

Town of Drumheller

Land Use Bylaw

Draft, November 9, 2020

DRAFT

CONTENTS

PART 1: PURPOSE & AUTHORITY	4
1.1. GENERAL PURPOSE	4
1.2. AUTHORITY	4
1.3. APPLICABILITY	4
1.4. TRANSITION	4
PART 2: MAPS & OVERLAYS	5
2.1. LAND USE MAPS	5
2.2. OVERLAYS OVERVIEW	10
2.3. DEVELOPMENT OPPORTUNITY OVERLAY	10
2.4. WAYNE VALLEY NEIGHBOURHOOD OVERLAY	10
2.5. FLOOD HAZARD OVERLAY	12
PART 3: LAND USE DISTRICTS	18
3.1. RULES THAT APPLY TO ALL LAND USE DISTRICTS	18
3.2. BADLANDS DISTRICT	26
3.2. RURAL DEVELOPMENT DISTRICT	27
3.3. COUNTRYSIDE DISTRICT	31
3.4. NEIGHBOURHOOD DISTRICT	36
3.5. NEIGHBOURHOOD CENTRE DISTRICT	42
3.6. DOWNTOWN DISTRICT	48
3.7. TOURISM CORRIDOR DISTRICT	54
3.8. EMPLOYMENT DISTRICT	60
PART 4: SIGNS	65
4.1. GENERAL REQUIREMENTS FOR SIGNS	65
4.2. FREESTANDING SIGNS	66
4.3. FASCIA SIGNS	66
4.4. PROJECTING SIGNS	66
4.5. ROOFTOP SIGNS	67
4.6. PORTABLE SIGNS	67
4.7. A-BOARD SIGNS	67
4.8. SIGNS NOT REQUIRING A DEVELOPMENT PERMIT	68
PART 5: ADMINISTRATION	69

5.1	DEVELOPMENT AUTHORITY	69
5.2	DEVELOPMENT OFFICER.....	69
5.3	SUBDIVISION AUTHORITY	70
5.4	MUNICIPAL PLANNING COMMISSION	71
5.5	VARIANCE POWERS	71
5.6	SUBDIVISION AND DEVELOPMENT APPEAL BOARD	71
5.7	AMENDMENTS TO THIS BYLAW	72
5.8	SUBDIVISION APPLICATIONS	73
5.9	SUBDIVISION AGREEMENT	75
5.10	WHEN A DEVELOPMENT PERMIT IS NOT REQUIRED.....	75
5.11	DEVELOPMENT PERMIT APPLICATIONS.....	76
5.12	APPLICATION NOTIFICATION REQUIREMENTS.....	79
5.13	DEVELOPMENT AGREEMENT FOR DEVELOPMENT PERMITS	79
5.14	CONDITIONS OF DEVELOPMENT PERMIT	80
5.15	NOTICE OF DECISION.....	80
5.16	PERMIT VALIDITY	81
5.17	APPEALS	82
5.18	FORMS, NOTICES, OR ACKNOWLEDGEMENTS	82
5.19	NON-CONFORMING USES AND BUILDINGS.....	82
5.20	CONTRAVENTION	83
5.21	RIGHT OF ENTRY	83
5.22	VIOLATION TAGS.....	84
5.23	FINES	84
5.24	STOP ORDERS	85
	PART 6: INTERPRETATION & DEFINITIONS	86
6.1	RULES OF INTERPRETATION	86
6.2	DEFINITIONS.....	86

PART 1: PURPOSE & AUTHORITY

1.1. GENERAL PURPOSE

- 1.1.1 The purpose of this **Bylaw**, entitled the **Town of Drumheller Land Use Bylaw** is to regulate the **use** and **development** of land and **buildings** in the Town of Drumheller pursuant to Part 17 of the **Act**. This **Bylaw** strives to enable sustainable **development** and all planning applications, including land **use**, **subdivision**, and **development permit** applications will be evaluated using the principles of the **Municipal Development Plan**.

1.2. AUTHORITY

- 1.2.1 The action of the **Town**, in the adoption of this **Bylaw**, is authorized under the **Act**, as amended.
- 1.2.2 No person shall commence any **development** within the town except in compliance with this **Bylaw**.
- 1.2.3 This **Bylaw** is implemented to advance the vision, principles, and policies established in the **Municipal Development Plan** and any other **Statutory Plan** or non-**Statutory Plan**.

1.3. APPLICABILITY

- 1.3.1 The provisions of this **Bylaw** apply to all lands and **buildings** within the boundaries of the town, pursuant to Part 17 of the **Act**.
- 1.3.2 Compliance with the requirements of this **Bylaw** does not exempt any person from the requirements of any **Statutory Plan**.
- 1.3.3 Nothing in this **Bylaw** exempts a person from obtaining a **development permit** as required by this or any other **Bylaw**.
- 1.3.4 In addition to the requirements of this **Bylaw**, a person is required to comply with all federal, provincial, and other municipal legislation.
- 1.3.5 The provisions for this **Bylaw**, when in conflict, shall take precedence over those of other municipal Bylaws.

1.4. TRANSITION

- 1.4.1 This **Bylaw** shall come into force and take effect on January 1, 2020. Land Use Bylaw 10-08, as amended, is hereby repealed.
- 1.4.2 Applications for **subdivision** or **development** which were submitted prior to adoption of this **Bylaw** shall be evaluated under the provisions of Land Use Bylaw 10-08, as amended.

PART 2: MAPS & OVERLAYS

2.1 LAND USE MAPS

2.1.1 The **Town** is hereby divided into the following 8 Land Use Districts:

- (1) Badlands District
- (2) Rural Development District
- (3) Countryside District
- (4) Neighbourhood District
- (5) Neighbourhood Centre District
- (6) Downtown District
- (7) Tourism Corridor District
- (8) Employment District

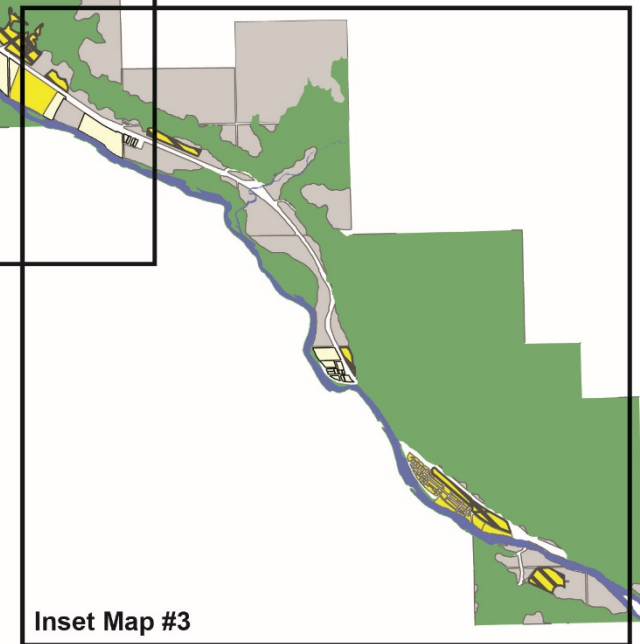
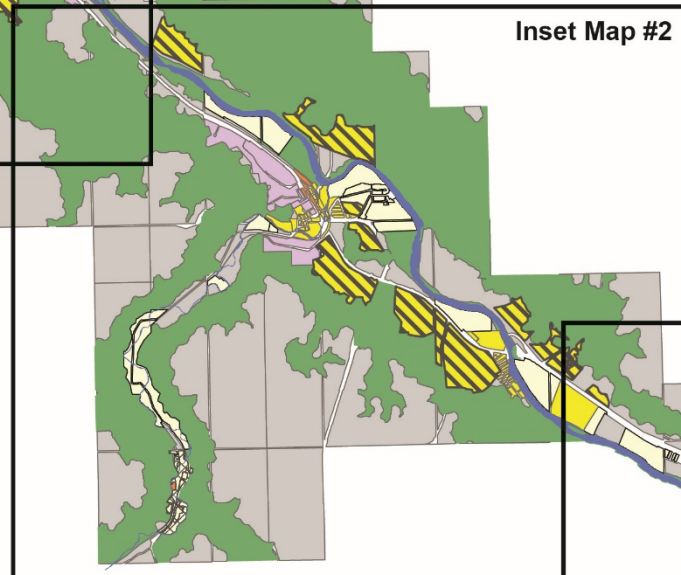
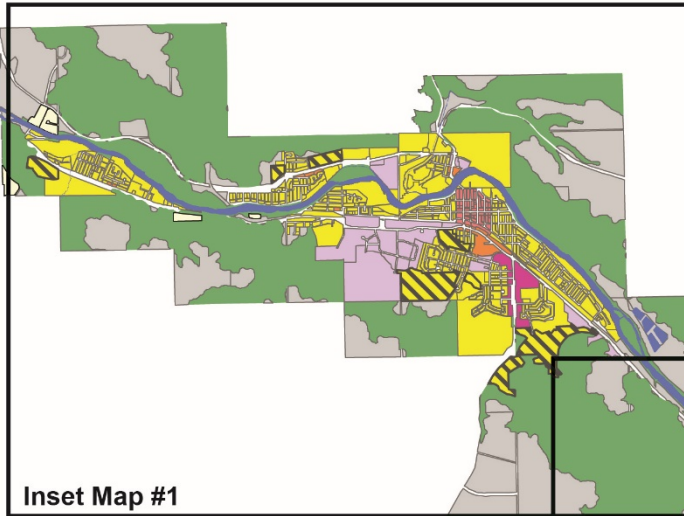
2.1.2 The Land Use Districts listed in Section 2.1.1 are delineated on the map in this Section, which shall be known as the “Land Use Map”.

2.1.3 The Land Use Map may be amended or replaced by bylaw from time to time.

2.1.4 Where the location of a **district** boundary on the Land Use Map is not clearly understood, the following rules shall apply:

- 1) A boundary shown as approximately following a **parcel boundary** shall be deemed to follow the **parcel boundary**.
- 2) A boundary shown as following a road, **lane**, railway, stream, or canal shall be deemed to follow the centre line thereof.
- 3) **District** boundaries not referenced specifically in **subsections 2.1.4(1)** and **2.1.4(2)** shall be determined on the basis of the scale of the Land Use Map.
- 4) A boundary location which cannot be resolved shall be referred to the **Development Authority** to decide on the boundary location.

Key Map





Legend

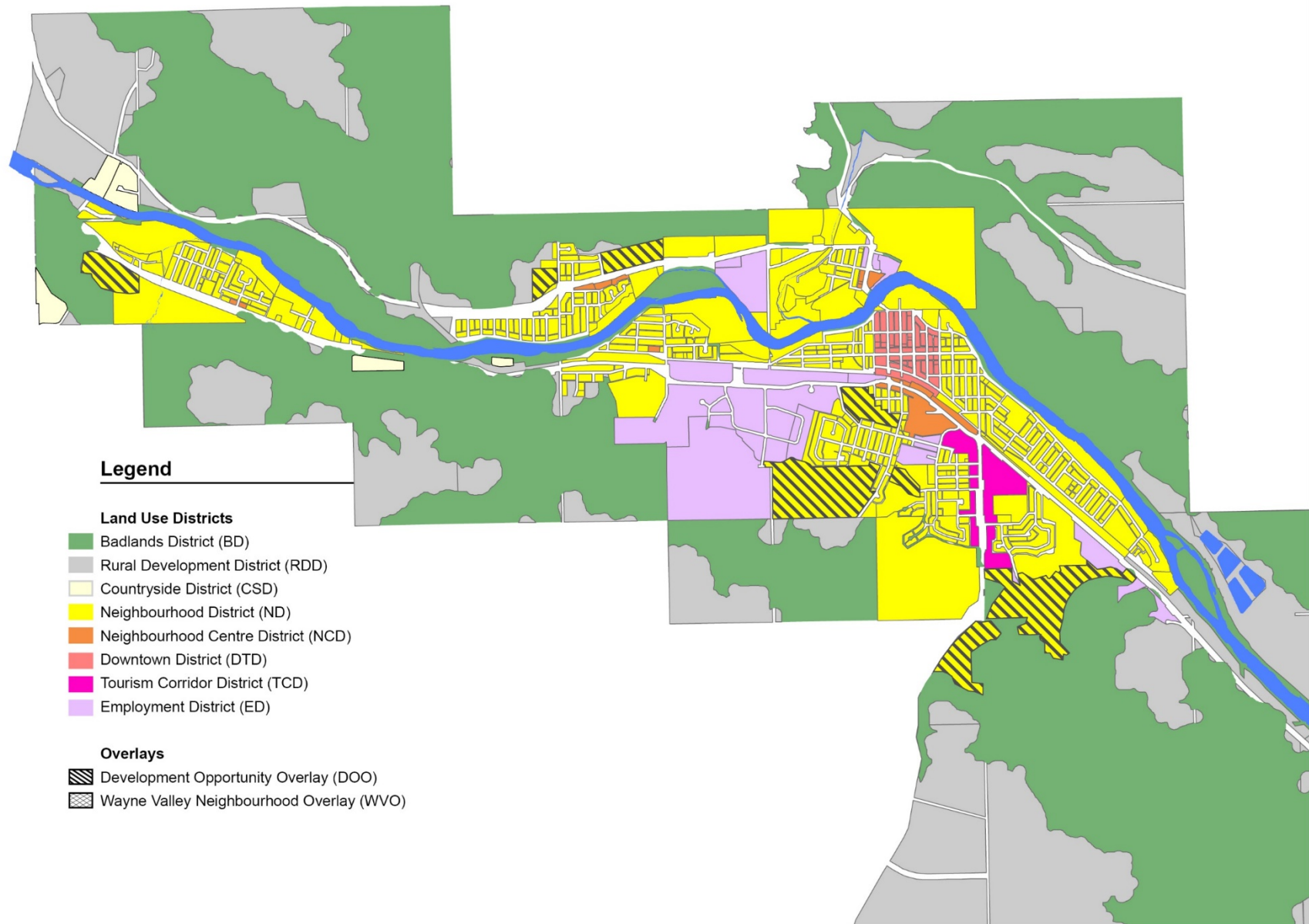
Land Use Districts

-  Badlands District (BD)
-  Rural Development District (RDD)
-  Countryside District (CSD)
-  Neighbourhood District (ND)
-  Neighbourhood Centre District (NCD)
-  Downtown District (DTD)
-  Tourism Corridor District (TCD)
-  Employment District (ED)

Overlays

-  Development Opportunity Overlay (DOO)
-  Wayne Valley Neighbourhood Overlay (WVO)

Inset Map #1



Inset Map #2

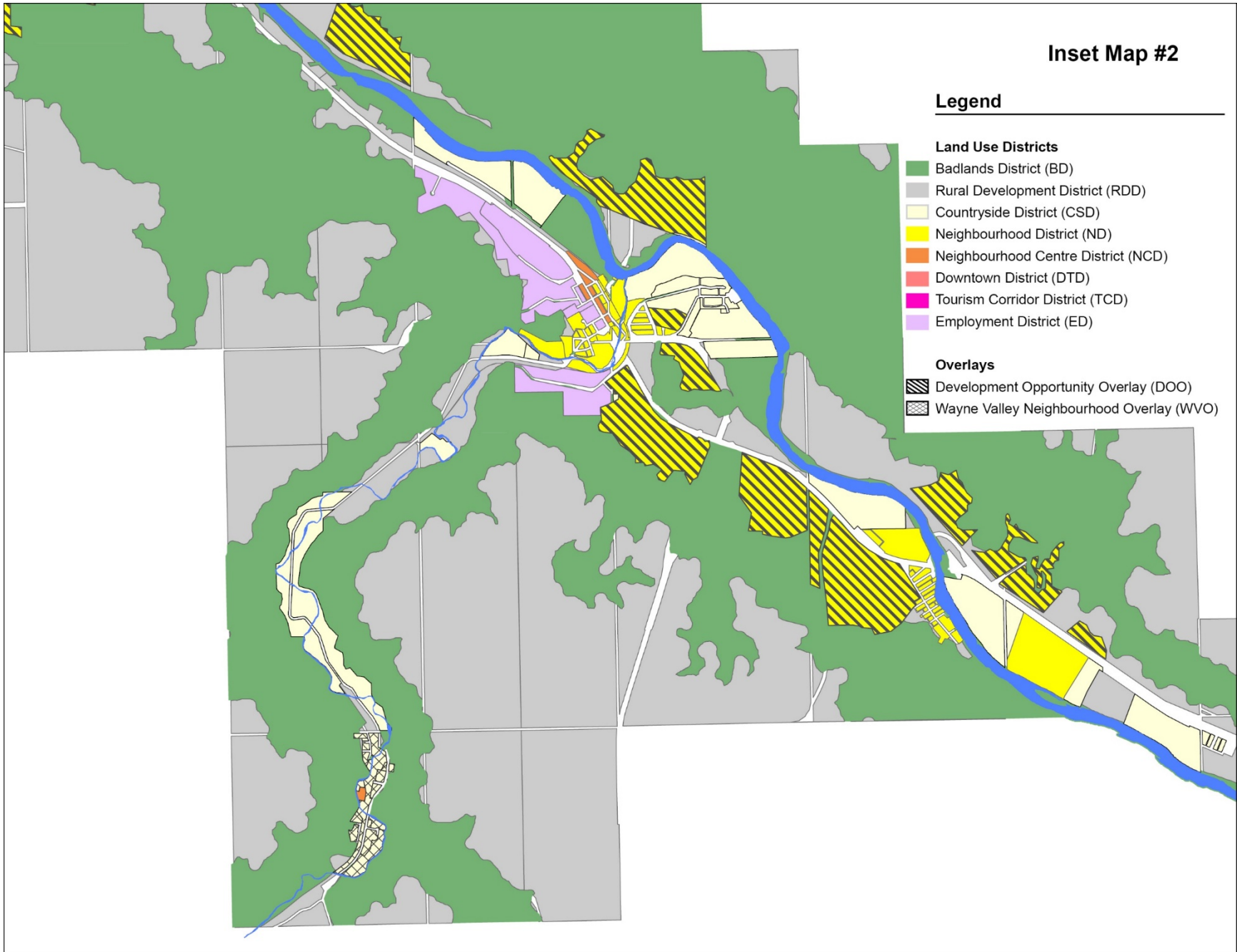
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Overlays

