the copy to be displayed on the sign;
    - iii. the method of illumination (if any), including the use of animation;
    - iv. the materials from which the sign is to be constructed;
    - v. the method used to support the sign;
    - vi. the dimensions of any changeable copy panels;
    - vii. any rotating parts of the sign;
    - viii. the total height of the sign above grade; and
2. Applications for off-site freestanding signs shall include the following additional information:
  - a) a photograph that shows the entire frontage of the site where the sign is proposed; and
  - b) a site plan showing:
    - i. a north arrow;

- ii. the curb line, property line and location of any existing or proposed buildings;
- iii. the perpendicular distance from curb line to property line;
- iv. the perpendicular distance from property line to building;
- v. the location of the proposed sign on the site;
- vi. the location of any existing freestanding signs on the site, and whether such sign shall be replaced by the proposed sign;
- vii. the length of the frontage of the site where the sign is to be erected;
- viii. the horizontal separation distance between the proposed sign and other freestanding signs located on the site; and
- ix. for off-site signs, the horizontal distance from the proposed sign to the nearest existing off-site sign.

#### **10.10 Development Authority Discretion**

1. Although this Bylaw is intended to regulate all signs, there may be signs without clear regulation. In such a case, the Development Authority may use discretion when making decisions regarding such signs. These decisions require notification to property owners within 60m or more of the subject property.

#### **10.11 Sign Owner's Responsibility**

1. Neither the granting of a sign permit, nor the approval of the plans, nor any inspections made by the Development Authority shall in any way relieve the owner from full compliance with the Land Use Bylaw or other applicable legislation.

#### **10.12 Contravention**

1. The offences and fees for contravention to this Section of this Bylaw are outlined in Part 12.
2. Where any sign is located in such a manner as to cause public safety concerns, the Development Authority or Bylaw Enforcement Officer may have the sign immediately removed from the area.

#### **10.13 Sign Permit Fees**

1. For sign permit fees, reference Town of Millet Policy 50.

10.14 Sign Classification Chart

Sign Classification Chart	Sign Classification																Residential Zoning Classifications		Commercial \ Industrial Zoning Classifications				Other Classifications							
	Zoning Classifications Considered for Particular Sign Types																													
	"P" - means the sign type is a permitted use in the particular district "D" - means the sign type is a discretionary use in the particular district																													
Sign Type	R 1	R 2	R 3	R 4	CR	UF												C 1	C 2	M	I	N					U	S	U	X
A-board sign																			P	P	P	P								
Awning Sign																			P	P	P	P								
Balloon Sign																			D	D	D	D								
Banner Sign																			P	P	P	P								
Billboard Sign																														
Canopy Sign																			P	P	P	P								
Construction Site Identification Sign	P	P	P	P	P	P	P	P	P	P								P	P	P	P						P	P		
Developer Marketing Sign	P	P	P	P	P	P	P	P	P	P																				
Development Directional Sign	P	P	P	P	P	P	P	P	P	P								P	P	P	P						P	P		
Directional Sign																			P	P	P	P								
Election Sign	P	P	P	P	P	P	P	P	P	P								P	P	P	P						P	P		
Electronic Message Sign (Fascia or window)																			P	P	P	P								
Electronic Message Sign (Freestanding)																			D	D	D	D						D	D	
Event Directional Sign																			D	D	D	D						D	D	
Fascia Sign																			P	P	P	P								
Fence Sign																				D	P	P								
Flashing Sign																														
Freestanding Sign																			P	P	P	P								
Garage Sale Sign	P	P	P	P	P	P	P	P	P	P																				
Home Business Sign	P	P	P	P	P	P	P	P	P	P																				
Multiple Tenant Sign																			P	P	P	P								
Municipal Sign	P	P	P	P	P	P	P	P	P	P								P	P	P	P						P	P		
Neighbourhood Identification Sign	D	D	D	D	D	D	D	D	D	D								D	D	D	D						D	D		
Open House Sign	P	P	P	P	P	P	P	P	P	P																				
Peddler Sign																				D	D									

