

**TOWN OF DRUMHELLER
BYLAW NUMBER 18.21**

Amends Bylaw 16.20

BEING A BYLAW OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA TO
AMEND LAND USE BYLAW 16.20

WHEREAS, pursuant to the provisions of Clause 639 of the Municipal Government Act, RSA 2000, c.M. 26, the Council of the Town of Drumheller (hereinafter called the Council, has adopted Land Use Bylaw 16.20;

AND WHEREAS the Council deems it desirable to amend Land Use Bylaw 16.20;

AND WHEREAS, a notice was published once a week for two consecutive weeks on August 11, 2021, and again on August 18, 2021 the last of such publications being at least five days before the day fixed for the passing of this Bylaw, including the date and location of a public hearing meeting where concern can be heard; and

NOW THEREFORE the Council hereby amends Land Use Bylaw 16.20 as follows:

SHORT TITLE

1. This Bylaw may be referred to as Amending LUB 2021-A Bylaw 18.21.

PART 1

Land Use Bylaw Section 2 – Maps and Overlays

The following items need to be added to Clause 2.5:

1. The following wording is hereby added to Clause 2.5.2 (9): “Notwithstanding the Flood Hazard Overlay maps contained within this Bylaw, for certainty each development and subdivision application shall be reviewed against the Government of Alberta Floodplain mapping and existing protection reviewed to confirm the suitability of the site for development.”
2. Add Clause 2.5.2 (10): “No subdivision of any parcel greater than 1.2 hectares shall be approved unless undertaken in conformity with an approved Area Structure Plan, or if the development is considered *infill*.”
3. Clause 2.5.4 (4) is hereby deleted and replaced with the following wording: “An application for a **development permit** for a **parcel** located within the Protected Zone must be accompanied by a report prepared by a qualified professional demonstrating how the regulations of the Flood Hazard Overlay and the **flood construction level** are met.

PART 2

Land Use Bylaw Section 3 – Land Use Districts.

The following items need to be added as noted below:

4. Under the Specific Use Standards section, add the following wording to **Clause 3.1.1 (12) Restricted Substance Retail** (b): “Restricted Substance Retail for the sale of liquor

shall not be located closer than 150 metres to any school or public park at the time of the Development Permit application as measured from the closest point of the subject **Parcel** boundary to the closest point of proposed **Parcel** boundary and must not be located within 300 metres of any other liquor store, when measured from the closest point of an existing liquor store to the closest point of the proposed liquor store.”

5. The following wording is hereby added as **Clause 3.1.1 (14) Tourist Dwelling (d)**: “A development permit for a Tourist Dwelling may be revoked at any time if, in the opinion of the Development Authority, the operator of the Tourist Dwelling has violated any provisions of the Bylaw and/or the conditions of the development permit.”
6. **Clause 3.1.1** – the following definitions to be inserted in alphabetical order in Specific Use Standards and added into Use Categories in Districts:

Accessory Building – Portable shall meet the setback requirements for an accessory building in the appropriate district, while meeting all the requirements of the Alberta Safety Code. Accessory Buildings – Portable may only be erected between October-April unless otherwise approved by the Development Authority. (Discretionary Use)

Storage Structure - A storage structure shall meet the setback requirements for an accessory building in the appropriate district. A storage structure shall not be permitted in residential parcels or where the primary land use of a parcel is residential. A storage structure shall be screened from view and may require exterior finishing to be in general conformance with the principal building or surrounding development. Shall not be used as a sign. A storage structure may be approved on a temporary basis by the Development Authority (Discretionary Use).

Home Occupation – Rural - (f) If the holder of any Home Occupation Development Permit relocates within the municipality, a new Development Permit is required for the new location.

Home Occupation – Urban - (f) If the holder of any Home Occupation Development Permit relocates within the municipality, a new Development Permit is required for the new location.

7. In the Rural Development District, under Additional Standards, add **Clause 3.3.9 (1) (b) Subdivision** is hereby amended to state that “A **subdivision** may require an approved **Area Structure Plan** and/or **Concept Plan** at the discretion of the Subdivision/Development Authority.”
8. In the Downtown District amend **Clause 3.7.2 (1)** by adding “Single detached dwelling” as a discretionary use.
9. In the Downtown District **Clause 3.7.3 (1)** is hereby deleted and replaced with the following wording: “Buildings with 1 **Dwelling Unit** or in the form of a single detached dwelling are a discretionary use and shall be limited to locations in proximity to similar structures.”