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Inset Map #3

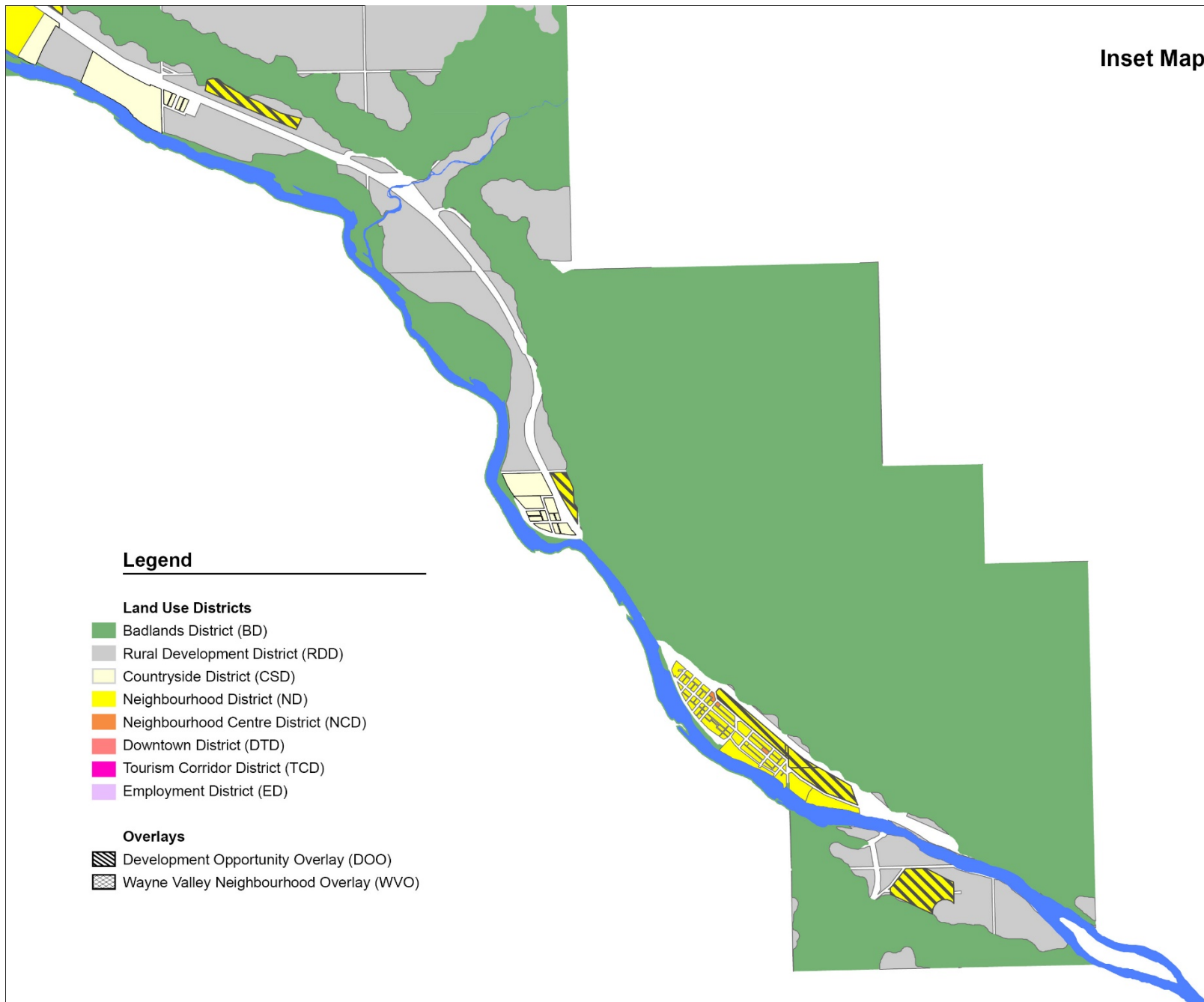
Legend

Land Use Districts

-  Badlands District (BD)
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Overlays

-  Development Opportunity Overlay (DOO)
-  Wayne Valley Neighbourhood Overlay (WVO)



2.2 OVERLAYS OVERVIEW

2.2.1 Purpose

- 2.2.1.1 The purpose of an **overlay** is to facilitate the implementation of specific goals and objectives contained in the **Municipal Development Plan**, including protecting **development** from environmental hazards and vice versa and identifying opportunities for growth and **development**.
- 2.2.1.2 The regulations established within an **overlay** apply in addition to the regulations of the underlying Land Use District.
- 2.2.1.3 Only those regulations explicitly addressed in an **overlay** are impacted by the **overlay**. All remaining regulations from the underlying Land Use District remain in effect.
- 2.2.1.4 If there is a conflict between the regulations of an **overlay** and the underlying Land Use District, the **overlay** shall take precedence.
- 2.2.1.5 Lands subject to an **overlay** are indicated on the maps provided in this section of the **Bylaw**.

2.3 DEVELOPMENT OPPORTUNITY OVERLAY

2.3.1 General Intent

To identify lands within the **Town** that are suitable for growth and **development**.

2.3.2 Uses and Regulations

- 2.3.2.1 **Uses** lawfully existing at the date of adoption of this **Bylaw** are permitted to continue.
- 2.3.2.2 No **Subdivision** and **development** is allowed without an approved **Area Structure Plan**.
- 2.3.2.3 Following the approval of an **Area Structure Plan** by the **Development Authority**, the **uses** and regulations of the underlying Land Use District shall apply.

2.4 WAYNE VALLEY NEIGHBOURHOOD OVERLAY

2.4.1 General Intent

The following alternate regulations shall apply to all **parcels** located within the Wayne Valley Neighbourhood Overlay identified on the Land Use Map. The purpose of the Wayne Valley Neighbourhood Overlay is to retain the unique characteristics of the Wayne Valley.

2.4.2 Parcel Width Standards

Parcel Width	No minimum
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2.4.3 Setbacks for Principal Buildings

(a) Front Setback	Minimum 6 metres
(b) Secondary Front Setback	Minimum 4.5 metres
(c) Side Setback	Minimum 1.5 metres
(d) Rear Setback	Minimum 7.5 metres

2.4.4 Setbacks for Accessory Buildings

(a) Front Setback	Minimum 6 metres
(b) Secondary Front Setback	Minimum 4.5 metres
(c) Side Setback	Minimum 1 metre
(d) Rear Setback	Minimum 1 metre

2.4.5 Parcel Coverage Standards

Parcel Coverage	No maximum
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2.4.6 Building Height Standards

(a) Principal Building	Maximum 11 metres
(b) Accessory Building	Maximum 7.5 metres
(c) Additional Building Height Standards	i. There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.4.3.

2.5 FLOOD HAZARD OVERLAY

2.5.1 General Intent

To identify lands within the **Town** that are susceptible to flooding during high water events and to regulate the **use** and **development** of land within areas susceptible to flooding.

2.5.2 General Regulations

The following regulations apply to all lands within the Flood Hazard Overlay, as identified on the Flood Hazard Overlay Map.

- 2.5.2.1 Lands subject to the Flood Hazard Overlay are identified on the Flood Hazard Overlay Map and are further delineated as being subject to either the Conveyance Zone or the Protected Zone.
- 2.5.2.2 The elevation of the **flood construction level** is variable along the length of the Valley and is determined by the interpolation of **flood construction level** contours.
- 2.5.2.3 No **habitable area** within a **building** or **structure** shall be constructed, reconstructed, altered, moved, or extended below the specified elevation of the **flood construction level**.
- 2.5.2.4 No new **Temporary Dwelling Units** shall be constructed within the Flood Hazard Overlay.
- 2.5.2.5 No new **Cemeteries** shall be constructed within the Flood Hazard Overlay.
- 2.5.2.6 All electrical, heating, air conditioning, and other mechanical equipment shall be located at or above the specified elevation of the **flood construction level**.
- 2.5.2.7 **Outdoor storage** of chemicals, explosives, flammable liquids, and/or toxic or waste materials that cannot be readily removed in the event of a flood is prohibited.
- 2.5.2.8 All **buildings** and **structures** within the Flood Hazard Overlay shall be **setback** by a minimum of 7.5 metres from the toe or base of a flood mitigation structure.
- 2.5.2.9 Subsequent to a flood mitigation structure being constructed to protect lands within the Flood Hazard Overlay, and upon confirmation by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta that the lands are protected to the specified elevation of the **flood construction level**, the **Town** may amend the Flood Hazard Overlay Map to remove areas that are appropriately protected.

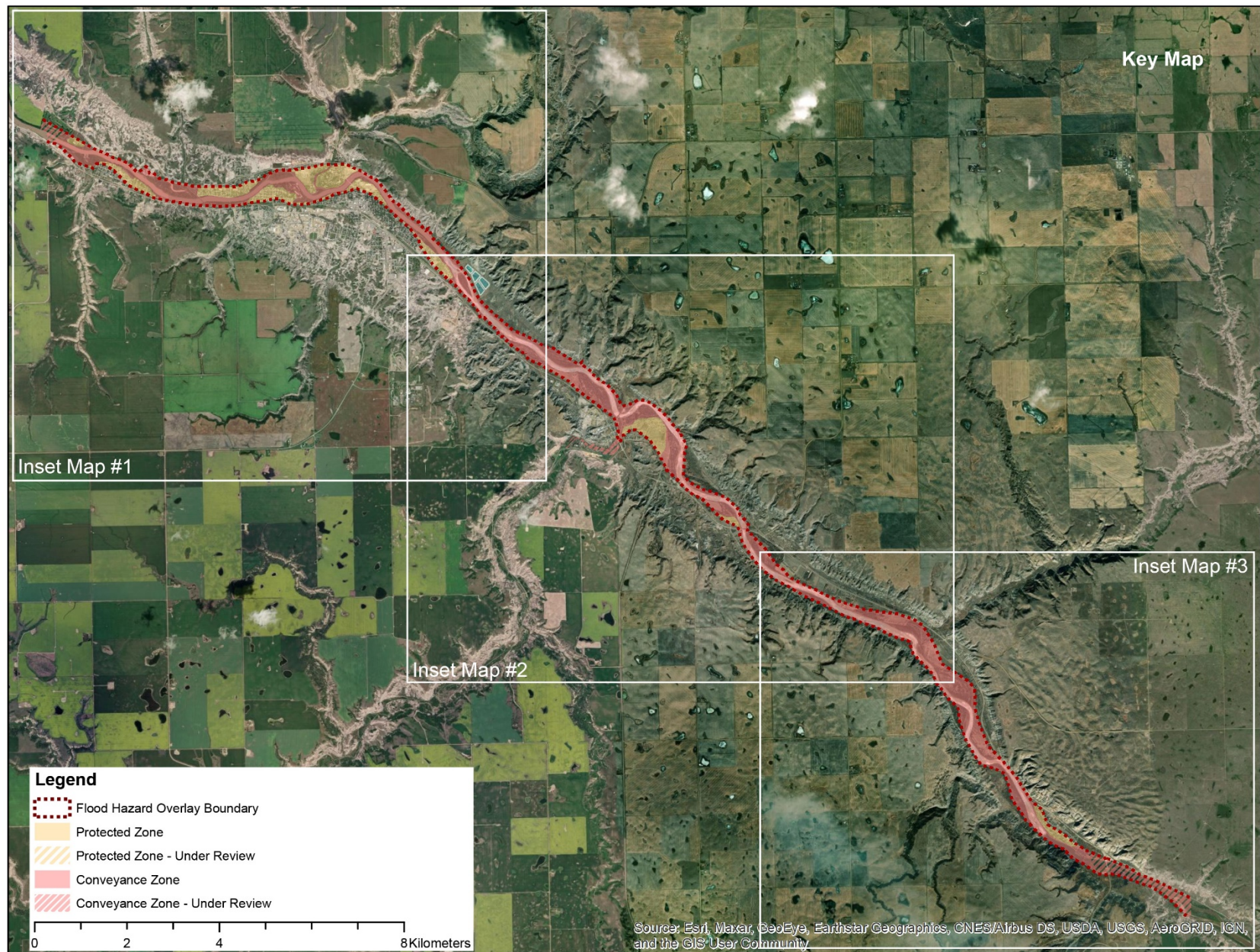
2.5.3 Conveyance Zone Uses and Regulations

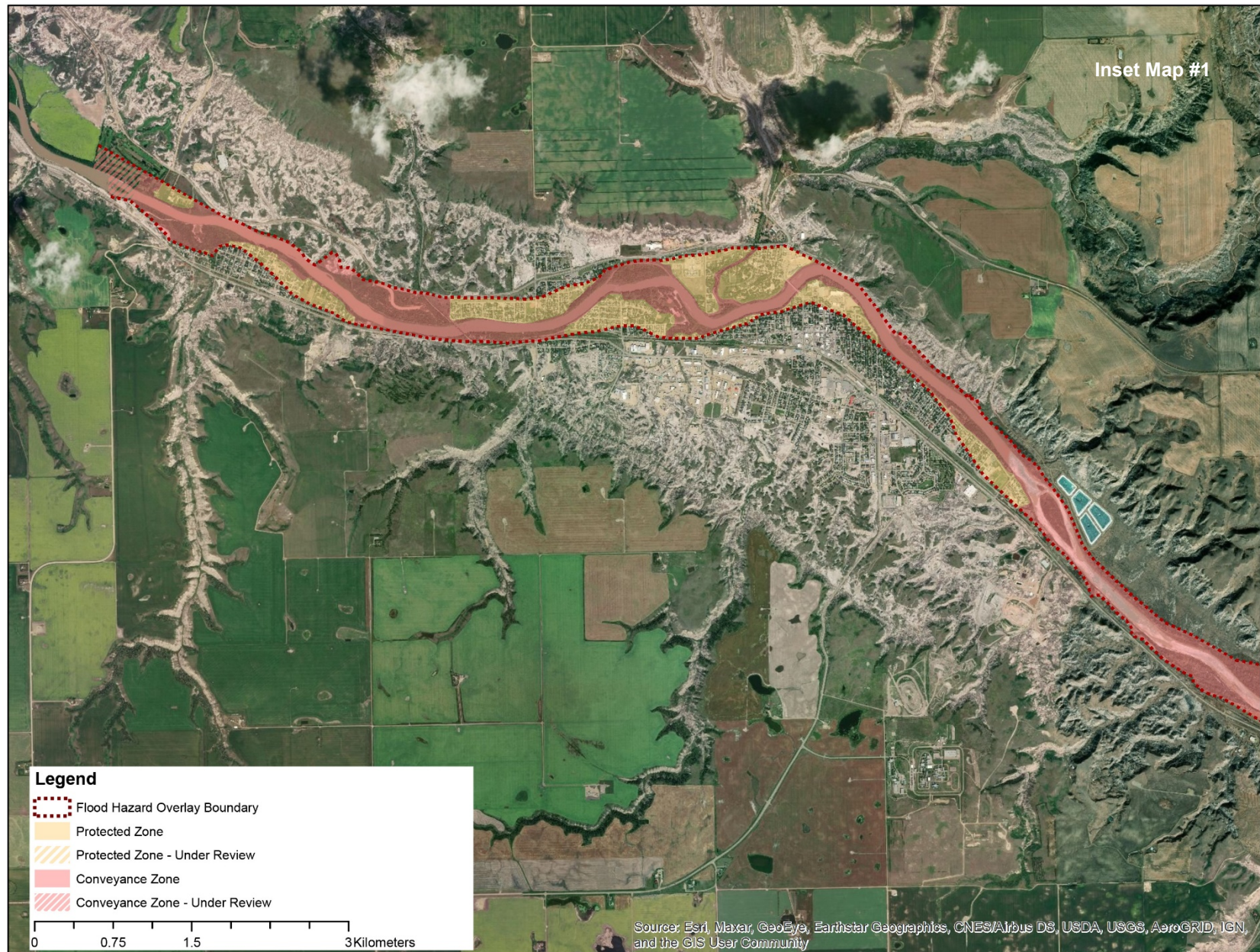
- 2.5.3.1 The following **uses** shall be allowed in the Conveyance Zone, when listed as a **permitted use** or **discretionary use** in the underlying Land Use District:
 - i. **Agriculture – General**
 - ii. **Recreation – Non-Intensive**