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Picket Sign																					P	P	P																									
Pole Sign																																						P	P	P	P							
Portable Sign																																								P	D							
Projecting Sign																																									P	D						
Real Estate Sign	P	P	P	P	P	P	P	P	P																																P	P						
Roof Sign																																										D	P	P	P			
Wall Sign																																												P	P	P	P	
Window Sign																																													P	P	P	P

## **PART 11: LAND SUBDIVISION CONSIDERATIONS**

### **11.1 Purpose**

1. The purpose of this Part is to provide regulations, reference of documents and other regulations to persons considering applying for subdivision of land and the development of such land into serviced lots of the items they must consider before application. This does not cover all items however does provide a basic understanding of the planning considerations.
2. Subdivision applications will be circulated to the Municipal Planning Commission for recommendation as part of the referral process. Simple subdivisions may be approved by the development authority, and more complex subdivisions (three or more parcels of land) shall go before council for final approval.

**Complete applications:** as pursuant with MGA Section 653.1 (1-11), Subdivision applications are not deemed complete until:

- a) The subdivision authority must, within 20 days after the receipt of an application for a subdivision approval, determine whether the application is complete.
- b) The time period referred to in subsection (b) may be extended by an agreement in writing between the applicant and the subdivision authority.
- c) If the subdivision authority does not make a determination referred to in subsection (b) within the time required under subsection (b) or (c), the application is deemed to be complete.
- d) An application is complete if, in the opinion of the subdivision authority, the application contains the documents and other information necessary to review the application.
- e) If a subdivision authority determines that the application is complete, the subdivision authority must issue to the applicant, either by hand delivery or by regular mail a written acknowledgment that the application is complete.
- f) If the subdivision authority determines that the application is incomplete, the subdivision authority must issue to the applicant, either by hand delivery or by regular mail a written notice that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the subdivision authority in order for the application to be considered complete.
- g) If the subdivision authority determines that the information and documents submitted under subsection (g) are complete, the subdivision authority must issue to the applicant, either by hand delivery or by regular mail a written acknowledgment that the application is complete.

- h) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection (g), the application is deemed to be refused.
- i) If an application is deemed to be refused under subsection (i), the subdivision authority must issue to the applicant, either by hand delivery or by regular mail a written notice that the application has been refused and the reason for the refusal.
- j) Despite that the subdivision authority has issued an acknowledgement under subsection (f) or (h), in the course of reviewing the application, the subdivision authority may request additional information or documentation from the applicant that the development authority considers necessary to review the application.
- k) A decision of a subdivision authority must state:
  - i. Whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board, and
  - ii. If an application for subdivision approval is refused, the reasons for the refusal.

**Approval of application:** as pursuant with MGA Section 654(1) (a-d) A subdivision authority must not approve an application for subdivision approval unless:

- a) The land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended,
- b) The proposed subdivision conforms to the provisions of any growth plan under MGA Part 17.1, any statutory plan and subject to MGA Section 654(2), any land use bylaws that affects the land proposed to be subdivided.
- c) The proposed subdivision must comply with the MGA, Parts 17 & 17.1 and all regulations under those parts,
- d) All outstanding property taxes on the land proposed to be subdivided have been paid to the Town where the land is located or arrangements satisfactory to the Town have been made for the payment.
- e) A decision of a subdivision authority must state:
  - iii. Whether an appeal lies to a subdivision and development appeal board or to the Municipal Government Board.
  - iv. If an application for subdivision approval is refused, the reasons for the refusal.
- f) If the subdivision authority is of the opinion that there may be a conflict or inconsistency between statutory plans. As pursuant with the MGA Section 638, all statutory plans adopted by the municipality must be consistent with each other.

## **11.2 Minimum Parcel Sizes**

1. Except as specified in 11.2.2 or 11.2.3, the minimum size of any lot that is proposed in a subdivision of land shall meet the minimum lot sizes and areas for the proposed zoning as specified.
2. Where an Area Structure Plan has been approved prior to the effective date of this Bylaw and the minimum parcel sizes meet the requirements of Bylaw 2015/03 LUB Office Consolidation, the West Central Planning Agency may approve the subdivision.
3. In situations where, existing parcels cannot be logically subdivided, an application can be made to Town Council for a variance to the minimum parcel sizes. The decision is at the sole discretion of Town Council.