PART 3

Land Use Bylaw Section 4 – Signs.

The following items need to be changed as noted below:

10. Clause 4.1.2 is hereby removed and replaced with: "All signs must be erected on or directly in front of the **site** to which they relate except for Billboard Signs and Bench Signs."

11. Add Clause 4.1.15 "No signs shall be permitted within the Municipality's boundaries that are attached to or mounted on permanently fixed or stationary transport trailers, vehicles, or shipping containers **unless the unit is occupied by an active business.**"

12. Add Clause 4.1.16 "Signs may be illuminated by a constant source of dimmable light, but shall not be lit by flashing, electronic, animated, intermittent or rotating lights. The design and installation of the lighting shall ensure no element of the light connection is visible to a pedestrian."

13. Insert Clause **4.8 BILLBOARD SIGNS** and add the following sub clauses:

"Billboard signs may be permitted within the Tourism Corridor (TCD) or Rural Development District (RDD) provided that;

"4.8.1 Only 1 **billboard sign** may be erected along each of a **site's parcel boundaries** shared with a **street**.

4.8.2 The maximum height shall be 9 metres and the maximum area shall be 23 square metres.

4.8.3 Minimum vertical clearance beneath a billboard: 3.0 m

4.8.4 Billboard Signs shall be separated from each other by a minimum distance **100 metres of;**

- **300metres where the posted speed is 100 km/h**
- **150 meters where the posted speed is 70 km/hr**
- **50 meters where the posted speed is 50 km/hr**

4.8.5 Billboards may be illuminated by a constant source of light, but shall not be lit by flashing, electronic, animated, intermittent or rotating lights;

~~4.8.6 Billboards shall not have variable or changing messages, or any moving or rotating parts~~

4.8.7 A Billboard may be erected on a site that is not associated with the development, with landowner consent

4.8.8 No **Billboard Sign** shall be placed in such proximity to the Badlands District (BD) that it would detract from the natural aesthetics and intent of the Badlands District (BD).

4.8.9 No Billboard Sign larger than 1.2 metres by 2.4 metres shall be placed within 200 meters of any parcel zoned within the Neighborhood District (ND).

14. Insert Clause **4.9 BENCH SIGNS** and add the following sub clauses:

4.9.1 All Bench Signs shall be placed at least 100m from any existing bench sign.

4.9.2 No **Bench Sign** shall be erected on municipal right of way

4.9.3 Only 1 **bench sign** may be erected along each of a **site's parcel boundaries** shared with a **street**.

4.9.4 Bench signs shall be located adjacent to a building, a public sidewalk or pedestrian trail and in an area where pedestrian foot traffic is expected, though not impede access to any building, a public sidewalk or pedestrian trails.

4.9.5 Orientation of bench signs along a public street shall be parallel to the street.

4.9.6 Bench design should emphasize; comfort, ease of maintenance, durable finish and resistance to vandalism."

15. With the addition of Clause **4.8 Billboard Signs** and **4.9 Bench Signs**, renumber existing Clause **4.8 Signs not Requiring a Development Permit**, and following subsections, will be renumbered as **Clause 4.10**.

PART 4

Land Use Bylaw Section 5 – Administration.

The following items need to be changed as noted below:

16. Clause 5.10 (18) is hereby deleted and replaced with the following wording: “The construction of a deck or patio with a surface height 0.6 metres or less above **grade** at any point.”
17. Clause 5.10.2 (5) is hereby deleted and replaced with “The erection, construction, maintenance, improvement or any other alterations of gates, fences, walls, or other means of enclosure shall conform to heights outlined within the *Screening, Fences and Hedges* within the applicable Land Use District,”
18. Add Clause 5.14.3:
“In addition to the application of conditions on a Development Permit, the Development Authority may also include **General Requirements** as an addendum to the notice of decision.”

PART 5

Land Use Bylaw Section 6 – Interpretation and Definition.