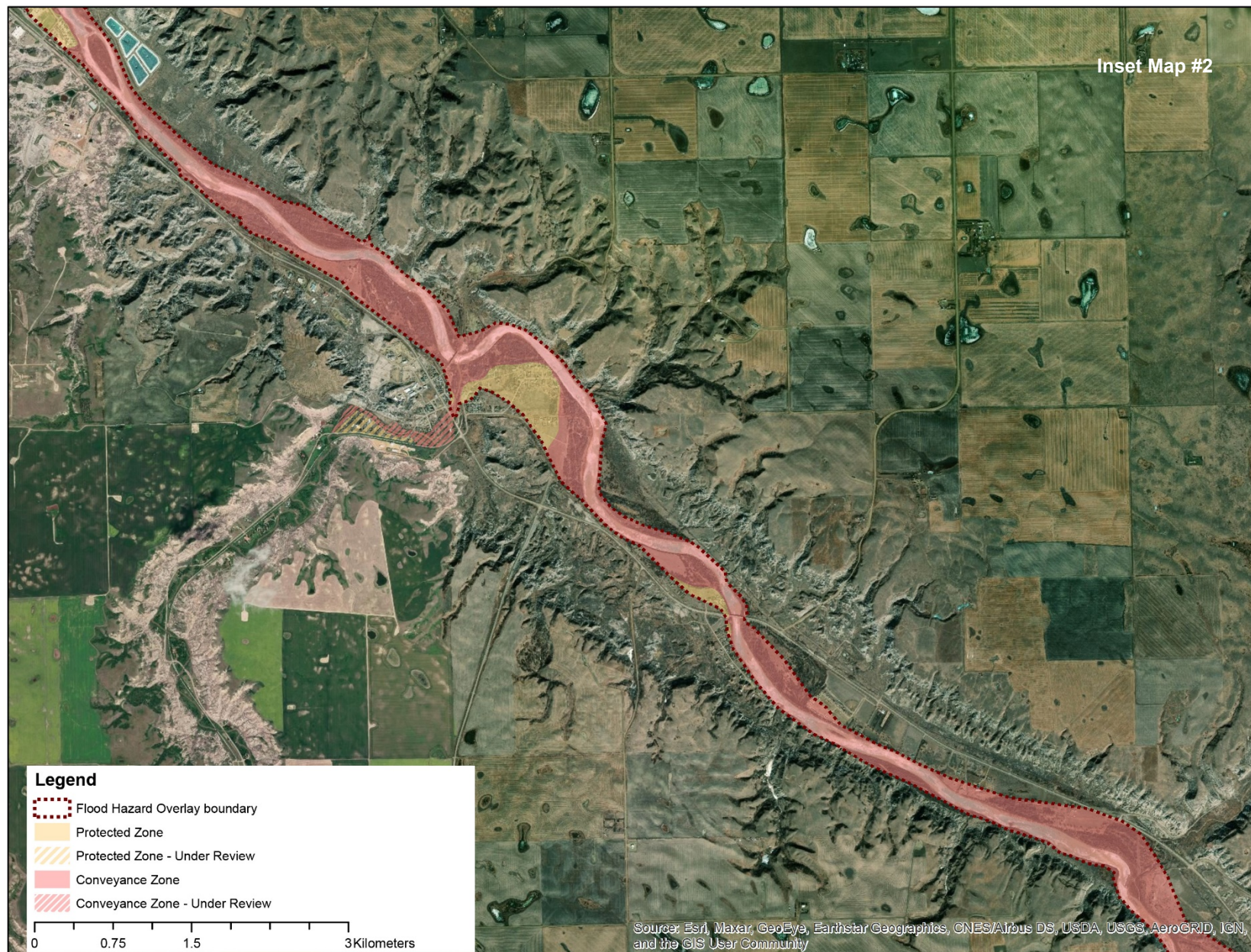
- 2.5.3.2 No **development** shall be allowed within the Conveyance Zone that has the potential to increase the obstruction of floodwaters or potential for a detrimental effect on the hydrological system, water quality, or on existing **development**.
- 2.5.3.3 New **development** and **structural alterations** to existing **development** is not allowed except to:
- i. Accommodate **public utilities**, including flood mitigation structures and erosion control measures;
 - ii. Replace an existing **building** or **structure** on the same location, and for the same **use**, provided that the flood hazard can be overcome, as demonstrated by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta, and in a manner that is acceptable to the **Town**, including meeting **flood construction level** requirements; and
 - iii. Renovate an existing **building** or **structure**, provided that:
 1. There is no increase to the **floor area** below the **flood construction level**; and
 2. The renovation does not create a new **Dwelling Unit**.
- 2.5.3.4 No **structures** shall be constructed on, in, or under lands subject to the Conveyance Zone, unless, to the satisfaction of the **Development Authority**, there will be no obstruction to floodwaters and no detrimental effect on the hydrological system or water quality, including the natural interface of the riparian and aquatic habitat.

2.5.4 Protected Zone Uses and Regulations

- 2.5.4.1 For lands within the Protected Zone, the **permitted uses** and **discretionary uses** listed in the underlying Land Use District shall apply.
- 2.5.4.2 All **buildings** shall be designed and constructed with the ground floor elevation at or above the **flood construction level**.
- 2.5.4.3 **Building height** shall be measured from the specified elevation of the **flood construction level**.
- 2.5.4.4 An application for a **development permit** for a **parcel** located within the Protected Zone must be accompanied by a report prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta demonstrating how the regulations of the Flood Hazard Overlay and the **flood construction level** are met.









PART 3: LAND USE DISTRICTS

3.1 RULES THAT APPLY TO ALL LAND USE DISTRICTS

3.1.1 Specific Use Standards

Accessory Buildings	<ul style="list-style-type: none"> i. No Accessory Building shall be used as a Dwelling Unit unless the building meets the requirements of the Alberta Safety Codes Act. ii. A structure which is attached to the principal building by a roof, floor, or a foundation is not an accessory building, it is considered part of the principal building and shall comply with all requirements applicable to the principal building.
Adult Entertainment	<ul style="list-style-type: none"> i. The maximum use area for Adult Entertainment is 550 square metres. iii. Shall not include any exterior display related to the use.
Bed & Breakfast	<ul style="list-style-type: none"> i. May be developed only in a Dwelling Unit; ii. 1 Sign is permitted, in accordance with Part 4.
Campground	<ul style="list-style-type: none"> i. Where possible, existing topography and natural features such as tree stands shall be integrated in the site design; ii. The whole site perimeter shall be landscaped sufficiently at the discretion of the Development Authority.
Drive Through Facility	<ul style="list-style-type: none"> i. May have outdoor speakers provided they are: <ul style="list-style-type: none"> a. Not located within 20 metres of a parcel boundary of any parcel designated Neighbourhood District, Neighbourhood Centre District, or Countryside District; or b. Separated from a parcel boundary of any parcel designated Neighbourhood District, Neighbourhood Centre District, or Countryside District by a building. ii. Drive through aisles shall be appropriately screened from adjacent residential land uses; iii. Shall not have any drive through aisles in a setback area; iv. Shall not have pedestrian access that crosses a drive through aisle; and

	i. Shall provide queuing space for 5 vehicles on site .
Home Occupation - Basic	<ul style="list-style-type: none"> i. Shall not employ any person not residing in the Dwelling Unit. ii. No client or customer visits are permitted; iii. The Home Occupation - Basic shall be contained within the principal building; iv. Outdoor storage of materials, commodities, or finished products related to the use is prohibited; and v. No Signs are permitted.
Home Occupation - Rural	<ul style="list-style-type: none"> i. Shall not employ more than ten people not residing in the Dwelling Unit; ii. May include a day home; iii. Outdoor storage of materials, commodities, or finished products related to the use is permitted; and iv. 1 Sign is permitted, in accordance with Part 4. v. A development permit for a Home Occupation - Rural may be revoked at any time if, in the opinion of the Development Authority, the operator of the Home Occupation - Rural has violated any provisions of the Bylaw and/or the conditions of the development permit.
Home Occupation - Urban	<ul style="list-style-type: none"> i. Shall not employ more than four people not residing in the Dwelling Unit; ii. May include a day home. iii. Outdoor storage of materials, commodities, or finished products related to the use is prohibited; and iv. 1 Sign is permitted, in accordance with Part 4. v. A development permit for a Home Occupation - Urban may be revoked at any time if, in the opinion of the Development Authority, the operator of the Home Occupation - Urban has violated any provisions of the Bylaw and/or the conditions of the development permit.
Industrial Uses	i. Industrial uses on parcels that do not have lane access must provide a minimum 4.5 metre side setback on one side.
Kennel	i. Must be a minimum of 300 metres from an approved Dwelling Unit at the time of approval of the kennel use .

	<ul style="list-style-type: none"> ii. A development permit for a kennel shall only be approved for a term not exceeding three years. iii. Upon expiration of a development permit, a new application shall be evaluated with consideration of any prior complaints and/or nearby intensification of residential areas.
Recreation Vehicle Resort	<ul style="list-style-type: none"> i. Where possible, existing topography and natural features such as tree stands shall be integrated in the site design; ii. The whole site perimeter shall be landscaped sufficiently at the discretion of the Development Authority. iii. No recreation vehicle shall be located elsewhere than on a designated recreation vehicle lot. iv. Only 1 recreation vehicle is permitted to be located on a designated recreation vehicle lot. v. A designated recreation vehicle lot shall be a minimum 140 square metres in size. vi. A maximum of 62 designated recreation vehicle lots shall be permitted per gross developable hectare.
Restricted Substance Retail	<ul style="list-style-type: none"> i. Shall comply with all Provincial requirements.
Solar Energy System	<ul style="list-style-type: none"> i. A Solar Energy System attached to a building shall not extend beyond the outermost edge of the roof or wall to which it is mounted.
Tourist Dwelling	<ul style="list-style-type: none"> i. May be developed only in a Dwelling Unit; ii. An owner or manager shall be available within the Town of Drumheller at all times when the Tourist Dwelling is occupied; iii. No Signs are permitted.
Wind Energy System	<ul style="list-style-type: none"> i. Wind Energy Systems shall not exceed 25 metres in height unless otherwise approved by the Development Authority.

3.1.2 Development Near Steep Slopes

(a) Sloped Areas

- i. For hummocks, buttes, or other isolated land projections, slopes of greater than 20% are considered unsuitable for **development** unless

	<p>otherwise determined by the Development Authority.</p> <p>ii. Slopes greater than 15% may require special engineering and other treatment. If these topographic features are leveled, resulting slopes shall not exceed 20% and the leveling, compaction, and other engineering as well as environmental considerations must be to the satisfaction of relevant authorities. Related to the foregoing, satisfactory proposed contour and other plans may be required.</p> <p>iii. These sloped area definitions are meant as thresholds to identify sites that require more specific analysis to identify geotechnical issues and provide geotechnical recommendations for the proposed development. Any sites flatter than this are classified as suitable for development without further slope review.</p>
(b) Earth Grading	<p>i. Protrusions of escarpments within a minimum width of 91.5 metres at its widest point shall not be removed.</p> <p>ii. All protrusions of escarpments that are removed or leveled must result in grades where the protrusion formerly existed of not greater than 15% not including the adjoining escarpment wall.</p> <p>iii. A maximum slope of 33% shall result for escarpment lands when protrusions are removed or leveled (i.e. for the escarpment wall formed by the cut of the former protrusions).</p>
(c) Slope Stability	<p>i. Slope stability is described in terms of a factor of safety (FS) against slope failure which is the ratio of total forces promoting failure divided by the sum of forces resisting failure. In general, a FS of less than 1 indicates that failure is expected and a FS of more than 1 indicates that the slope is stable. A steepened slope will fail over time to establish a stable profile for the existing soil and groundwater conditions. The FS of a slope will increase slightly as vegetation is established on the face to protect the subgrade soil from weathering. Given the possibility of soil variation, groundwater fluctuation, erosion and other factors, slopes with FS ranging between 1.0 and 1.3 are considered to be marginally stable and a "long term" stable slope is considered to have a FS of over 1.3.</p>

	ii.	Similar FS analysis is calculated for the predicted run-out distance at the base of a slope in the event of a land slide.
(d) Geotechnical Analysis and Recommendations	i.	A geotechnical slope assessment report is required for all proposed development adjacent to river valley, bench and coulee slopes; unless otherwise determined by the Development Authority .
	ii.	For any proposed development adjacent to river valley, bench and coulee slopes proposing a relaxation of the Town's default setbacks from the toe or crest of a slope, a geotechnical slope assessment report is required; with no exceptions.
	iii.	For any development proposing a relaxation of the Town's default setbacks from the toe or crest of a slope, the geotechnical slope assessment must be based on a drilled borehole data, survey contours or profiles of the slope and analysis using industry recognized numerical slope modelling software. The report must be prepared by a qualified member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.
	iv.	Geotechnical slope assessment reports must provide an assessment of the pre- and post- development slope stability in terms of FS; which supports the proposed development plans. The report must provide geotechnical recommendations for development of the property to ensure these FS conditions are maintained.
(e) Setbacks	i.	For proposed developments , two levels of top-of-slope and/or toe-of slope setbacks must be determined in the geotechnical slope assessment report:
	(1)	Urban Development Setbacks (UDS). For top-of-slope development a FS of at least 1.3 is desired for the critical failure surface which is the failure surface with the lowest calculated FS intersecting the proposed infrastructure or property lines of private development .
	(2)	Structural Building Setbacks (SBS). Structures generally represent a higher risk and potential for loss of investment, therefore a FS of at least 1.5 is recommended for the slope or the proposed

	<p>structure is “set back” a distance from the crest to provide this factor of safety.</p> <p>ii. Default UDS setbacks have been developed. The intent of these setbacks is to provide a conservative starting point for development planning. The Development Authority may relax the default UDS setbacks established in subsections 3.1.2(e) and 3.1.2(f) if it is satisfied the findings of the developers geotechnical report(s) confirm that the reduced setbacks will not impact slope stability.</p>
(f) Default UDS Setbacks from Toes of Slopes	<p>i. Unless otherwise determined by the Development Authority, setbacks from toes of slopes shall be as follows:</p> <p>(1) Intensive Land Use A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 3.2 metres. When a slope is steeper than 33% and higher than 27.4 metres, the minimum setback from the point where begins to rise steeper than 33% shall be one-third of the height of the slope.</p> <p>(2) Extensive Land Use A minimum of 9.1 metres from the toe of a slope when the height of the slope is greater than 15.2 metres. Lanes and utilities may be constructed within the setback area.</p> <p>(3) The Development Authority may relax the required setbacks established in subsections 3.1.2(c)(1) and 3.1.2(c)(2) by a maximum of 30% if it is satisfied that the reduced setbacks will not impact slope stability. Applicants will be required to provide drill testing data and a report prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</p>
(g) Default UDS Setbacks from Valley or Coulee Breaks (top of the escarpment)	<p>i. The following default setbacks for property lines from front edge top of the escarpment (i.e. crest) apply unless otherwise determined by the Development Authority:</p> <p>(1) Where the average height of slope is between 0 and 15.4 metres, the minimum setback from the top of the escarpment is 22.8 metres.</p>

	<p>(2) Where the average depth of valley is between 15.5 metres and 30.5 metres, the minimum setback is 45.7 metres.</p> <p>(3) Where the average depth of valley is more than 30.5 metres, the minimum setback is 61 metres or the height of the slope, whichever is greater.</p> <p>ii. The Development Authority may increase the setbacks established in subsections 3.1.2(d)(i)(1), 3.1.2(d)(i)(2), and 3.1.2(d)(i)(3), at their discretion, with consideration for the direction that the valley faces and other relevant factors such as soil type.</p> <p>iii. Lanes and utilities may not be developed within the setback area established in subsections 3.1.2(d)(i)(1), 3.1.2(d)(i)(2), 3.1.2(d)(i)(3), and 3.1.2(d)(i)(4) unless where agreed upon by relevant authorities to serve public reserve parcels.</p>
(h) Setbacks for escarpment benches	<p>i. The setbacks from the upslope toe and downslope crest of bench areas shall be determined by detailed geotechnical assessment conducted by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.</p>

3.1.3 Development On Land Subject to Undermining or Subsidence Conditions

- 3.1.3.1 Prior to issuing a **development permit**, approving an application to amend this **Bylaw**, approving an application for **subdivision**, or approving an application to amend a **Statutory Plan** for land which has potential undermining or subsidence conditions, the **Development Authority** may require a geo-technical study prepared by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta.

3.1.4 Design, Character, & Appearance of Buildings

(a) The design, siting, external finish, architectural appearance, and landscaping of any **building** or **structure** requiring a **development permit** shall be to the satisfaction of the **Development Authority** having due regard to:

- i. The policies and objectives contained within the **Town's Statutory Plans**;
- ii. The character of existing **development** in this Land Use District;
- iii. The effect on **adjacent** Land Use District(s) and **parcels**;
- iv. The effect on natural **site** features, views, streetscapes, mobility, and historic resources; and

v. Other factors such as sunlight and privacy.

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3.2 BADLANDS DISTRICT

3.2.1 General Intent

To protect, conserve, and enhance natural areas and their scenic or aesthetic values, and retain a healthy ecological function throughout the Valley. The Badlands District consists of lands that remain in or are reverting to a wilderness condition, including lands unsuitable for **development** due to topography, hydrology, or vegetation.