## **11.3 Engineering Design Standards**

1. All infrastructure and local improvements related to subdivision of land within the Town shall be designed and constructed in accordance with the “Town of Millet Design Guidelines and Construction Standards for Developments”.
2. The “Town of Millet Design Guidelines and Construction Standards for Developments” outline practices acceptable to the Town, amended from time to time, and approved by resolution of Town Council.
3. Any discretion in the interpretation of the “Town of Millet Design Guidelines and Construction Standards for Developments”, lies solely with the Town Manager or his designate.

## **11.4 Provincial Regulation**

1. Applications for subdivision must consider provincial Land Uses Policies.
2. When considering subdivision application, it is highly recommended that a person be familiar with, or have parties engaged, that understand the requirements of the following legislation:
  - a) the Municipal Government Act, Part 17;
  - b) The Subdivision and Development Regulation;
  - c) The Land Titles Act; and
  - d) The Environmental Protection Act.
3. The subdivision applicant will be required to prove that the land is suitable for the proposed subdivision and uses.

### **11.5 Area Redevelopment Plans**

1. Established areas of the Town may have an approved plan in place for the redevelopment of a neighbourhood, called an Area Redevelopment Plan.
2. Persons considering consolidation or subdivision of lots in established areas should refer to any Area Redevelopment Plans.

### **11.6 Documents Registered on the Land Title**

1. When considering subdivision of land, a person must be prepared to meet all obligations of the documents registered on the Land Title. It is recommended that the applicant be fully aware of these obligations.

### **11.7 Servicing Availability and Servicing Master Plans**

1. Persons considering subdivision must be aware that utility servicing may or may not be available to properties and should consult with the appropriate utility provider prior to making application for subdivision of land to understand the consequence and associated costs.
2. Where land is available for multi lot subdivisions, persons considering application should consult with appropriate planning professionals or civil engineers.

### **11.8 Costs Associated with Subdivision**

1. In general terms all costs associated with the subdivision of lands are the costs of the Developer.
2. Once the land has been subdivided and has had the local improvements installed to the satisfaction of the Town and survived the prescribed maintenance period, the Town will accept the responsibility for maintenance.
3. The Developer will be required to enter into a development agreement with the Town regarding, among other things, the costs associated with the subdivision of land.



## 11.9 Subdivision Appeals

### Subdivision Appeals:

*In accordance with the provisions of the Municipal Government Act, this Section of the Land Use Bylaw outlines the requirements and procedures for appeals to the Subdivision and Development Appeal Board.*

*The intent of this section is to inform applicants and the public of their rights and procedures pertaining to subdivision appeals.*

### Part 17 Appeals Section 678 (MGA)

(1) The decision of a subdivision authority on an application for subdivision approval may be appealed

(a) by the applicant for the approval,

(b) by a Government department if the application is required by the subdivision and development regulations to be referred to that department,

(c) by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the municipal planning commission of the municipality is not the subdivision authority, or

(d) by a school board with respect to

(i) the allocation of municipal reserve and school reserve or money in place of the reserve,

(ii) the location of school reserve allocated to it, or

(iii) the amount of school reserve or money in place of the reserve.

(2) An appeal under subsection (1) may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681

(a) with the Municipal Government Board

(i) if the land that is the subject of the application is within the Green Area as classified by the Minister responsible for the *Public Lands Act*,

(ii) if the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or

(iii) in any other circumstances described in the regulations under section

694(1)(h.2),

Or

(b) in all other cases, with the subdivision and development appeal board.

**(2.1)** Despite subsection (2)(a), if the land that is the subject-matter of the appeal would have been in an area described in subsection (2)(a) except that the affected Government department agreed, in writing, to vary the distance under the subdivision and development regulations, the notice of appeal must be filed with the subdivision and development appeal board.