The following definitions shall be modified or inserted in alphabetical order in 6.2 DEFINITIONS and added into Use Categories in Districts as applicable:

Accessory Building – Portable means a **temporary** structure designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film, which shall meet all the requirements of the Alberta Safety Code. Accessory Buildings – Portable may only be erected between October-April unless otherwise approved by the Development Authority.

Bench Sign – means a sign which is placed or erected on an immobile seat. That advertises goods, products, services or facilities which directs persons to a different location from the site where the Sign is located.

Billboard Sign – means a sign placed adjacent to, though not within, the Right-of-way that is designed and intended to provide a leasable advertising copy area on one or both sides. That advertises goods, products, services or facilities which directs persons to a different location from the site where the Sign is located.

Brewery/Distillery – means a facility licensed by the Alberta Gaming and Liquor Commission where beer, spirits and other alcoholic beverages are manufactured and may include the retail sale of products made on the premises for consumption off the premises. A Brewery/Distillery may include an area where products made on the

premises are sold or provided to the public for consumption on the premises but are not considered a Drinking Establishment. (Downtown District & Employment District)

Deck – means an uncovered horizontal **structure** at or below the main floor level of a building that is intended for use as an outdoor amenity space, but does not include balcony.

Discretionary Use – means a use of land, **building**, or **structures** for which a **development permit** may be issued, with or without conditions, at the discretion of the **Development Authority**.

Entertainment Facility – means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a live theatre, dance club, cinema but does not include Adult Entertainment.

Fascia Sign – means a **sign** attached to, marked, or inscribed on and parallel to the face of a **building** wall but does not include a **billboard sign**.

Freestanding Sign – means a **sign** that is supported independently of a **building** wall or **structure** but does not include a **billboard sign**.

General Requirements – means additional clauses outlined within an approved Development Permit not otherwise applicable to conditions, that may include but not limited to, reminders of other Municipal, Provincial, Federal legislation, or recommendations from the Town not otherwise stated within this Land Use Bylaw.

Infill – means the insertion of new development into an existing subdivision or neighbourhood that does not represent an extension or expansion to the developed area of the community, and generally does not require the extension of municipal services or the construction of a new road to reach the site.

Patio – means an uncovered horizontal **structure** with a surface height, at any point, no greater than 0.60 metres above grade and is intended as an outdoor amenity space.

Permitted Use – means a use of land, **building**, or **structures** for which a **development permit** shall be issued, with or without conditions, by the **Development Authority**.

Qualified professional – means a person who by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and

experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work or the project, and assumes responsibility for the results of the work. Without limiting the generality of the foregoing, this shall include land surveyors, professional planners, architects, and engineers.

Single Detached Dwelling – means a use where a building contains only one dwelling unit.

Storage Structure – A storage structure may be in the form of a shipping container, trailer or other structure. Shall not be connected to utilities. A storage structure may be approved on a temporary basis.

PART 6

IDENTIFIED TYPOGRAPHICAL ERRORS

Identified typographical errors include but not limited to;

- a) Clause 3.6.3 (1) - replace "Accessory Building" with "Car Wash"
- b) Clause 3.8.3 (2) - replace "Accessory Building" with "Car Wash"
- c) Clause 3.9.3 (1) - replace "Accessory Building" with "Car Wash"
- d) Clause 5.10.2 (12) - replace "for residential purposes" with "as a Dwelling Unit"
- e) Clause 3.5.1- replace "3.4.2" with "3.5.2"
- f) Clause 3.4.10(4) replace "3.3.2" with "3.4.2"
- g) Clause 3.5.8 (1) - replace "3.4.2" with "3.5.2"
- h) Clause 3.6.8- replace "3.5.2" with "3.6.2"
- i) Clause 3.7.7 (1) - replace "3.6.2" with "3.7.2"

PART 7

TRANSITIONAL

- a) Town of Drumheller Bylaw 16.20 is hereby amended.
- b) Bylaw 18.21 comes into force on the date of the third and final reading.

READ A FIRST TIME THIS 9th DAY OF AUGUST, 2021

Public Hearing held August 23rd, 2021

READ A SECOND TIME THIS 13th DAY OF SEPTEMBER, 2021

READ A THIRD TIME AND PASSED THIS 13th DAY OF SEPTEMBER, 2021.

MAYOR

CHIEF ADMINISTRATIVE OFFICER