3.2.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Agricultural		Agriculture - General
Institutional	Recreation – Non-Intensive	
Other Uses		

3.2.3 Specific Use Standards

Agriculture – General	i. Agriculture – General shall be limited to the grazing and keeping of livestock.
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3.2 RURAL DEVELOPMENT DISTRICT

3.2.1 General Intent

To support agricultural activities throughout the Valley while also enabling low density residential and supportive commercial and institutional **uses**.

3.2.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Residential	Dwelling Unit(s)	Dwelling Unit - Temporary
Lodging	Bed & Breakfast Tourist Dwelling	Campground Recreation Vehicle Resort
Commercial	Artist Studio Home Occupation - Rural Home Occupation - Basic	Restaurant/Café Kennel
Institutional	Recreation – Non-Intensive	After Life Care Cemetery Culture Government Human Services Recreation – Intensive
Agricultural	Agriculture – General	Agriculture – Intensive
Other Uses	Accessory Building or Structure	Fascia Sign Freestanding Sign Projecting Sign Solar Energy System Wind Energy System Communication Structure

3.2.3 Specific Use Standards

Accessory Buildings	i. An accessory building shall be located a minimum of 4.5 metres from any principal building .
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Dwelling Unit	i. Dwelling units shall be limited to single detached dwellings with or without a secondary dwelling unit .
Additional Standards	i. No use shall cause or create any nuisance , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the Development Authority .

3.2.4 Parcel Width Standards

(a) Parcel Width	Minimum 100 metres
(b) Additional Parcel Width Standards	There is no minimum parcel width for a recreation vehicle resort .

3.2.5 Residential Density

Maximum 2 **dwelling units** per **parcel**.

3.2.6 Setbacks for Principal Buildings

(a) Front Setback	i. Minimum 7.5 metres from a Municipal road ii. Minimum 40 metres from a Provincial road
(b) Secondary Front Setback	i. Minimum 7.5 metres from a Municipal road ii. Minimum 40 metres from a Provincial road
(c) Side Setback	Minimum 5 metres
(d) Rear Setback	Minimum 15 metres
(e) Projections Into Setbacks	The following features may project into a setback : <ul style="list-style-type: none"> • Unenclosed steps and wheelchair ramps; • Signs; • Fences; • Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback.

- Balconies may project up to 1.5 metres in a **front setback** or **rear setback**. Balconies may project into a **side setback** but must maintain a minimum of 1.2 metres from the **side parcel boundary**.

3.2.7 Setbacks for Accessory Buildings

(a) Front Setback	<ul style="list-style-type: none"> i. Minimum 7.5 metres from a Municipal road ii. Minimum 40 metres from a Provincial road
(b) Secondary Front Setback	<ul style="list-style-type: none"> i. Minimum 7.5 metres from a Municipal road ii. Minimum 40 metres from a Provincial road
(c) Side Setback	Minimum 4.5 metres
(d) Rear Setback	Minimum 7.5 metres

3.2.8 Building Height Standards

(a) Principal Building	Maximum 14 metres
(b) Accessory Building	Maximum 11 metres
(c) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.2.2.

3.2.9 Additional Standards

(a) Subdivision	<ul style="list-style-type: none"> i. A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board. ii. No subdivision is permitted without an approved Area Structure Plan and/or Concept Plan.
(b) Stormwater Management	<ul style="list-style-type: none"> i. Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane and/or the street. ii. A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.

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3.3 COUNTRYSIDE DISTRICT

3.3.1 General Intent

To provide opportunities for low density residential **development** and support commercial **uses** in locations that enable a transition from rural to urban. **Development** shall be rural in nature, with low density **development** on large **parcels**. Single detached dwellings and **accessory buildings** are the predominant **building** form.

3.3.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Residential	Dwelling Unit(s)	Dwelling Unit - Temporary
Lodging	Bed & Breakfast Tourist Dwelling	Campground Recreation Vehicle Resort
Commercial	Artist Studio Home Occupation - Rural Home Occupation - Basic	Kennel Restricted Substance Retail Restaurant/Café Retail & Service – General
Institutional	Culture Education Government Health Services Human Services Recreation – Intensive Recreation – Non-Intensive	Cemetery
Agricultural	Agriculture - General	
Other Uses	Accessory Building or Structure Sign (as per Section 4)	Fascia Sign Freestanding Sign Projecting Sign Solar Energy System Communication Structure

3.3.3 Specific Use Standards

Dwelling Unit	i. Dwelling units shall be limited to detached dwellings with opportunities for secondary dwelling units located in an accessory building .
Restaurant/Café	i. The maximum use area for a Restaurant/Café is 300 square metres. ii. 1 Sign is permitted, in accordance with Part 4.
Retail & Service	i. The maximum use area for Retail & Service is 300 square metres. ii. Permanent outdoor display, service, and/or storage is not permitted. iii. 1 Sign is permitted, in accordance with Part 4.
Additional Standards	i. No use shall cause or create any nuisance , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the Development Authority .

3.3.4 Parcel Width Standards

(a) Parcel Width	Minimum 30 metres
(b) Additional Parcel Width Standards	There is no minimum parcel width for a recreation vehicle resort .

3.3.5 Residential Density

Maximum 2 **Dwelling Units** per **parcel**.

3.3.6 Setbacks for Principal Buildings

(a) Front Setback	Minimum 10 metres
(b) Secondary Front Setback	Minimum 7.5 metres
(c) Side Setback	Minimum 3 metres
(d) Rear Setback	Minimum 10 metres

(e) Projections Into Setbacks

The following features may project into a **setback**:

- Unenclosed steps and wheelchair ramps;
- **Signs**;
- Fences;
- An unenclosed **deck, porch** or other similar **structure** below 0.6 metres in height.
- An unenclosed **deck, porch** or other similar **structure** above 0.6 metres in height may project 50 percent in a minimum **front setback** or minimum **rear setback**;
- Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a minimum **front setback** or **side setback** and up to 1.5 metres in a minimum **rear setback**.
- Balconies may project up to 1.5 metres in a **front setback** or **rear setback**. Balconies may project into a **side setback** but must maintain a minimum of 1.2 metres from the **side parcel boundary**.

3.3.7 Setbacks for Accessory Buildings

(a) Front Setback	Minimum 10 metres
(b) Secondary Front Setback	Minimum 7.5 metres
(c) Side Setback	Minimum 3 metres
(d) Rear Setback	Minimum 10 metres

3.3.8 Parcel Coverage Standards

- (a) Maximum **parcel coverage** 25%

3.3.9 Building Height Standards

(a) Principal Building	Maximum 14 metres
(b) Accessory Building	Maximum 7.5 metres
(c) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.3.2.

3.3.10 Parking, Loading, & Access Standards

(a) Bicycle Parking	i. Where bicycle parking is provided for uses listed in the Commercial Use Category in Section 3.3.2, bicycle parking shall be located close to the entrance of the principal building , but shall not impede pedestrian circulation or access to the building .
(b) Vehicle Parking	i. There is no minimum required number of parking stalls for any development in the Countryside District. ii. Surface parking areas shall not be allowed unless associated with a development . iii. Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting.

3.3.11 Landscaping Standards

(a) General Landscaping Standards	i. The front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area .
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3.3.12 Screening & Fences

(a) Screening	i. Garbage and waste material must be stored in weather proof and animal proof containers, and visually screened from public roads , excluding lanes . ii. Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads .
(b) Fences	i. A fence located in a front yard or secondary front yard shall be a maximum height of 1.2 metres. ii. All other fences shall be a maximum height of 1.8 metres.

3.3.13 Additional Standards

(a) Subdivision	<ul style="list-style-type: none"> i. A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board.
(b) Stormwater Management	<ul style="list-style-type: none"> i. Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane and/or the street. ii. A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.

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3.4 NEIGHBOURHOOD DISTRICT

3.4.1 General Intent

To enable primarily ground-oriented residential **development** with an emphasis on diverse, walkable neighbourhoods with varying built forms and housing typologies. To achieve complete communities, as envisioned in the **Municipal Development Plan**, select non-residential **uses** such as small-scale **Restaurants/Cafés, Offices, Home Occupations, Education,** and personal services are allowed.

Development shall be predominantly residential and may have a wide range of **building** types: single detached, duplex, rowhouses, and secondary suites. All **development**, regardless of **use**, shall have a built form that is consistent with surrounding residential properties, with the exception of **uses** listed in the Institutional Use Category in Subsection 3.4.2.

3.4.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Residential	Dwelling Unit(s)	Dwelling Unit - Temporary
Lodging	Bed & Breakfast Tourist Dwelling	Campground
Commercial	Artist Studio Home Occupation - Urban Home Occupation - Basic	Restricted Substance Retail Restaurant/Café Retail & Service – General Office
Institutional	Culture Education Government Health Services Human Services Recreation – Intensive Recreation – Non-Intensive	
Other Uses	Accessory Building or Structure	Fascia Sign Freestanding Sign Projecting Sign Solar Energy System Communication Structure

3.4.3 Specific Use Standards

Restaurant/Café	<ul style="list-style-type: none"> i. The maximum use area for a Restaurant/Café is 300 square metres. ii. 1 Sign is permitted, in accordance with Part 4.
Retail & Service	<ul style="list-style-type: none"> i. The maximum use area for Retail & Service is 300 square metres. ii. Permanent outdoor display, service, and/or outdoor storage is not permitted. iii. 1 Sign is permitted, in accordance with Part 4.
Additional Standards	<ul style="list-style-type: none"> i. No use shall cause or create any nuisance, by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the Development Authority.

3.4.4 Setbacks for Principal Buildings

(a) Front Setback	Minimum 3 metres – Maximum 6 metres
(b) Secondary Front Setback	Minimum 3 metres – Maximum 6 metres
(c) Side Setback	Minimum 1.2 metres
(d) Rear Setback	Minimum 6 metres
(e) Projections Into Setbacks	<p>The following features may project into a setback:</p> <ul style="list-style-type: none"> • Unenclosed steps and wheelchair ramps; • Signs; • Fences; • An unenclosed deck, porch or other similar structure below 0.6 metres in height. • An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 percent in a front setback or rear setback; • Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback.

- Balconies may project up to 1.5 metres in a **front setback** or **rear setback**. Balconies may project into a **side setback** but must maintain a minimum of 1.2 metres from the **side parcel boundary**.

3.4.5 Setbacks for Accessory Buildings

(a) Front Setback	Principal building front setback plus 1 metre
(b) Secondary Front Setback	Minimum 3 metres
(c) Side Setback	Minimum 1.2 metres
(d) Rear Setback	Minimum 1.2 metres

3.4.6 Parcel Coverage Standards

- (a) Maximum **parcel coverage** 70%

3.4.7 Building Height Standards

(a) Principal Building	Maximum 11 metres
(b) Accessory Building	Maximum 7.5 metres
(c) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.4.2.

3.4.8 Parking, Loading, & Access Standards

(a) Bicycle Parking	<p>i. Where bicycle parking is provided for uses listed in the Commercial Use Category in Section 3.4.2, bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building.</p> <p>ii. Where bicycle parking is provided for uses listed in the Residential Use Category in Section 3.4.2, bicycle parking shall be located and secured within a principal building or accessory building.</p>
(b) Vehicle Parking	<p>i. There is no minimum required number of parking stalls for any development in the Neighbourhood District.</p>

	<ul style="list-style-type: none"> ii. Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible. iii. Parking areas, including any parking structures, shall not exceed 30 percent of a parcel. iv. Surface parking areas and/or parking structures shall not be allowed unless located on the same parcel as a development. v. Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting. vi. Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas.
(c) Vehicle Access	<ul style="list-style-type: none"> i. Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane. ii. Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street. iii. In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard. iv. Parcels shall have 2 or more access points if required for emergency access.

3.4.9 Landscaping Standards

(a) General Landscaping Standards	<ul style="list-style-type: none"> i. The front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area.
(b) Landscaped Area	<ul style="list-style-type: none"> i. All portions of a parcel not covered by structures, parking, or vehicular circulation areas shall be landscaped.
(c) Number of Trees	<ul style="list-style-type: none"> i. The minimum number of trees required for a residential development shall be 1 tree per 45 square metres of landscaped area, or a minimum of 2 trees per parcel, whichever is greater.

	ii. The minimum number of trees required for a mixed-use or commercial development shall be 1 tree per 35 square metres of landscaped area .
(d) Tree Size	i. Minimum height of 2 metres and/or 40 millimeters in caliper .
(e) Number of Shrubs	i. The minimum number of shrubs required for a residential, mixed-use, or commercial development shall be 1 shrub per 15 square metres of landscaped area .

3.4.10 Screening, Fences, & Hedges

(a) Screening	i. Garbage and waste material must be stored in weather proof and animal proof containers, and visually screened from public roads , excluding lanes . ii. Outdoor storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads .
(b) Fences and Hedges	i. A fence or hedge located in a front yard or a secondary front yard shall be a maximum height of 1.2 metres. ii. All other fences or hedges shall be a maximum height of 1.8 metres.

3.4.11 Additional Standards

(a) Subdivision	i. A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board .
(b) Stormwater Management	i. Unless otherwise determined by the Development Authority , the applicant shall be required to grade a parcel in such a way that all surface water will

drain from the **parcel** to the back **lane** and/or the street.

- ii. A **stormwater management plan** shall be required for all **subdivision** and **development** applications for industrial and commercial properties.

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3.5 NEIGHBOURHOOD CENTRE DISTRICT

3.5.1 General Intent

To provide opportunities for focused community activity that functions as the social and economic heart of a neighbourhood. **Development** supports a high-quality pedestrian experience and thriving small business environment. **Buildings** should be oriented towards the street, with the possibility to have residential **uses** located on upper floors and commercial **uses** at-grade.

3.5.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Residential	Dwelling Unit(s)	
Lodging	Bed & Breakfast Hotel/Motel Tourist Dwelling	
Commercial	Artist Studio Drinking Establishment Entertainment Facility Home Occupation - Urban Home Occupation - Basic Restaurant/Café Retail & Service – General Office	Car Wash Gas Station Restricted Substance Retail
Institutional	Culture Education Government Health Services Human Services Recreation – Intensive Recreation – Non-Intensive	
Other Uses	Accessory Building or Structure	A-Board Sign Fascia Sign Freestanding Sign

		Portable Sign Projecting Sign Solar Energy System Communication Structure
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3.5.3 Specific Use Standards

Car Wash	<ul style="list-style-type: none"> i. Minimum site area shall be 550 square metres and shall accommodate queuing space for 2 vehicles prior to entering the washing area and queuing space for 1 vehicle upon leaving the washing area. ii. Shall be limited to the washing of vehicles with a gross vehicle weight of 4,000 kilograms or less.
Gas Station	<ul style="list-style-type: none"> i. Shall only be located at the intersection of two or more streets or highways, or as part of shopping centre. ii. Should locate pumps to the side or rear of the building and provide additional front setback area and/or landscaping to better integrate the Gas Station with the public realm. iii. The pumps shall be located a minimum of 4.5 metres from the building.
Additional Standards	<ul style="list-style-type: none"> i. No use shall cause or create any nuisance, by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the Development Authority.

3.5.4 Setbacks for Principal Buildings

(a) Front Setback	Maximum 3 metres
(b) Secondary Front Setback	Maximum 3 metres
(c) Side Setback	Minimum 1.2 metres
(d) Rear Setback	Minimum 3 metres

(e) Additional Setback Standards	<ol style="list-style-type: none"> i. There is no maximum front setback, secondary front setback, side setback, or rear setback for Car Washes and Gas Stations. ii. The minimum front setback, secondary front setback, side setback, or rear setback is 3.0 metres for Car Washes and Gas Stations.
(e) Projections Into Setbacks	<p>The following features may project into a setback:</p> <ul style="list-style-type: none"> • Unenclosed steps and wheelchair ramps; • Signs; • Fences; • An unenclosed deck, porch or other similar structure below 0.6 metres in height. • An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 percent in a front setback or rear setback; • Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback. • Balconies may project up to 1.5 metres in a front setback or rear setback. Balconies may project into a side setback but must maintain a minimum of 1.2 metres from <i>the side parcel boundary</i>.

3.5.5 Setbacks for Accessory Buildings

(a) Front Setback	Principal building front setback plus 1 metre
(b) Secondary Front Setback	Minimum 3 metres
(c) Side Setback	Minimum 1.2 metres
(d) Rear Setback	Minimum 1.2 metres

3.5.6 Parcel Coverage Standards

- (a) Maximum **parcel coverage** 80%.

3.5.7 Building Height Standards

(a) Principal Building	Maximum 14 metres
(b) Accessory Building	Maximum 7.5 metres
(c) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.5.2.