**(3)** For the purpose of subsection (2), the date of receipt of the decision is deemed to be 7 days from the date the decision is mailed.

**(4)** A notice of appeal under this section must contain,

- (a) the legal description and municipal location, if applicable, of the land proposed to be subdivided, and
- (b) the reasons for appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

**(5)** If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

**Notice of hearing  
Section 679 (MGA)**

**(1)** The board hearing an appeal under section 678 must give at least 5 days' written notice of the hearing to

- (a) the applicant for subdivision approval,
- (b) the subdivision authority that made the decision,
- (c) if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality,
- (d) any school board to whom the application was referred, and
- (e) repealed 1996 c30 s66,
- (f) every Government department that was given a copy of the application pursuant to the subdivision and development regulations.

**(2)** The board hearing an appeal under section 678 must give at least 5 days' notice of the hearing in accordance with subsection (3) to owners of land that is adjacent to land that is the subject of the application.

**(3)** A notice under subsection (2) must be given in accordance with section 653(4.2).

**(3.1)** Subsections (1)(c), (d) and (f) and (2) do not apply to an appeal of the deemed refusal of an application under section 653.1(8).

**(4)** For the purposes of this section, “adjacent land” and “owner” have the same meanings as in section 653.

**Hearing and decision**  
**Section 680 (MGA)**

**(1)** The board hearing an appeal under section 678 is not required to hear from any person or entity other than

(a) a person or entity that was notified pursuant to section 679(1), and

(b) each owner of adjacent land to the land that is the subject of the appeal, or a person acting on any of those persons’ behalf.

**(1.1)** For the purposes of subsection (1), “adjacent land” and “owner” have the same meanings as in section 653.

**(2)** In determining an appeal, the board hearing the appeal

(a) must act in accordance with any applicable ALSA regional plan;

(a.1) must have regard to any statutory plan;

(b) must conform with the uses of land referred to in a land use bylaw;

(c) must be consistent with the land use policies;

(d) must have regard to but is not bound by the subdivision and development regulations;

(e) may confirm, revoke or vary the approval or decision or any condition imposed by the subdivision authority or make or substitute an approval, decision or condition of its own;

(f) may, in addition to the other powers it has, exercise the same power as a subdivision authority is permitted to exercise pursuant to this Part or the regulations or bylaws under this Part.

**(2.1)** In the case of an appeal of the deemed refusal of an application under section 653.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 653.1(2).

**(2.2)** Subsection (1)(b) does not apply to an appeal of the deemed refusal of an application under section 653.1(8).

**(3)** A subdivision and development appeal board hearing an appeal under section 678 must hold the hearing within 30 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

**(4)** The Municipal Government Board hearing an appeal under section 678 must hold the hearing within 60 days after receiving a notice of appeal and give a written decision together with the reasons for the decision within 15 days after concluding the hearing.

**Failure to make decision**  
**Section 681(MGA)**

(1) If a subdivision authority fails or refuses to make a decision on an application for subdivision approval within the time prescribed by the subdivision and development regulations, the applicant may, within 14 days after the expiration of the time prescribed,

(a) treat the application as refused and appeal it in accordance with section 678, or

(b) enter into a written agreement with the subdivision authority to extend the time prescribed in the subdivision and development regulations.

(2) If an agreement to extend is entered into pursuant to subsection (1)(b) and the subdivision authority fails or refuses to make a decision within the time prescribed in the agreement, the applicant may, within 14 days after the expiration of the extended period, treat the application as refused and appeal it in accordance with section 678.

(3) A subdivision authority may not deal with an application for subdivision approval after the expiration of the period of time prescribed in the subdivision and development regulations for making the decision unless an agreement is entered into pursuant to subsection (1)(b).

**Endorsement of subdivision plan**  
**Section 682 (MGA)**

(1) When on an appeal the Municipal Government Board or the subdivision and development appeal board approves an application for subdivision approval, the applicant must submit the plan of subdivision or other instrument to the subdivision authority from whom the appeal was made for endorsement by it.

(2) If a subdivision authority fails or refuses to endorse a plan of subdivision or other instrument submitted to it pursuant to subsection (1), the member of the board that heard the appeal who is authorized to endorse the instrument may do so.

## **PART 12: CONTRAVENTION, VIOLATIONS AND PENALTIES**

### **12.1 General**

1. The enforcement powers granted to the Development Authority under this Bylaw are in addition to any enforcement powers the Town or any of its officers may have under the Municipal Government Act or any other applicable legislation. The Development Authority may exercise all such powers concurrently.
2. The Council of the Town shall from time to time, taking into account social and economic factors including the resources available to it and the various demands made upon those resources by the residents of the Town, allocate resources to the Chief Administrative Officer, who shall then determine the extent of enforcement made under this Bylaw so as to optimize use of those resources.

### **12.2 Control of Nuisances**

1. In any land use district, no storage or activity may be undertaken that would, in the opinion of the Development Authority;
  - a) Unduly interfere with the amenities of the district, or
  - b) Materially interfere with or affect the use, enjoyment or value of adjacent or nearby properties, or
  - c) Constitutes a danger or annoyance to persons on the site, on a public property or on a site in the vicinity to it.

### **12.3 Violation Notices**

1. If a Development Authority or Enforcement Official finds a violation of this Bylaw, the Town shall notify either the owner of the land, the building or the structure, the person in possession of the land, building or structure, the person responsible for the violation or any or all of them, of the contravention of this Bylaw, by:
  - a) issuing them an order under Subsection 12.5; and/or
  - b) delivering a violation notice delivered either in person or by ordinary mail:
    - i. to the owner of the land, building or structure at the address listed on the tax roll for the land in question; or
    - ii. to the owner of the sign, at a location where the owner carries on business; or
    - iii. in the case of non-fixed signs, verbal notification to the sign owner; or
    - iv. by delivering a violation notice in person to the sign owner or by ordinary mail or by facsimile to an address where the sign owner carries on business.
  - c) such notice shall state the following:
    - i. nature of the violation of this Bylaw;
    - ii. corrective measures required to comply with this Bylaw; and
    - iii. time within which such corrective measures must be performed.

## 12.4 Offences

1. Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building, structure:
  - a) contravenes this Bylaw; or,
  - b) causes, allows or permits a contravention of any provision of this Bylaw;commits an offence.
2. It is an offence for any person;
  - a) to construct a building or structure;
  - b) to make an addition or alteration thereto; or
  - c) to place a sign;
  - d) to commence excavation on a site;

for which a development permit is required but has not been issued or is not valid under this Bylaw.

3. If the corrective measures described in a violation notice issued pursuant to Subsection 12.3 are not completed within the time specified by the violation notice, the person to whom the violation notice was issued is guilty of an offence and will be issued a violation ticket and shall pay the penalty amount specified in Schedule 12A to the Town.
4. It is an offence to display a non-fixed sign or fixed sign without a valid development permit.
5. It is an offence to have a sign in an abandoned state on a site.
6. It is an offence to use any property or building without a valid development permit where the use is listed as a permitted or discretionary use in the zoning classification regulations.
7. It is an offence to use any property or building without a valid development permit where the use is not listed as a permitted or discretionary use in the zoning classification regulations, unless the use is deemed to be legal non-conforming;
8. It is an offence to continue with a use or a development after a development permit has been revoked.
9. It is an offence to continue with a use or a development after a development permit has expired.
10. It is an offence to have a non-fixed sign that does not conform to sign regulations.

11. If a person does not comply with an order issued pursuant to this Bylaw or obstructs or hinders any person in exercise of the person's powers granted to them under this Bylaw, such person is guilty of an offence and subject to penalties as prescribed by the Court.

## **12.5 Orders**

1. If a Development Authority finds that a development, or land use or use of a building is not in accordance with:
  - a) the Act or regulations under the Act;
  - b) a development permit or a condition thereof;
  - c) a subdivision approval or condition thereof;
  - d) an agreement pursuant to a development permit or a subdivision approval;
  - e) this Bylaw, or
  - f) a violation ticket issued under this Part.