3.5.8 Parking, Loading, & Access Standards

(a) Bicycle Parking	<p>i. Where bicycle parking is provided for uses listed in the Commercial Use Category or Institutional Use Category in Section 3.5.2, bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building.</p> <p>ii. Where bicycle parking is provided for uses listed in the Residential Use Category in Section 3.5.2, bicycle parking shall be located and secured within a principal building or accessory building.</p>
(b) Vehicle Parking	<p>i. There is no minimum required number of parking stalls for any development in the Neighbourhood Centre District.</p> <p>ii. Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible.</p> <p>iii. Parking areas, including any parking structures, shall not exceed 30 percent of a parcel.</p> <p>iv. Surface parking areas and/or parking structures shall not be allowed unless associated with a development.</p> <p>v. Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting.</p> <p>vi. Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas.</p>
(c) Vehicle Access	<p>i. The regulations in subsections (ii) through (iv) apply only to the uses listed in the Residential Use Category in Section 3.5.2.</p>

	<ul style="list-style-type: none"> ii. Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane. iii. Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street. iv. In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard. v. Access to parking areas and/or structures shall be no wider than 6 metres adjacent to the front parcel boundary. vi. Parcels shall have 2 or more access points if required for emergency access.
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3.5.9 Landscaping Standards

(a) General Landscaping Standards	<ul style="list-style-type: none"> i. For uses listed in the Residential Use Category in Section 3.5.2, the front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area.
(b) Landscaped Area	<ul style="list-style-type: none"> i. All portions of a site not covered by structures, parking, or vehicular circulation areas shall be landscaped.
(c) Number of Trees	<ul style="list-style-type: none"> i. The minimum number of trees required for a residential development shall be 1 tree per 45 square metres of landscaped area, or a minimum of 2 trees per parcel, whichever is greater. ii. The minimum number of trees required for a mixed-use or commercial development shall be 1 tree per 35 square metres of landscaped area.
(d) Tree Size	<ul style="list-style-type: none"> i. Minimum height of 2 metres and/or 40 millimeters in caliper.
(e) Number of Shrubs	<ul style="list-style-type: none"> i. The minimum number of shrubs required for a residential, mixed-use, or commercial development shall be 1 shrub per 15 square metres of landscaped area.

3.5.10 Screening, Fences, & Hedges

(a) Screening	<ul style="list-style-type: none">i. Garbage and waste material must be stored in weather proof and animal proof containers, and visually screened from public roads, excluding lanes.ii. Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.
(b) Fences and Hedges	<ul style="list-style-type: none">i. Fences are not permitted in a front yard or a secondary front yard.ii. A hedge located in a front yard shall be a maximum height of 1.2 metres.iii. All other fences or hedges shall be a maximum height of 1.8 metres.

3.5.11 Additional Standards

(a) Subdivision	<ul style="list-style-type: none">i. A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board.
(b) Stormwater Management	<ul style="list-style-type: none">i. Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane and/or the street.ii. A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.

3.6 DOWNTOWN DISTRICT

3.6.1 General Intent

To support an active, thriving, mixed-use downtown with high quality public spaces, successful businesses, pedestrian connectivity, and street-level activity. **Development** is characterized by a larger scale of mixed-use **buildings** than is possible elsewhere in the Valley. New **development** enables a diverse streetscape with a strong relationship between **buildings** and the street. Residential **development** consists primarily of **buildings** with multiple **Dwelling Units**, and in many cases, ground floor commercial **uses**.

3.6.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Residential	Dwelling Unit	
Lodging	Bed & Breakfast Hotel/Motel Tourist Dwelling	
Commercial	Artist Studio Drinking Establishment Entertainment Facility Home Occupation - Urban Home Occupation - Basic Restaurant/Café Retail & Service – General Office	Adult Entertainment Restricted Substance Retail
Institutional	Culture Education Government Health Services Human Services Recreation – Intensive Recreation – Non-Intensive	After Life Care
Other Uses	Accessory Building or Structure	A-Board Sign Fascia Sign

		Freestanding Sign Portable Sign Projecting Sign Solar Energy System Communication Structure
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3.6.3 Specific Use Standards

Dwelling Unit(s)	i. Buildings with 1 Dwelling Unit or in the form of a single detached dwelling shall not be permitted.
Hotel/Motel	i. Vehicle access and parking areas, including any structures , shall not be located between a street and a façade of the building .
Additional Standards	i. No use shall cause or create any nuisance , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the Development Authority .

3.6.4 Setbacks for Principal Buildings

(a) Front Setback	Maximum 3 metres
(b) Secondary Front Setback	Maximum 3 metres
(c) Side Setback	-
(d) Rear Setback	-
(e) Projections Into Setbacks	<p>The following features may project into a setback:</p> <ul style="list-style-type: none"> • Unenclosed steps and wheelchair ramps; • Signs; • Fences; • An unenclosed deck, porch or other similar structure below 0.6 metres in height.

- An unenclosed **deck, porch** or other similar **structure** above 0.6 metres in height may project 50 percent in a **front setback** or **rear setback**;
- Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a **front setback** or **side setback** and up to 1.5 metres in a **rear setback**.
- Balconies may project up to 1.5 metres in a **front setback** or **rear setback**. Balconies may project into a **side setback** but must maintain a minimum of 1.2 metres from the **side parcel boundary**.

3.6.5 Setbacks for Accessory Buildings

(a) Front Setback	Principal building front setback plus 1 metre
(b) Secondary Front Setback	Principal building secondary front setback plus 1 metre
(c) Side Setback	-
(d) Rear Setback	-

3.6.6 Building Height Standards

(a) Principal Building	Minimum 6 metres Maximum 20 metres
(b) Accessory Building	Maximum 7.5 metres

3.6.7 Parking, Loading, & Access Standards

(a) Bicycle Parking	i. Where bicycle parking is provided for uses listed in the Commercial Use Category or Institutional Use Category in Section 3.6.2, bicycle parking shall be located close to the entrance of the principal building , but shall not impede pedestrian circulation or access to the building .
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	<ul style="list-style-type: none"> ii. Where bicycle parking is provided for uses listed in the Residential Use Category in Section 3.6.2, bicycle parking shall be located and secured within a principal building or accessory building.
(b) Vehicle Parking	<ul style="list-style-type: none"> i. There is no minimum required number of parking stalls for any development in the Downtown District. ii. Off-site vehicle parking (i.e. street parking) may be considered as a portion of the parking strategy for a development, at the discretion of the Development Authority. iii. Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible. iv. Parking areas, including any parking structures, shall not exceed 30 percent of a parcel. v. Surface parking areas and/or parking structures shall not be allowed unless associated with a development. vi. Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting. vii. Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas.
(c) Vehicle Access	<ul style="list-style-type: none"> i. Where a parcel shares a parcel boundary with a lane, all access to the parcel must be from the lane. ii. Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street. iii. In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard. iv. Access to parking areas and/or structures shall be no wider than 6 metres adjacent to the front parcel boundary. iii. Parcels shall have 2 or more access points if required for emergency access.

3.6.8 Landscaping Standards

(a) General Landscaping Standards	i. The front yard shall be landscaped with grass, trees, shrubs, and/or flower beds. Areas of shale, rock, or other hard landscaping may be acceptable but shall not exceed 25% of the landscaped area .
(b) Landscaped Area	i. All portions of a site not covered by structures , parking, or vehicular circulation areas shall be landscaped .
(c) Number of Trees	<p>i. The minimum number of trees required for a residential development shall be 1 tree per 45 square metres of landscaped area, or a minimum of 2 trees per parcel, whichever is greater.</p> <p>ii. The minimum number of trees required for a mixed-use or commercial development shall be 1 tree per 35 square metres of landscaped area.</p>
(d) Tree Size	i. Minimum height of 2 metres and/or 40 millimeters in caliper .
(e) Number of Shrubs	i. The minimum number of shrubs required for a residential, mixed-use, or commercial development shall be 1 shrub per 15 square metres of landscaped area .

3.6.9 Screening, Fences, & Hedges

(a) Screening	<p>i. Garbage and waste material must be stored in weather proof and animal proof containers, and visually screened from public roads, excluding lanes.</p> <p>ii. Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
(b) Fences and Hedges	<p>i. Notwithstanding subsection (ii), a fence or hedge located in a front yard shall be a maximum height of 1.2 metres.</p> <p>ii. With the exception of Home Occupation - Urban and Home Occupation - Basic, uses listed in the Commercial Use Category in Section 3.6.2 shall not have fences or hedges in a front yard.</p> <p>iii. All other fences or hedges shall be a maximum height of 1.8 metres.</p>

3.6.10 Additional Standards

(a) Subdivision	i. A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board .
(b) Stormwater Management	i. Unless otherwise determined by the Development Authority , the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane and/or the street. ii. A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.

3.7 TOURISM CORRIDOR DISTRICT

3.7.1 General Intent

To support large scale commercial **development** with a regional draw. **Development** will be primarily low density commercial **uses** on a variety of **parcel** sizes and configurations to accommodate a diverse range of economic development opportunities.

3.7.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Lodging		Hotel/Motel
Commercial	Artist Studio Drinking Establishment Entertainment Facility Restaurant/Café Retail & Service – General Retail & Service – Heavy Office	Adult Entertainment Car Wash Drive Through Facility Gas Station Restricted Substance Retail
Institutional	After Life Care Culture Education Government Health Services Recreation – Intensive Recreation – Non-Intensive	
Other Uses	Accessory Building or Structure	A-Board Sign Fascia Sign Freestanding Sign Portable Sign Projecting Sign Rooftop Sign Solar Energy System Communication Structure

3.7.3 Specific Use Standards

Additional Standards	<p>i. All uses shall mitigate any potential nuisance, such as noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, to the satisfaction of the Development Authority.</p>
Car Wash	<p>i. Minimum site area shall be 550 square metres and shall accommodate queuing space for 2 vehicles prior to entering the washing area and queuing space for 1 vehicle upon leaving the washing area.</p> <p>ii. Shall be limited to the washing of vehicles with a gross vehicle weight of 4,000 kilograms or less.</p>
Gas Station	<p>i. Should located pumps to the side or rear of the building and provide additional front setback area and/or landscaping to better integrate the Gas Station with the public realm.</p> <p>ii. The pumps shall be located a minimum of 4.5 metres from the building.</p>

3.7.4 Setbacks for Principal Buildings

(a) Front Setback	Minimum 3 metres
(b) Secondary Front Setback	Minimum 3 metres
(c) Side Setback	<p>i. Minimum 3 metres</p> <p>ii. Minimum 6 metres where the parcel shares a side parcel boundary with the Neighbourhood District or Countryside District.</p>
(d) Rear Setback	Minimum 6 metres
(e) Projections Into Setbacks	<p>The following features may project into a setback:</p> <ul style="list-style-type: none"> • Unenclosed steps and wheelchair ramps; and • Signs.

3.7.5 Setbacks for Accessory Buildings

(a) Front Setback	Minimum 3 metres
(b) Secondary Front Setback	Minimum 3 metres
(c) Side Setback	<ul style="list-style-type: none"> i. Minimum 3 metres ii. Minimum 6 metres where the parcel shares a side parcel boundary with the Neighbourhood District or Countryside District.
(d) Rear Setback	Minimum 6 metres

3.7.6 Building Height Standards

(a) Principal Building	Maximum 14 metres
(b) Accessory Building	Maximum 7.5 metres
(c) Additional Building Height Standards	There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.7.2.

3.7.7 Parking, Loading, & Access Standards

(a) Bicycle Parking	<ul style="list-style-type: none"> i. Where bicycle parking is provided, bicycle parking shall be located close to the entrance of the principal building, but shall not impede pedestrian circulation or access to the building.
(b) Vehicle Parking	<ul style="list-style-type: none"> i. There is no minimum required number of parking stalls for any development in the Tourism Corridor District. ii. Off-site vehicle parking (i.e. street parking) may be considered as a portion of the parking strategy for a development, at the discretion of the Development Authority. iii. Parking areas and/or structures shall be located to the side or rear of a building, or underground, wherever possible. iv. Parking areas, including any parking structures, shall not exceed 50 percent of a parcel.

	<ul style="list-style-type: none"> v. Surface parking areas and/or parking structures shall not be allowed unless associated with a development. vi. Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting. vii. Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas.
(c) Vehicle Access	<ul style="list-style-type: none"> i. In the absence of a lane, access should be from the secondary front yard. Where access from a secondary front yard is not possible, access may be located on the primary front yard. ii. Vehicle access to parking areas and/or structures shall be no wider than 6 metres adjacent to the front parcel boundary. iii. Parcels shall have 2 or more access points if required for emergency access.
(e) Additional Parking, Loading, & Access Standards	<ul style="list-style-type: none"> i. All commercial and industrial uses shall provide sufficient space and access for loading vehicles to the satisfaction of the Development Authority. ii. All loading areas shall be a minimum of 2.5 metres wide. iii. All loading areas shall provide no less than 3.6 metres overhead clearance. iv. All loading areas shall be hard surfaced if the access is from a street or land which is hard surfaced. v. Access to all loading areas shall be from a public road, a lane, or a clearly defined traffic aisle, and shall not interfere with traffic on the adjoining or abutting streets or lanes.

3.7.8 Landscaping Standards

(b) Landscaped Area	<ul style="list-style-type: none"> i. All portions of a site not covered by structures, parking, or vehicular circulation areas shall be landscaped.
(c) Number of Trees	<ul style="list-style-type: none"> i. The minimum number of trees required for a mixed-use or commercial development shall be 1 tree per 35 square metres of landscaped area.

(d) Tree Size	i. Minimum height of 2 metres and/or 40 millimeters in caliper .
(e) Number of Shrubs	i. The minimum number of shrubs required for a mixed-use or commercial development shall be 1 shrub per 15 square metres of landscaped area .

3.7.9 Screening, Fences, & Hedges

(a) Screening	<p>i. Garbage and waste material must be stored in weather proof and animal proof containers, and visually screened from public roads, excluding lanes.</p> <p>ii. Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.</p>
(b) Fences and Hedges	<p>i. Fences are not permitted in a front yard or a secondary front yard.</p> <p>ii. A hedge located in a front yard shall be a maximum height of 1.2 metres.</p> <p>iii. All other fences or hedges shall be a maximum height of 1.8 metres.</p>

3.7.10 Additional Standards

(a) Subdivision	i. A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board .
(b) Stormwater Management	<p>i. Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane and/or the street.</p> <p>ii. A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.</p>

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3.8 EMPLOYMENT DISTRICT

3.8.1 General Intent

To support a wide range of employment opportunities in areas that integrate industrial, institutional, commercial, and recreational **uses** that require larger **parcels**.

3.8.2 Uses

Use Category	Permitted Uses	Discretionary Uses
Lodging		Hotel/Motel
Commercial	Artist Studio Drinking Establishment Entertainment Facility Kennel Restaurant/Café Retail & Service – General Retail & Service - Heavy Office	Adult Entertainment Car Wash Drive Through Facility Gas Station Restricted Substance Retail
Industrial	Light Industrial	Heavy Industrial
Institutional	Culture Education Government Health Services Recreation – Intensive Recreation – Non-Intensive	After Life Care
Agricultural	Agriculture – Intensive	
Other Uses	Accessory Building or Structure Sign (as per Section 4)	Fascia Sign Freestanding Sign Portable Sign Projecting Sign Solar Energy System Communication Structure

3.8.3 Specific Use Standards

Car Wash	i. Minimum site area shall be 550 square metres and shall accommodate queuing space for 2 vehicles prior to entering the washing area and queuing space for 1 vehicle upon leaving the washing area.
Gas Station	i. Should located pumps to the side or rear of the building and provide additional front setback area and/or landscaping to better integrate the Gas Station with the public realm. ii. The pumps shall be located a minimum of 4.5 metres from the building .
Industrial Uses	i. Industrial uses on parcels that do not have lane access must provide a minimum 4.5 metre side setback on one side.
Additional Standards	i. No use shall cause or create any nuisance , by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the Development Authority .

3.8.4 Setbacks for Principal Buildings

(a) Front Setback	Minimum 6 metres
(b) Secondary Front Setback	Minimum 6 metres
(c) Side Setback	No requirement unless the parcel shares a side parcel boundary with the Neighbourhood District or the Countryside District, where the side setback shall be a minimum of 6 metres
(d) Rear Setback	No requirement unless the parcel shares a rear parcel boundary with the Neighbourhood District or the Countryside District, where the rear setback shall be a minimum of 6 metres
(e) Projections Into Setbacks	The following features may project into a setback : <ul style="list-style-type: none"> • Unenclosed steps and wheelchair ramps; and • Signs.

3.8.5 Setbacks for Accessory Buildings

(a) Front Setback	Minimum 6 metres
(b) Secondary Front Setback	Minimum 6 metres
(c) Side Setback	No requirement unless the parcel shares a side parcel boundary with the Neighbourhood District or the Countryside District, where the side setback shall be a minimum of 6 metres.
(d) Rear Setback	No requirement unless the parcel shares a rear parcel boundary with the Neighbourhood District or the Countryside District, where the rear setback shall be a minimum of 6 metres.

3.8.6 Building Height Standards

(a) Principal Building	Maximum 14 metres
(b) Accessory Building	Maximum 11 metres
(c) Additional Building Height Standards	i. There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.5.3.

3.8.7 Parking, Loading, & Access Standards

(a) Bicycle Parking	i. Where bicycle parking is provided, bicycle parking shall be located close to the entrance of the principal building , but shall not impede pedestrian circulation or access to the building .
(b) Vehicle Parking	i. There is no minimum required number of parking stalls for any development in the Employment District. ii. Off- site vehicle parking (i.e. street parking) may be considered as a portion of the parking strategy for a development , at the discretion of the Development Authority . iii. Parking areas and/or structures shall be located to the side or rear of a building , or underground, wherever possible. iv. Parking areas, including any parking structures , shall not exceed 50% of a parcel .

	<ul style="list-style-type: none"> v. Surface parking areas and/or parking structures shall not be allowed unless associated with a development. vi. Any parking area having four or more parking stalls that are visible from an adjacent parcel or road shall provide and maintain perimeter planting. vii. Any parking area containing ten or more parking stalls should incorporate internal islands/planting areas.
(c) Vehicle Access	<ul style="list-style-type: none"> i. Where a corner parcel shares a parcel boundary with a lane, access may be either from the lane or the street. ii. Parcels shall have 2 or more access points if required for emergency access, or if at the discretion of the Development Authority.
(e) Additional Parking, Loading, & Access Standards	<ul style="list-style-type: none"> i. All commercial and industrial uses shall provide sufficient space and access for loading vehicles to the satisfaction of the Development Authority. ii. All loading areas shall be a minimum of 2.5 metres wide. iii. All loading areas shall provide no less than 3.6 metres overhead clearance. iv. All loading areas shall be hard surfaced if the access is from a street or land which is hard surfaced. v. Access to all loading areas shall be from a public road, a lane, or a clearly defined traffic aisle, and shall not interfere with traffic on the adjoining or abutting streets or lanes.

3.8.8 Landscaping Standards

(a) Landscaped Area	<ul style="list-style-type: none"> i. All portions of a site not covered by structures, parking, or vehicular circulation areas shall be landscaped.
(b) Number of Trees	<ul style="list-style-type: none"> ii. The minimum number of trees required for a industrial or commercial development shall be 1 tree per 35 square metres of landscaped area.
(c) Tree Size	<ul style="list-style-type: none"> i. Minimum height of 2 metres and/or 40 millimeters in caliper.
(d) Number of Shrubs	<ul style="list-style-type: none"> i. The minimum number of shrubs required for a residential, mixed-use, or commercial development

	shall be 1 shrub per 15 square metres of landscaped area.
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3.8.9 Screening, Fences, & Hedges

(a) Screening	<ul style="list-style-type: none"> i. Garbage and waste material must be stored in weather proof and animal proof containers, and visually screened from public roads, excluding lanes. ii. Outside storage of commercial materials and equipment shall be visually screened from adjacent parcels and public roads.
(b) Fences and Hedges	<ul style="list-style-type: none"> i. A fence or hedge located in a front yard shall be a maximum height of 1.2 metres. ii. All other fences or hedges shall be a maximum height of 1.8 metres.

3.8.10 Additional Standards

(a) Subdivision	<ul style="list-style-type: none"> i. A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board.
(b) Stormwater Management	<ul style="list-style-type: none"> i. Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane and/or the street. ii. A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.

PART 4: SIGNS

4.1 GENERAL REQUIREMENTS FOR SIGNS

- 4.1.1 A **sign** shall not conflict with or dominate, or detract from the general character of the surrounding streetscape or the architecture of any **building** on the **parcel** on which it is located or in the vicinity of or be liable to create a cluttered appearance to the streetscape.
- 4.1.2 The exterior finish and construction of all **signs** shall be of professional quality and appearance. Consideration should be made for orientation, climate, and environmental factors that may affect the appearance, condition, or degradation of the **sign** over time.
- 4.1.3 The **Development Authority** may revoke a **development permit** for a **sign** at any time if the **sign** has become detrimental to the amenities of the neighbourhood.
- 4.1.4 The **Development Authority** may require that any **sign** not in conformance with this **Bylaw** shall be renovated, repaired, or removed.
- 4.1.5 The **Development Authority** may approve a **sign** on a temporary basis, whether or not it conforms to the rules established in this **Bylaw**, if the **sign** is used to advertise a special event held at a public facility.
- 4.1.6 No **sign** shall be erected on or affixed to municipal property or a municipal road **right-of-way** without the approval of the **Town**.
- 4.1.7 No **sign** shall be erected on or affixed to provincial property or a provincial road **right-of-way** without the approval of Alberta Transportation.
- 4.1.8 The **development** of a **sign** on municipal property or a municipal road **right-of-way** shall require an agreement with the **Town** registered on title or kept on record at the **Town** office.
- 4.1.9 A permitted **sign** installed on municipal property shall be at the **applicant** or developer's risk and the **Town** may, at any time, require the **applicant** or developer to remove the **sign** and incur all costs associated with the removal of the **sign**.
- 4.1.10 Where a **sign** projects over a public sidewalk or other municipal property, the **owner** of the **sign** shall:
 - (i) indemnify to hold harmless the **Town** for any claim related to the construction and maintenance of the **sign**; and
 - (ii) furnish a public liability insurance policy of such an amount satisfactory to the **Development Authority** naming the **Town** as co-insured.
- 4.1.11 A **sign** shall not obstruct the view of, or be liable to be confused with, an official traffic **sign**, signal, or device, or otherwise pose a potential hazard to traffic.
- 4.1.12 All **signs** must be erected on or directly in front of the **site** to which they relate.
- 4.1.13 All **signs** shall be removed within 30 days of the **use** to which they relate ceasing to operate.

- 4.1.14 A **sign** shall comply with the requirements set out in the Canadian Code of Advertising Standards and shall not be offensive or promote intolerance, hatred, or ridicule of any race, religion, or other segment of society.

4.2 FREESTANDING SIGNS

- 4.2.1 No **freestanding sign** shall extend beyond 6 metres above **grade** or be larger than 3 square metres, except in the:
- (i) Tourism Corridor District (TCD) and the Employment District (ED), where the maximum height shall be 9 metres and the maximum area shall be 23 square metres.
- 4.2.2 Only 1 **freestanding sign** may be erected along each of a **site's parcel boundaries** shared with a street.
- 4.2.3 No **freestanding sign** shall be erected in such proximity to the Badlands District (BD) that it would detract from the natural aesthetics and intent of the Badlands District (BD).
- 4.2.4 **Freestanding signs** shall be separated from each other by a minimum distance of 15 metres.
- 4.2.5 **Freestanding signs** shall only be erected on or **adjacent** to **sites** to which they relate, except in the case of:
- (i) Advance directional and informational **signs** which may be approved by the **Development Authority** in locations where it considers that the free and safe flow of traffic may be enhanced; or
 - (ii) **Signs** used solely by community organizations.

4.3 FASCIA SIGNS

- 4.3.1 No **fascia sign** shall project more than 0.4 metres over a street or public property.
- 4.3.2 No **fascia sign** shall project more than 1 metre above the roof of the **building** to which the **fascia sign** is attached.
- 4.3.3 No **fascia sign** shall be lower than 2.5 metres above **grade**, except in the case of **signs** intended solely for the information of pedestrians, where the height shall be determined by the **Development Authority** having regard, amongst other things, to clarity and safety.
- 4.3.4 No **fascia sign** shall exceed 25% of the façade to which the **fascia sign** is attached.

4.4 PROJECTING SIGNS

- 4.4.1 No **projecting sign** shall exceed 2 square metres in size.
- 4.4.2 No **projecting sign** shall project more than 1 metre above the roof of the **building** to which the **projecting sign** is attached.

- 4.4.3 No **projecting sign** shall be lower than 2.5 metres above **grade**.
- 4.4.4 The maximum space between the **projecting sign** and its supporting structure shall be 0.6 metres.
- 4.4.5 No **projecting sign** shall project within 0.6 metres from the curb.
- 4.4.6 Only 1 **projecting sign** may be erected on each street facing façade of the **use** to which the **sign** relates.

4.5 ROOFTOP SIGNS

- 4.5.1 No **rooftop sign** shall exceed 9 square metres in size.
- 4.5.2 No **rooftop sign** shall project more than 3 metres vertically above the roof line.
- 4.5.3 No **rooftop sign** shall project horizontally beyond the roof line.
- 4.5.4 Structural support elements shall be designed or concealed such that they are not visible.

4.6 PORTABLE SIGNS

- 4.6.1 Only 1 **portable sign** may be on a **parcel**.
- 4.6.2 No **portable sign** shall be located within 2 metres of any **parcel boundary**.
- 4.6.3 No **portable sign** shall be higher than 2 metres above **grade**.
- 4.6.4 No **portable sign** shall exceed 3 square metres in size.
- 4.6.5 No **portable sign** shall be located on a residential **parcel**.
- 4.6.6 No **portable sign** shall be located within 30 metres of another **portable sign**.
- 4.6.7 **Portable signs** shall have a maximum display period of 60 days per **development permit**.
- 4.6.8 A **development permit** for a **portable sign** may be extended upon application being made to the **Development Authority**.
- 4.6.9 **Portable signs** shall only be erected on **sites** to which it relates unless otherwise approved by the **Development Authority**.
- 4.6.10 **Portable signs** shall be properly secured so that they will not move or pose a hazard.

4.7 A-BOARD SIGNS

- 4.7.1 No **A-board sign** shall disrupt pedestrian traffic on the sidewalk.
- 4.7.2 No **A-board sign** shall exceed 0.6 metres in width or 0.9 metres in height.
- 4.7.3 **A-board signs** shall only be allowed on sidewalks during hours when the business to which the **A-board sign** relates is open to the public.

- 4.7.4 **A-board signs** shall be limited to 1 per business and placed directly in front of the **building** in which the business is located.
- 4.7.5 **A-board signs** shall not be placed on centre medians with road **rights-of-way**.
- 4.7.6 **A-board signs** must be constructed of a material such that a rigid frame is provided.

4.8 SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

- 4.8.1 2 temporary on-site **signs**, not exceeding 1 square metre in size nor 1.2 metres in height, so long as the **sign** is intended for one of the following purposes:
- (i) Advertising the sale or lease of property;
 - (ii) Identifying a construction or demolition project;
 - (iii) A political **sign** 30 days prior to a federal, provincial, or municipal election or referendum.
- 4.8.2 1 **A-board sign** in accordance with Section 4.7.

PART 5: ADMINISTRATION

5.1 DEVELOPMENT AUTHORITY

5.1.1 The position of the **Development Authority** is established by bylaw pursuant to the **Act**.

5.1.2 Subject to Section 624 of the **Act**, the **Development Authority** may include one or more of the following:

- (i) The **Development Officer(s)**;
- (ii) The **Municipal Planning Commission**; or
- (iii) **Council** acting as the **Development Authority** in a Direct Control District.

5.1.3 The **Development Authority** shall:

- (i) Exercise powers and duties on behalf of the **Town**.
- (ii) Perform duties as established by **Council** to enforce this **Bylaw** in accordance with the **Act**, as amended; and
- (iii) Receive, consider, and make decisions on applications for **development permits** and letters of compliance.

5.2 DEVELOPMENT OFFICER

5.2.1 The office of the **Development Officer** is hereby established.

5.2.2 The person or persons to fill the office of the **Development Officer** shall be appointed by the **CAO**.

5.2.3 The **Development Officer** shall:

- (i) Enforce this **Bylaw** and decisions of the **Development Authority**;
- (ii) Receive and process all applications for **development permits**;
- (iii) Review each **development permit** application to determine whether it is complete in accordance with the information requirements of this **Bylaw**;
- (iv) Review each **development permit** application to determine its appropriate **use** definition and, if necessary, require the **applicant** to apply for a permit for a different **use** definition;

- (v) Keep and maintain for inspection of the public during office hours, a copy of this **Bylaw** and all amendments and ensure that copies are available to the public;
- (vi) Maintain an up-to-date version of this **Bylaw** on the **Town's** website;
- (vii) Keep a register of all **development permit** applications including the decisions rendered and the reasons for the decisions;
- (viii) Consider and decide on applications for **development permits** within 40 days of the receipt of the application in its complete and final form or within such time as agreed to, in writing, by the **applicant**;
- (ix) Issues decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as **permitted uses** in the subject land use **district**.
- (x) Issues decisions and, if necessary, state terms and conditions for **development permit** applications for those **uses** listed as **discretionary uses** in the subject land use **district** where, in the opinion of the **Development Officer**, the proposed **development** meets all the standards of the **Bylaw** and is compatible with surrounding **uses**; and
- (xi) Provide notice of decisions on **development permit** applications in accordance with the notification requirements of this **Bylaw** and the **Act**.

5.2.4 The **Development Officer** may:

- (i) Refer a **development permit** application to the **Municipal Planning Commission** when deemed necessary by the **Development Officer**; and
- (ii) Refer any other planning or **development** matter to the **Municipal Planning Commission** for its review, support, direction, or decision.

5.3 SUBDIVISION AUTHORITY

5.3.1 **Council** is the **Subdivision Authority** and is authorized to exercise **subdivision** powers and duties on behalf of the **Town** in accordance with this **Bylaw**.

5.3.2 **Council** may delegate any or all of their **Subdivision Authority** powers and duties to the **CAO**, the **Development Officer**, or other employee of the **Town**.

5.3.3 The **Subdivision Authority** shall perform duties that are specified in the **Act** and the *Subdivision and Development Regulation*.

5.4 MUNICIPAL PLANNING COMMISSION

5.4.1 The **Municipal Planning Commission** is hereby established and shall perform duties that are specified in the **Act** and the *Subdivision and Development Regulations*.

5.4.2 The **Municipal Planning Commission** shall:

- (i) Issue decisions and, if necessary, state terms and conditions for **development permit** applications referred by the **Development Officer**; and
- (ii) Consider and, if necessary, state terms and conditions on any other planning or **development** matters referred by the **Development Officer**.

5.4.3 The **Municipal Planning Commission** may:

- (i) Direct the **Development Officer** to review, research, or make recommendations on any other planning and **development** matter; and
- (ii) Make recommendations to **Council** on planning and **development** matters.

5.5 VARIANCE POWERS

5.5.1 The **Development Authority** or **Subdivision Authority** may approve at their discretion, with or without conditions, an application for **development** that does not comply with this **Bylaw** where the proposed **development**, with **variance** would not:

- i. Unduly interfere with the amenities of the neighbourhood; or
- ii. Materially interfere with or affect the **use**, enjoyment, or value of neighbouring properties; and
- iii. The **use** proposed is allowed by this **Bylaw**.

5.5.2 If a **variance** is granted pursuant to this section, the **Subdivision Authority** or **Development Authority** shall specify its nature in the **subdivision** or **development permit** approval.

5.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

5.6.1 The **Subdivision and Development Appeal Board** shall perform the duties specified in the **Act**, this **Bylaw**, and the Subdivision and Development Appeal Board Bylaw, as amended.

5.7 AMENDMENTS TO THIS BYLAW

5.7.1 **Council**, on its own initiative, may amend this **Bylaw**, pursuant to the **Act**.

5.7.2 Prior to granting second reading to a proposed bylaw that amends or repeals this **Bylaw**, **Council** shall hold a public hearing in accordance with the **Act**.

5.7.3 A person may make an application to the **Development Authority** to amend this **Bylaw**. The application shall include:

- (1) The prescribed application form, properly completed and signed;
- (2) A statement of the specific amendment requested;
- (3) The purpose and reasons for the application;
- (4) A statement of the **applicant's** interest in the lands; and
- (5) An application fee, as established by **Council**.

5.7.4 If the amendment is for redesignation of land, the **Development Authority** may require:

- (1) Plan(s) showing the lands which are the subject of the amendment;
- (2) Written authorization from the registered **owner** of the subject lands;
- (3) A current copy of the Certificate of Title for the subject lands;
- (4) An Concept Plan for the area to be redesignated, to the level of detail specified by the **Development Authority**; and
- (5) Payment of a fee to the **Town** equal to the costs incurred by the **Town** to review the proposed redesignation and related Concept Plan, or if necessary to prepare an Concept Plan.

5.7.5 The analysis of the **Development Authority** shall be based on the full land use potential of the proposed amendment and not on the merits of any particular **development** proposal. The analysis shall, among other things, consider the following impact criteria:

- (1) Relationship to and compliance with approved **Statutory Plans** and **Council** policies;
- (2) Relationship to and compliance with **Statutory Plans** and Concept Plans in preparation;
- (3) Compatibility with surrounding **development** in terms of land use function and scale of **development**;
- (4) Traffic impacts;
- (5) Relationship to, or impacts on, services such as water and sewage systems, and other **public utilities** and facilities such as recreation facilities and schools;
- (6) Relationship to municipal land, right-of-way, or easement requirements;

- (7) Effect on stability, retention, and rehabilitation of desirable **uses**, **buildings**, or both in the area;
- (8) Necessity and appropriateness of the proposed amendment in view of the stated intentions of the **applicant**; and
- (9) Relationship to the documented concerns and opinions of area residents regarding **development** implications.

5.7.6 If an application to amend this **Bylaw** is refused, the **Development Authority** may refuse to accept another application until 6 months has lapsed from the date of the refusal.

5.8 SUBDIVISION APPLICATIONS

5.8.1 An application for **subdivision** shall be made to the **Subdivision Authority** using the prescribed form, properly completed, signed by all **owners** and agents, and accompanied by:

- (1) Copies of either a sketch or plan drawn to scale in metric dimensions showing the following:
 - (i) The location, dimensions, and boundaries of the **parcel** to be subdivided;
 - (ii) The proposed **parcel(s)** to be registered in a Land Titles Office;
 - (iii) The location, dimensions, and boundaries of each new **parcel** to be created and any reserve land;
 - (iv) Existing **rights-of-way** of each public utility or other **rights-of-way**;
 - (v) The location, **use**, and dimensions of **buildings** on the **parcel** that is the subject of the application and specifying those **buildings** that are proposed to be demolished or moved;
 - (vi) The location and boundaries of the bed and shore of any river, stream, watercourse, lake, or other body of water that is contained within or bounds the proposed **parcel** of land.
 - (vii) The location of any existing or proposed wells, any private sewage disposal systems, and the distance from these to existing or proposed **buildings** and existing or proposed **parcel boundaries**; and
 - (viii) Existing and proposed **access** to the proposed **parcel(s)** and the remainder of the **parcel**.
- (2) Current title searches or photocopies of the existing registered Certificates of Title in a Land Titles Office showing all ownership interests and easements within the **parcel** to be subdivided.