The Development Authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention of all or any 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 Act, regulations under Part 17 of the Act, this Bylaw, and a development permit or subdivision approval within the time specified by the notice.

## **12.6 Enforcement of Orders**

1. If a person fails or refuses to comply with:
  - a) an order directed to the person under Section 645 of the Act,
  - b) an order of the Subdivision and Development Appeal Board under Section 687 of the Act,

the Town may, in accordance with Section 542 of the Act, enter onto the land or building and take any necessary action to carry out an order.

2. The Town may register a caveat under the Land Titles Act with respect to the order, where a person fails or refuses to comply with the order, against the certificate of title for the land that is subject of the order.

3. Where the Council or a person acting under the authority of this Bylaw carries out an order under Section 646 of the Act, the expense and costs occurred in carrying out the order will be added to the tax roll of the parcel of land and deemed to be a tax from the date it was added to the tax roll and form a special lien against the parcel of land in favour of the Town.
4. If a person does not comply with an order issued pursuant to this Bylaw or obstructs or hinders any person in exercise of the person's powers granted to them under this Bylaw, such person is guilty of an offence and subject to penalties as prescribed by the Court.

## **12.7 Penalties**

1. A person who is found guilty of non-compliance with an order is liable to a fine of not more than \$10,000, or to imprisonment for not more than eighteen months, or to both fine and imprisonment.
2. Penalties imposed on a conviction of non-compliance with an order under this Bylaw are an amount owing to the Town.

## **12.8 Court Order to Comply**

1. If a person is found guilty of a non-compliance with an order, the court may, in addition to any other penalty imposed, order the person to comply with:
  - a) this Bylaw;
  - b) an order issued pursuant to this Bylaw;
  - c) a development permit or a condition of a development permit;
  - d) a subdivision approval or a condition of subdivision approval;
  - e) an agreement pursuant to a development permit or a subdivision approval;
  - f) a decision of the Subdivision and Development Appeal Board; or
  - g) a decision of the Municipal Government Board respecting a subdivision.

## **12.9 Cancellation of Permit**

1. The Development Authority may revoke a development permit where any person undertakes or causes or permits any development on a site contrary to the development permit.
2. The Development Authority shall notify the development permit holder and the owner of the land, building, structure or sign (if not the same) of the cancellation of the development permit. The revocation is effective upon receipt of the notice by the development permit holder.
3. Any person who undertakes, causes or allows any development after a development permit has been revoked shall discontinue such development forthwith and shall not resume such development unless a new development permit has been issued.



4. All developments continuing after the development permit has been revoked shall be deemed to be developments occurring without a development permit under this Section.
5. The Development Authority may cancel a development permit where required fees have not been received.

**Schedule 12A – Fines for Offences**

1. The following table indicates the fines for offences outlined in Subsection 12.3

<b>Failure to Comply with Violation Notice</b>	<b>12.3(3)</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Failing to obtain a Development Permit prior to development</b>	<b>12.3(2)</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Failing to obtain a Development Permit prior to commencing with a permitted or discretionary use of a property or building</b>	<b>12.3(6)</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Failing to obtain a Development Permit prior to commencing excavation</b>	<b>12.3(3)e</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Using a building for a property for a use that is not a permitted or discretionary use</b>	<b>12.3(7)</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Placement of a Sign without a valid development permit</b>	<b>12.3(2)c</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Displaying a Sign without a valid development permit</b>	<b>12.3(4)</b>	
First Offence		\$100.00
Second Offence		\$200.00
Third and Subsequent Offences		\$400.00
<b>Having an abandoned sign on a property</b>	<b>12.3(5)</b>	
First Offence		\$100.00
Second Offence		\$200.00
Third and Subsequent Offences		\$400.00
<b>Commencing with construction of a building, or structure without a valid Development Permit</b>	<b>12.3(2)a</b>	

First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Continuing with a Use or Development with an expired Development Permit</b>	<b>12.3(9)</b>	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
<b>Continuing with a Use or Development After Revocation of the Development Permit</b>	<b>12.3(8)</b>	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
<b>Non-compliance of a non-fixed sign with any prescribed regulations</b>	<b>12.3(10)</b>	
First Offence		\$100.00
Second Offence		\$200.00

## **PART 13: CLASSIFICATION OF LAND INTO LAND USE DISTRICTS**

### **13.1 The Land Use District Map**

1. The Land Use District Map, Part 13, Schedule A, divides the Town into land use classifications and specifies the land use classifications applying to particular lands. The map is for demonstrative purpose only.