- (3) Statistics showing calculations of the gross **floor area** of land in the plan area and the allocation of the land to **streets, lanes, parcels**, and reserve lands, as per the **Act**.
- (4) Number of **dwelling units**;

5.8.2 In addition to the information required under **Section 5.8.1**, the following information may be required by the **Subdivision Authority** depending on the scale, type, and location of the proposed **development**:

- (1) Ground water information and information regarding the supply of potable water if the intended **uses** are not served by a piped municipal system;
- (2) A Geotechnical Assessment, prepared by a qualified Geotechnical Engineer under seal and permit to practice stamp registered in the Province of Alberta, describing the **site's** suitability to:
 - (i) Sustain sewage disposal systems if the intended **use** is not served by a piped municipal wastewater system; and/or
 - (ii) Support **building** foundations and withstand slumping or subsidence on lands.
- (3) Shadow plans to demonstrate the integration of the proposed **subdivision** on **adjacent parcels** and/or land to be developed in the future;
- (4) A plan showing resources, such as trees, ravines, views, and other similar natural features which are influential to the **subdivision** of the area;
- (5) An appraisal of the market value of the land when money in place of land dedication for Municipal Reserve is proposed. The appraisal must be prepared in accordance with the **Act**.
- (6) An Historical Resources Impact Assessment on lands that have been identified or suspected as containing a Registered Historical Resource or within 60 metres of public lands set aside for **use** as historical sites.

5.8.3 If an application for **subdivision** is refused, the **Subdivision Authority** may refuse to accept another application until 6 months has lapsed from the date of the refusal.

5.8.4 Approval of an application for **subdivision** is not an approval to develop, construct, or build on the land. **Site** grading, earthwork, or any other construction shall not commence nor proceed until a **development agreement** has been signed or, where applicable, a **development permit** has been issued.

5.8.5 When an application for **subdivision** is approved, with or without conditions, or refused, the notice of decision shall be sent by ordinary mail to the **applicant** and those persons and authorities that are required to be given a copy of the application under the *Subdivision and Development Regulation*.

5.8.6 For purposes of this **Bylaw**, the date of the notice of decision of the **Subdivision Authority** on an application for **subdivision** is the date the decision was transmitted to

the **applicant** and those persons required to be notified under the *Subdivision and Development Regulation*.

- 5.8.7 An application for **subdivision** shall, at the option of the **applicant**, be deemed to be refused when decision is not made by the **Subdivision Authority** within 60 days of the application being deemed complete unless the **applicant** has entered into an agreement with the **Subdivision Authority** to extend the 60 day period. The **applicant** may **appeal** in writing, as per the **Act**, as though they had received a decision of refusal.

5.9 SUBDIVISION AGREEMENT

- 5.9.1 The **Subdivision Authority** may approve a **subdivision** application subject to conditions.
- 5.9.2 If a **subdivision agreement** is required it shall be entered into between the **Town** and the **owner** and/or **applicant**, as per Section 655 of the **Act**. The **subdivision agreement** may be registered on certificate(s) of title to the satisfaction of the **Town**.
- 5.9.3 A **subdivision agreement** may contain provisions requiring a letter(s) of credit or other **security** in an amount and in a form to be determined by the **Town** to guarantee the execution of the items listed in the **subdivision agreement**.

5.10 WHEN A DEVELOPMENT PERMIT IS NOT REQUIRED

- 5.10.1 All municipal works, **public utilities**, public parks, and municipal facilities are permitted in all districts and shall be exempt from the regulations and **development permit** conditions of this **Bylaw**.
- 5.10.2 A **development permit** is not required for the following **developments** provided the **development** complies with all other requirements of this **Bylaw**:
- (1) Those **uses** and **development** exempted under Section 618 of the **Act**.
 - (2) Works of maintenance, repair, or alteration to any **building** or **structure** provided that the work:
 - (i) Does not include **structural alterations**;
 - (ii) Does not result in an increase in the number of **dwelling units**;
 - (iii) Does not change the intensity or **use** of the **building** or **structure**;
and
 - (iv) Is performed in accordance with relevant legislation and other government regulations.
 - (3) The completion of any **development** which has lawfully commenced before the passage of this **Bylaw** or any amendment to this **Bylaw**, provided that the **development** is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within 12 months of the date of commencement;

- (4) The **use** of any such **development** as is referred to in **subsection (3)** for the purpose of which **development** was commenced;
- (5) The erection or construction of gates, fences, walls, or other means of enclosure less than 1 metre in height in **front yards** and less than 2 metres in height in other **yards**, and the maintenance, improvement, and other alterations of any gates, fences, walls, or other means of enclosure;
- (6) Retaining walls less than 1 metre in height;
- (7) A temporary **building** associated with construction and not to be used for residential purposes such as a construction trailer, where the sole purpose of the **building** is incidental to the erection or **structural alteration** of a permanent **building** for which a **development permit** has been issued under this **Bylaw**. The temporary **building** shall be removed within 30 days of substantial completion of **development**. This does not include a sales **office**, **show home**, or similar facility.
- (8) Any **development** carried by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
- (9) The **use** of a **building** or part thereof as a temporary polling station for a federal, provincial, or municipal election or referendum;
- (10) The temporary placement of campaign signs in connection with a federal, provincial, or municipal election or referendum;
- (11) **Town** sanctioned special events;
- (12) An **accessory building or structure** not greater than 10 square metres and with a maximum height of 3 metres, with no utility connections, no permanent foundation, and is not to be used for residential purposes;
- (13) Signs not requiring a **development permit** as per Part 4 of this **Bylaw**;
- (14) The erection or maintenance by the **Town** on **Town** property of a traffic sign, informational sign, directional sign, or third party sign;
- (15) The erection of a flag pole or other poles provided that such poles do not exceed 6 metres in height;
- (16) A satellite dish antenna less than 1 metre in diameter;
- (17) A **Home Occupation - Basic**; and
- (18) The construction of a **deck** or patio.

5.11 DEVELOPMENT PERMIT APPLICATIONS

- 5.11.1 An application for a **development permit** shall be made to the **Development Authority** using the prescribed form, properly completed, signed by all **owners** and agents, and accompanied by:

- (1) The required fees as established by **Council**;
- (2) Written authorization from the registered **owner** of the subject lands;
- (3) A current copy of the Certificate of Title for the subject lands;
- (4) 2 copies of the **site**, floor, elevation, and landscaping plans, drawn to scale, in metric dimensions which show the following:
 - (i) Legal description of the **site** with north arrow;
 - (ii) Area and dimensions of the land to be developed including **parcel coverage**, thoroughfares, and **setbacks**.
 - (iii) Exterior finishing materials, architectural design features, and all locations and dimensions of frontage elements including transparency, entrances, and landscaping;
 - (iv) The height, dimensions, and relationship to **parcel boundaries** of all existing and proposed **buildings** and **structures** including retaining walls, trees, landscaping, and other physical features;
 - (v) The removal of trees if applicable;
 - (vi) Existing and proposed **access** to and from the **site**;
 - (vii) **Site** drainage, **finished grades**, and the **grades** of the roads, streets, and utilities servicing the **site**.
 - (viii) Locations and distances of on-**site** existing or proposed water, wastewater, and storm water connections, septic tanks, disposal fields, water wells, culverts, and crossings;
 - (ix) Location and dimensions of all registered easements and **rights-of-way**;
 - (x) Information on the method to be used for the supply of potable water and disposal of waste along with supporting documentation; and
 - (xi) Estimated construction value of the proposed work.
- (5) In addition to the information required under **Section 5.11.1**, the following information may be required by the **Development Authority** depending on the scale, type, and location of the proposed **development**:
 - (i) Number of **dwelling units**;
 - (ii) A statement of the proposed **use** or **uses**;
 - (iii) Loading and parking provisions, including electric charging stations and bicycle parking;
 - (iv) Location of any fire hydrants;

- (v) Garbage and storage areas and the fencing and screening proposed for garbage and storage areas;
 - (vi) Landscaping plan prepared by a landscape architect registered with the Alberta Association of Landscape Architects, identifying location, dimensions, and design of all existing and proposed **soft landscaping** and **hard landscaping**, including health, identification, and planting methods;
 - (vii) Lighting plan;
 - (viii) Pedestrian circulation plan;
 - (ix) Crime Prevention Through Environmental Design (CPTED) assessment prepared by a qualified security professional;
 - (x) A statement clearly describing how the positive and/or negative potential impacts of the proposed **development** on **adjacent** lands will be dealt with and how the proposed **development** has been designed to address those impacts;
 - (xi) Information describing any noxious, toxic, radioactive, flammable, or explosive materials that may be included in the proposed **development**;
 - (xii) In relation to a special event or temporary **use**, the duration and time periods for the operation of the **development**, facility, or event;
 - (xiii) Methods to control traffic, dust, and noise;
 - (xiv) Any other information required by the **Development Authority**, at their sole discretion, with respect to the **site** or **adjacent** lands, including but not limited to, an environmental screening of the **site**, geotechnical study, and/or traffic impact analysis prepared by qualified professionals.
- (6) Unless extended by an agreement in writing between the **applicant** and the **Development Authority**, the **Development Authority** shall within 20 days after receipt of an application for a **development permit**:
- (i) Issue a written acknowledgement to the **applicant** advising that the application is complete; or
 - (ii) Issue a written notice to the **applicant** advising that the application is incomplete, listing the documentation and information that is still required and setting a date by which the required documentation and information must be submitted.
- (7) If the **applicant** fails to submit any requested outstanding documents or information by the date set out, the application shall be deemed refused and the **Development Authority** shall inform the **applicant** in writing that the application has been refused and the reason for the refusal.

- (8) Upon receipt of the required documentation and information listed in the notice issued pursuant to **subsection 7(ii)**, the **Development Authority** shall issue a written acknowledgment to the **applicant** advising that the application is complete.
- (9) The approval of an application or drawing, or the issuing of a **development permit** shall not prevent the **Development Authority** from thereafter requiring the correction of errors and omissions, nor from prohibiting the **development** being carried out when the **development** is in violation of this **Bylaw**.
- (10) Where an application for a **development permit** is determined to contain incorrect information, the **Development Authority** is not required to make a decision until such information is corrected by the **applicant**.
- (11) Any **development permit** issued on the basis of incorrect information contained in the application shall be revoked or suspended by the **Development Authority**.

5.12 APPLICATION NOTIFICATION REQUIREMENTS

- 5.12.1 Prior to approving an application for a **development permit** for a **discretionary use**, or for a **permitted use** requiring a **variance**, the **Development Authority** shall require the **applicant** to post a notice on the property in a location and format that determined by the **Town** describing the proposed **development** and advising any interested parties where further information regarding the application may be obtained. Such notice shall be posted for a minimum of 10 days prior to the issuance of a notice of decision.
- 5.12.2 Notifications shall contain information on the proposed **development**, the time and date that a decision will be rendered on the application, a final date to submit comments, and contact information for the **applicant** and the **Town**.

5.13 DEVELOPMENT AGREEMENT FOR DEVELOPMENT PERMITS

- 5.13.1 The **Development Authority** may conditionally approve any **development permit**, subject to a **development agreement**.
- 5.13.2 If a **development agreement** is required, it must be entered into between the **Town** and the **applicant** as per Section 650 of the **Act**.
- 5.13.3 The **Town** may register a caveat against the **certificate of title** with respect to a **development agreement** for a property that is the subject of a **development permit**. This caveat shall be discharged when the **development agreement** has been complied with, at the request of the **owner** or **owner's** agent.
- 5.13.4 A **development agreement** may contain provisions requiring a letter(s) of credit or other **security** in an amount and form to be determined by the **Town** to guarantee the execution of the items listed in the **development agreement**.

5.14 CONDITIONS OF DEVELOPMENT PERMIT

5.14.1 The **Development Authority** may impose such conditions on the approval of an application as, in their opinion, are necessary to:

- i. Uphold the intent and objectives of the **Municipal Development Plan**;
- ii. Uphold the intent and objectives of any other **Statutory Plan** or non-**Statutory Plan** under preparation or as adopted, that is applicable to the **site**;
- iii. Meet the applicable requirements of this **Bylaw**; and
- iv. Ensure the orderly and economic **development** of land within the **Town**.

5.14.2 The **Development Authority** may, as a condition of issuing a **development permit**, require that the **applicant** pay an **off-site levy** or other levy imposed by a bylaw or, that the **applicant** enter into a **development agreement** with the **Town** to pay any such levy and/or to construct or pay for the construction of any or all of the following:

- i. A public road required to give **access** or egress to the **development**;
- ii. A pedestrian walkway system to serve the **development**;
- iii. Pedestrian walkways that will connect the pedestrian walkway system that serves or is proposed to serve an **adjacent development**;
- iv. Off-street parking or other parking facilities;
- v. Utilities that are necessary to serve the **development**; or
- vi. New or expanded community recreation facilities, fire hall facilities, police station facilities, or libraries.

5.15 NOTICE OF DECISION

5.15.1 The decision of the **Development Authority** on an application shall be given to the **applicant** on the same day the decision is made in the form prescribed by the **Town**, which may include correspondence by electronic means pursuant to Section 608 of the **Act**.

5.15.2 If the **Development Authority** refuses an application for a **development permit**, the notice of decision shall contain the reasons for the refusal.

5.15.3 When an application for a **development permit** is approved, the **Development Authority** shall send notice of the decision that will include a description of the proposed **development**, state of the decision, advise of the right of **appeal**, and will be sent to:

- i. The **applicant**;
- ii. The **owner** of the **parcel(s)**;

- iii. Each **owner** of **adjacent** land at the name and address shown for that **owner**; or
- iv. Each **owner** at such additional distance and direction from the boundaries of the proposed **development** as, in the opinion of the **Development Authority**, may be materially impacted by the **development**.

5.15.4 A **development permit** issued pursuant to this **Bylaw** comes into effect:

- i. Only after the time for an **appeal** to the **Subdivision and Development Appeal Board** has expired, pursuant to the **Act**; or
- ii. If an **appeal** has been filed, once a decision has been made by the **Subdivision and Development Appeal Board** in favour of the issuance of the **development permit** subject to any **variance** or other change to conditions of approval directed by the **Subdivision and Development Appeal Board**.

5.15.5 Where an appeal is made pursuant to Section 5.17 of this **Bylaw**, a **development permit** which has been granted shall not come into effect until the appeal has been determined and the **development permit** may be modified or nullified based on the results of the appeal.

5.16 PERMIT VALIDITY

5.16.1 A **development permit** issued pursuant to this **Bylaw** is not a **building permit** and, notwithstanding that plans and specifications for **buildings** may have been submitted as part of an application for a **development permit**, work or construction shall neither commence nor proceed until a **building permit** has been issued, pursuant to applicable bylaws and regulations.

5.16.2 A **development permit** is valid for 12 months from its date of issuance, unless **development** has been substantially started in a manner satisfactory to the **Development Authority**.

5.16.3 The **Development Authority** may grant an extension of the time the **development permit** remains in effect for up to an additional 12 months. The **Development Authority** shall only grant one extension.

5.16.4 When a **development permit** that has previously been issued for a **site** is in effect, the **Development Authority**, in their consideration of an application for another **development permit** for the same **site(s)**, may revoke the previous **development permit** and issue a new **development permit**.

5.17 APPEALS

5.17.1 The **applicant** for a **development permit** may appeal to the **Subdivision and Development Appeal Board** if the **Development Authority**:

- i. Refuses a **development permit** application;
- ii. Fails to make a decision on a **development permit** within 40 days of receipt of a completed application or the end of the extension period; or
- iii. Issues a **development permit** subject to conditions.

5.17.2 In addition to the **applicant**, any person affected by the **development permit** or the decision on the **development permit**, may **appeal** to the **Subdivision and Development Appeal Board**.

5.17.3 An **appeal** must be commenced:

- i. In the case of an **applicant**, within 21 days of the notification of the decision, or, if no decision is made on the **development permit** application within 40 days of receipt of the completed application, the date the period of any extension expires; or
- ii. In the case of a person affected, within 21 days of the **Town** distributing notice of the **development permit** decision, as per **Section 5.15** of this **Bylaw**.

5.18 FORMS, NOTICES, OR ACKNOWLEDGEMENTS

5.18.1 Any form, notice, or acknowledgement issued by the **Town** shall include:

- i. The date of issuance of the notice or acknowledgement;
- ii. Contact information for the **Town**;
- iii. The municipal address of the property subject to the application;
- iv. The municipal file number for the application; and
- v. Any other information at the discretion of the **Town**.