### **13.2 Land Use District Boundaries**

1. Should uncertainty or dispute arise relative to the precise location of any Land Use Classification boundary, as depicted on the Land Use District Map, the location shall be determined by applying the following rules:
  - a) where a Land Use Classification boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof;
  - b) where a Land Use Classification boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the Land use classification for that portion of the Land Use Classification boundary which approximates the site boundary;
  - c) where a Land Use Classification boundary is shown approximately following Town limits, it shall be deemed to be following Town limits;
  - d) where a Land Use Classification boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof;
  - e) where a Land Use Classification boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;
  - f) where features on the ground are at variance with those shown on the Land Use District Map or in other circumstances not mentioned above, the Development Authority shall interpret the Land Use Classification boundaries. Any such decision may be appealed to the Subdivision and Development Appeal Board; and
  - g) where a Land Use Classification boundary is not located in conformity to the provisions of clauses (a) to (f) above, and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Land Use District Map or by measurements directly scaled from that map.

### **13.3 Street and Highway Boundaries**

1. Notwithstanding anything contained in this Bylaw, no Land Use classification shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by the CAO.
2. Where any public roadway is closed pursuant to the provisions of the Act, the land contained therein shall there upon be deemed to be classified as US – Urban Service until reclassified by an amendment to this Bylaw, or until such a time that the title for the closed road is consolidated with another property, in such the closed road shall be classified the same as the other property.



## **APPENDIX 1: SUBDIVISION AND DEVELOPMENT REGULATIONS SETBACKS**

### **Development Setback Distances**

#### **Setback Distance on an Easement/Utility Right-of-Way**

1. The applicant for a development permit is responsible to provide a copy of all registered utility right of way documents registered against the subject site.
2. Where a utility right of way is registered on the title of a property, no development permit will be issued for a building or use that contravenes the rights of the grantee within the utility right of way document unless written consent has been obtained from the grantee.
3. Where a historical utility right of way exists and there is no evidence of an operating underground or overhead utility within the right of way, the Development Authority can consider issuing a development permit after confirmation from all utility companies.
4. Where a known essential service utility main or primary line exists and no utility right of way is registered on the title of the property, the Development Authority may refuse or delay the approval of the application until an appropriate right of way is registered on the title of the property.
5. No building footing or cantilevered portion of the building or roof eave shall encroach into or above a utility right of way unless written consent has been obtained from the grantee.
6. Driveways, sidewalks, landscaping, fences and parking lots may be allowed on a utility right of way; however, are subject to compliance with the registered utility right of way documents.
7. Development near Pipeline and other utility corridor setback shall be sited to comply with all relevant Federal and Provincial legislation and regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy Regulator (AER) and Alberta Utilities Commission.
8. Building setbacks from a registered easements or right-of-way shall be no closer that 0.5m on any property except:
  - a) where ATCO Gas requires an easement to the building foundation for multi-family units where a bank of meters is required to be placed adjacent to or near the building wall. A 0.5m setback does not apply in this case.
9. All development adjacent to the railway right-of-way shall follow the guidelines for New Development in Proximity to Railway Operations. This is prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.

### **Setback Distance from Landfills and Solid Waste Sites**

1. In accordance with the Subdivision and Development Regulations:

A development authority shall not issue a development permit for a school, hospital, food establishment or residence, nor may a school, hospital, food establishment or residence be constructed if the building site;

- a) is within 450 metres of the working area of an operating landfill,
- b) is within 300 metres of the disposal area of an operating or non-operating landfill,
- c) is within 450 metres of the working area or disposal area of a non-operating hazardous waste management facility, is within 450 metres of the working area or disposal area of an operating hazardous waste management facility, or
- d) is within 300 metres of the disposal area of an operating storage site.

The requirements contained in subsections (a) to (d) may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Parks.

A consent may refer to applications for subdivision or development generally or to a specific application.

### **Setback Distance from Wastewater Treatment**

1. In accordance with the Subdivision and Development Regulations:

In this section, “working area” means those areas of a parcel of land that are currently being used or will be used for the processing of wastewater.

A development authority shall not issue a development permit for a school, hospital, food establishment or residence within 300 metres of the working area of an operating wastewater treatment plant nor may a school, hospital, food establishment or residence be constructed if the building site is within 300 metres of the working area of an operating wastewater treatment plant.

A development authority shall not issue a permit for the purposes of developing a wastewater treatment plant unless the working area of the wastewater treatment plant is situated at least 300 metres from the building site for an existing or a proposed school, hospital, food establishment or residence.

The requirements above may be varied by a subdivision authority or a development authority with the written consent of the Deputy Minister of Environment and Sustainable Resource Development.



### **Setback Distance from Oil and Gas Wells**

1. In accordance with the Subdivision and Development Regulations:

A subdivision application or a development application shall not be approved if it would result in a permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, being located within 100 metres of a gas or oil well or within a lesser distance approved in writing by the AER.

For the purposes of this section, distances are measured from the well head to the building or proposed building site.

In this section, "gas or oil well" does not include an abandoned well.

### **Setback Requirements in Respect to Abandoned Wells**

1. In accordance with the Subdivision and Development Regulations:

Application for development permit must include location of any abandoned wells;

2. An application for a development permit;
  - a) in respect of a new building that will be larger than 47 square metres, or
  - b) in respect of an addition to or an alteration of an existing building that will result in the building being larger than 47 square metres must include information provided by the AER identifying the location or confirming the absence of any abandoned wells within the parcel on which the building is to be constructed or, in the case of an addition, presently exists.
3. Subsection (1) does not apply if the information to be provided under subsection (1) was previously provided to the subdivision or development authority within one year prior to the application date.
4. Setback requirements in respect of abandoned wells;
  - a) Subject to section 1, an application for
  - b) a subdivision, other than a subdivision solely in respect of a lot line adjustment, or
  - c) a development permit in respect of a building referred to in section Section1(1)(a) or (b) made on or after the coming into force of this section shall not be approved if it would result in the building site or building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, Surface Development in Proximity to Abandoned Wells.
5. For the purposes of this section, distances are measured from the wellbore to the building site.

## **Transitional**

In this section, “existing building” means a building that exists on the date that this section comes into force.

An application for a development permit in respect of;

- a) an addition to or an alteration of;
  - i. an existing building that is larger than 47 square metres, or;
  - ii. an existing building that will result in the building being larger than 47 square metres, or
- b) a repair to or the rebuilding of an existing building larger than 47 square metres that is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation shall not be approved if it would result in the building being located within the minimum setback requirements in respect of an abandoned well as set out in AER Directive 079, Surface Development in Proximity to Abandoned Wells unless with respect to that building the development authority varies those minimum setback requirements after consulting with the well licensee, and the building will not encroach further onto the abandoned well.

## **Distance from Highway**

A subdivision authority shall not in a municipality other than a city approve an application for subdivision if the land that is the subject of the application is within 1.6 kilometres of the centre line of a highway right of way unless;

- a) the land is to be used for agricultural purposes on parcels that are 16 hectares or greater,
- b) a single parcel of land is to be created from an un-subdivided quarter section to accommodate an existing residence and related improvements if that use complies with the land use bylaw,
- c) an undeveloped single residential parcel is to be created from an un-subdivided quarter section and is located at least 300 metres from the right of way of a highway if that use complies with the land use bylaw,
- d) the land is contained within an area where the municipality and the Minister of Transportation have a highway vicinity management agreement and the proposed use of the land is permitted under that agreement, or
- e) the land is contained within an area structure plan satisfactory to the Minister of Transportation at the time of the application for subdivision and the proposed use of the land is permitted under that plan.