5.18.2 Any form, notice, or acknowledgement may be sent by electronic means pursuant to Section 608 of the **Act**.

5.19 NON-CONFORMING USES AND BUILDINGS

5.19.1 A **non-conforming use** of land or a **building** may be continued, but if that **use** is discontinued for a period of 6 consecutive months or more, any future **use** of the land or **building** shall conform to this **Bylaw**.

- 5.19.2 A **non-conforming use** of part of a **building** may be extended throughout the **building**, but the **building**, whether or not it is a **non-conforming building**, may not be enlarged or added to and no **structural alterations** may be made to the **building** or in the **building**.
- 5.19.3 A **non-conforming use** of part of a **parcel** or **site** shall not be extended or transferred in whole or in part to any other part of the **parcel** or **site** and no additional **buildings** may be constructed on the **parcel** or **site** while the **non-conforming use** continues.
- 5.19.4 A **non-conforming building** may continue to be used, but the **building** may not be enlarged, added to, rebuilt, or **structurally altered** except:
- (1) To make it a conforming **building**; or
 - (2) For the routine maintenance of the **building**, if the **Development Authority** considers it necessary.
- 5.19.5 If a **non-conforming building** is damaged or destroyed to the extent of more than 75 percent of the value of the **building** above its foundation, the **building** may not be repaired or rebuilt except in accordance with this **Bylaw**.
- 5.19.6 The land **use** or the **use** of a **building** is not affected by a change of ownership or tenancy of the land or **building**.

5.20 CONTRAVENTION

- 5.20.1 No person shall contravene this **Bylaw** by commencing or undertaking a **development, use, or sign** that is not permitted under the **Bylaw**.
- 5.20.2 No person shall authorize or do any **development** that is contrary to the description, specifications, or plans that were the basis for issuing a **development permit** under this **Bylaw**.
- 5.20.3 No person shall contravene a condition of a **development permit** issued under this **Bylaw**.
- 5.20.4 The **Development Authority** may enforce the provisions of this **Bylaw**, the **Act**, and the conditions of a **development permit** or **subdivision** approval.

5.21 RIGHT OF ENTRY

- 5.21.1 For the purposes of **Section 5.20 to 5.23** inclusive, "Officer" is the **Development Authority, Subdivision Authority, Bylaw Officer**, or other person designated by the **Town**.
- 5.21.2 Pursuant to the **Act**, an Officer may enter land or a **building** if:
- i. Reasonable notice has been given to the **owner** or occupier; or
 - ii. The entry is authorized by and Order of the Court of Queen's Bench;
- and then only for the purpose of ensuring compliance with the **Act** or this **Bylaw**.

5.22 VIOLATION TAGS

- 5.22.1 In accordance with the Provincial Offences Procedures Act, an Officer may issue a **violation tag** to a person where there is reasonable and probable grounds to believe there is a contravention of this **Bylaw**.
- 5.22.2 A **violation tag** may be issued to a person either personally or by registered mail.
- 5.22.3 The **violation tag** shall be in a form approved by the **Town** and shall include the name of the person thought to have created the contravention the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the **violation tag**, the method by which the **violation tag** may be paid, and other information required by the **Town**.
- 5.22.4 Where a contravention is of a continuing nature, further **violation tags** may be issued.
- 5.22.5 The person to whom the **violation tag** is issued may, in lieu of being prosecuted, **sign** the plea of guilty on the **violation tag** and pay the specified fine to the location identified on the **violation tag**.
- 5.22.6 If payment is not made within the time specified on the tag, an Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 5.22.7 Nothing in this **Bylaw** shall prevent an Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this **Bylaw**.

5.23 FINES

- 5.23.1 The fines for an offence against this **Bylaw**, pursuant to the **Act**, are:
- i. First Offence, \$250;
 - ii. Second Offence, \$500;
 - iii. Third and additional offences, \$1,000.
- 5.23.2 If the **Development Authority** issues a fine, notice of the fine shall be mailed or delivered by hand to the **owner** or the person in possession of the land or **building** and the notice shall state:
- i. The amount of the fine;
 - ii. Whether it is a first, second, or third offence;
 - iii. The date and time by which the property must be brought into conformity with the **Bylaw**.

5.23.3 The **Development Authority** is authorized and directed to take whatever action is required to collect fines levied for offences of this **Bylaw**.

5.24 STOP ORDERS

5.24.1 Where the **Development Authority** finds that a **development**, **use** of land, or **use** of a **building** is not in accordance with:

- i. Any municipal, provincial, and/or federal legislation;
- ii. The **Act**;
- iii. This **Bylaw**; or
- iv. An approved **development permit**, a **subdivision** approval, or a condition of the **development permit** or approval,

The **Development Authority** may issue a **stop order**, pursuant to Section 645 of the **Act**, in writing on the date the **stop order** is made to the **owner**, the person in possession of the land or **building**, or other person responsible for the contravention of all or any of them to:

1. Stop the **development** or **use** of the land or **building** in whole or in part as directed by the **stop order**;
2. Demolish, remove, or replace the **development**; or
3. Carry out any other actions required by the **stop order** so that the **development** or **use** of the land or **building** complies with the **Act**, the Subdivision and Development Regulation, this **Bylaw**, a **development permit** or **subdivision** approval, within the time set out in the **stop order**.

5.24.2 A person may **appeal** a **stop order** to the **Subdivision and Development Appeal Board**.

5.24.3 If a person fails or refuses to comply with a **stop order**, the **Town** may, in accordance with the **Act**:

- i. Obtain an injunction from an Alberta Court to enforce this **Bylaw**;
- ii. Register a caveat under the Land Titles Act in respect of the **stop order**;
- iii. Enter upon the land or **building** and take such action as is necessary to carry out the **stop order**; and
- iv. Charge the **owner** and collect in like manner as taxes owing against a property, the cost of the action or measure.

PART 6: INTERPRETATION & DEFINITIONS

6.1 RULES OF INTERPRETATION

- 6.1.1 Provisions of this **Bylaw** are activated by “shall” or “must” when required, “should” when recommended, and “may” when optional.
- 6.1.2 Words and terms used in this **Bylaw** shall have the same meaning as given to them in the **Act** unless otherwise defined by Section 6.2.
- 6.1.3 Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neuter. Words have the same meaning whether or not they are capitalized.
- 6.1.4 Where a regulation involves 2 or more conditions or provisions connected by a conjunction, the following shall apply:
- (i) “*and*” means all the connected items shall apply in combination;
 - (ii) “*or*” indicates that the connected items may apply singly; and
 - (iii) “*and/or*” indicates the connected items shall apply singly or in combination.

6.2 DEFINITIONS

A

A-Board Sign

means a self-supporting **sign** with no more than 2 faces joined at the top of the **sign**, that is intended for temporary **use** during the hours of the business to which it relates, and that can be placed and moved manually without mechanical aid.

Access

means the place, means, or way by which pedestrians and/or vehicles shall have adequate ingress and egress to a property.

Accessory Building, Structure, or Use

means a **building, structure, or use** which is detached from and subordinate, incidental, and directly related to the **principal building or use**.

Act

means the *Municipal Government Act*, RSA 2000 c M-26 as amended or replaced.

Adjacent	means land that is contiguous or would be contiguous if not for a public road , railway, reserve land, utility right-of-way, river, or stream.
Adult Entertainment	means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or services designed to appeal to erotic or sexual appetites or inclinations.
After Life Care	means a development where the deceased are prepared for burial display and/or rituals before burial or cremation. This may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services. This use does not include a Cemetery .
Agriculture – General	means a development for the rural production of farm or agricultural products and includes the cultivation of land, breeding and raising of livestock, and horticultural growing operations. Does not include confined feeding operations .
Agriculture – Intensive	means a development for the growing of crops primarily within a building and/or structure for the purpose of commercial food production. Does not include confined feeding operations .
Applicant	means the owner , or an agent, person, firm, or company acting on behalf of the owner , who submits an application under the provisions of this Bylaw .
Area Redevelopment Plan	means a Statutory Plan adopted by bylaw as an Area Redevelopment Plan pursuant to the Act .
Area Structure Plan	means a Statutory Plan adopted by bylaw as an Area Structure Plan pursuant to the Act .
Artist Studio	means small-scale, on- site production of goods by hand manufacturing. Typical uses include, but are not limited to, pottery, ceramics, jewelry, toy manufacturing, and sculpture and art studios. Minor Retail sale of products on site is allowed.

B

Balcony	means a horizontal platform that is attached to a building above the first storey level and is intended for use as an outdoor amenity space.
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Bed & Breakfast	means a Dwelling Unit that is occupied by the property owner or manager and provides overnight accommodation for a fee in rooms with no in-room cooking facilities.
Bench	means an intermediary plateau or area which occurs between the toe of a slope (valley bottom lands) and an escarpment or valley wall top (or rim). Bench-lands typically have a slope of between 1 and 15 percent and a valley edge may have more than one bench at different elevations.
Billboard Sign	means a sign to which advertising copy is affixed to permit its periodic replacement.
Building	means anything constructed or placed on, in, over, or under land, but does not include a highway or road or a bridge forming part of a highway or road .
Building Height	means the vertical distance measured from the finished grade to the highest point of a building . Building height does not include any accessory roof structure such as mechanical housing, elevator housing, roof stairway entrance, ventilating fan, skylight, parapet wall, chimney, steeple, communication structure, or similar feature not structurally essential to the building .
Building Permit	means a permit authorizing construction in accordance with the Alberta Safety Codes Act.
Bylaw	means the Town of Drumheller Land Use Bylaw.
Bylaw Officer	means a person appointed by the Town to enforce the provisions of this Bylaw , and includes a member of the Royal Canadian Mounted Police and a Community Peace Officer.

C

Caliper	means the diameter of a tree trunk as measured fifteen centimetres above the root collar, which is at the base of the tree where the tree's roots join the trunk.
Campground	means a development for the purpose of providing temporary accommodation for recreational vehicles or tents.
CAO	means the Chief Administrator Officer as appointed by Council .

Car Wash	means an establishment for the washing of motor vehicles, which may employ production-line methods, mechanical devices, staffed hand wash facilities, or unstaffed self-wash facilities.
Cemetery	means land or a building for the burial or interment of the deceased.
Communication Structure	<p>means an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:</p> <ol style="list-style-type: none"> 1. Freestanding Antenna System: a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems; 2. Building/Structure-Mounted Antenna System: an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.
Concept Plan	A Concept Plan is a non-statutory plan, subordinate to an Area Structure Plan , and may be adopted by bylaw or resolution. Concept Plans provide detailed land use direction, subdivision design, and development guidance to Council , administration, and the public. Concept Plans are meant to be developed within the framework of an ASP.
Confined Feeding Operation	means an activity on land that is fenced or enclosed or within buildings where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the Agricultural Operations Practices Act (AOPA) through the Natural Resources Conservation Board (NRCB).
Corner Parcel	means a parcel at the intersection of two roads , excluding lanes .
Council	means the Council of the Town of Drumheller.
Culture	means a development used by one or more organizations for arts, religion, community and/or cultural activities, but does not include Entertainment Establishment .

D

Day Home	means a childcare facility operated from a private residence for up to 6 children up to 12 years of age and complies with the <i>Alberta Family Day Home Standards</i> but does include childcare programs as defined by the <i>Child Care Licensing Act</i> .
Deck	means an uncovered horizontal structure with a surface height greater than 0.6 metres above grade at any point that is intended for use as an outdoor amenity space, but does not include balcony .
Density	means the number dwelling units allows for each parcel .
Design Flood	means a flood event that results in a minimum river flow rate of 1,640 m ³ /second.
Development	means: <ul style="list-style-type: none">(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 the construction or placing of any of them on, in, 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; or(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.
Development Agreement	means a legal agreement between the applicant for a development permit and the Town committing to the provision of any matter required by a condition of the development permit .
Development Authority	means the person or persons appointed pursuant to the Act that has been authorized to exercise development powers on behalf of the Town .
Development Officer	means a development officer established pursuant to Section 5.2 of this Bylaw .

Development Permit	means a document that is issued under this Bylaw and authorizes a development .
Discretionary Use	means a use of land, buildings , or structures for which a development permit may be issued with or without conditions, at the discretion of the Development Authority .
Driveway	means a vehicle access route between a road and a use on a parcel .
Dwelling Unit	means a single unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation
Dwelling Unit – Temporary	means a Dwelling Unit that is not dependent on a permanent foundation and is intentionally built to be transported and/or relocated. Dwelling Unit -Temporary does not include Recreational Vehicles .

E

Education	means public and private places of learning for any age including licensed childcare facilities.
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F

Fascia Sign	means a sign attached to, marked, or inscribed on and parallel to the face of a building wall but does include a billboard sign .
Finished Grade	means the ground elevation determined by averaging the finished level of the ground adjacent to the foundation of the principal building .
Flood Construction Level	means the required elevation of the underside of a wooden floor system or top of a concrete slab for habitable buildings that is calculated from the specified elevation of the design flood of a minimum of 1,640 m ³ /second.
Floor Area	means the total area of all floors in a building .
Freestanding Sign	means a sign that is supported independently of a building wall or structure but does include a billboard sign .

Front Parcel Boundary	means, in the case of an interior parcel , the boundary which abuts a road and in the case of a corner parcel , means the shorter of the 2 parcel boundaries which abut a road .
Front Setback	means the distance between a building façade and the front parcel boundary . A front setback is not a front yard .
Front Yard	means a yard extending across the full width of a parcel from the front parcel boundary to the front wall of the principal building .

G

Gas Station	means a business engaged in the sale of vehicle fuel and ancillary products.
Government	means a development providing municipal, provincial, or federal government services and includes but is not limited to a government office, tourism office, postal service outlet, social service centre, and courthouse, but does not include Education facilities.
Grade	means the ground elevation established for the purpose of regulating building height . Grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be the finished ground elevation adjacent to the wall of the building at the lowest finished elevation of the property.

H

Habitable Area	means any space or room, that can be used for dwelling purposes, business, or the storage of goods susceptible to damage by flood.
Hard Landscaping	means the use of non-vegetative material, including but not limited to concrete, paving stone, asphalt, or gravel, as part of a landscaped area .
Hard Surface	means asphalt, concrete, paving stone, or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area.
Health Services	means a development providing medical and health care services on both an inpatient and an outpatient basis, or

provincially licensed extended medical care, but does not include **Restricted Substance Retail**.

Heavy Industrial

means the processing, manufacturing, or compounding of materials, products, or any industrial activities which because of their scale or method of operation regularly produce noise, heat, glare, dust, smoke, fumes, odours, vibration, or other external impacts detectable beyond the **parcel boundaries** of the property.

Home Occupation - Basic

means an **accessory use** by a resident of a **Dwelling Unit** for small-scale business activities that are undetectable from outside the **Dwelling Unit** and does not adversely affect the residential character of the property and has no client visits to the property.

Home Occupation - Rural

means an **accessory use** by a resident of a **Dwelling Unit** and/or **Accessory Building** for small-scale rural or agricultural-related business activities that does not adversely affect the rural character of the property and may have limited client visits to the property. **Uses** may include small-scale retail, services, or manufacturing.

Home Occupation - Urban

means an **accessory use** by a resident of a **Dwelling Unit** and/or **Accessory Building** for small-scale business activities that does not adversely affect the residential character of the property and may have limited client visits to the property. **Uses** do not include fabrication, manufacturing, or mechanic shops.

Hotel/Motel

means a facility that offers lodging that is not within a **dwelling unit**.

Human Services

means an establishment that provides services to persons in need of assistance due to age, physical or mental disability, addiction, illness, or injury. **Uses** may include, but are not limited, assisted living facilities, treatment centres, and community support services.

K

Kennel

means any premises where 3 or more dogs and/or 5 or more cats are cared for, maintained, boarded, bred, or trained in exchange for compensation.

L

Landscaped	means the enhancement of a parcel by the addition of topsoil, trees, shrubs, turf, grass, other vegetative material, or non-vegetative material.
Landscaped Area	means an area of land planted or to be planted with trees, grass, shrubs, or other vegetation including the soil or bedding material areas associated with plantings. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking area, or similar hard landscaping.
Lane	means a secondary access located to the side or rear of a parcel and provides access to service areas, parking, accessory buildings , and may contain utility easements.
Light Industrial	means the manufacturing, fabrication, assembly, distribution, disposal, warehousing or bulk storage, trucking and equipment facilities, or any industrial activities primarily within a building and does not produce noise, heat, glare, dust, smoke, fumes, odours, vibration, or other external impacts. This use may include food production.
Loading Area	means an area on the same parcel as a commercial building for the temporary parking of a commercial vehicle while goods and materials are being loaded or unloaded.

M

Municipal Planning Commission	means the Town's Municipal Planning Commission established pursuant to the Act .
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N

Non-Conforming Building	means a building : <ul style="list-style-type: none"> (i) That is lawfully constructed or lawfully under construction at the date this Bylaw become effective: and (ii) That on the date this Bylaw becomes effective does not, or when constructed will not, comply with this Bylaw.
Non-Conforming Use	means a lawful specific use :

- (i) Being made of land or a **building** or intended to be made of land or a **building** lawfully under construction at the date this **Bylaw** becomes effective; and
- (ii) That on the date this **Bylaw** becomes effective does not, or in the case of a **building** under construction, will not, comply with this **Bylaw**.

Nuisance

means an activity or effect that is offensive to the sense, including smoke, airborne emissions, vapours, odours, noise, earthborne vibrations, glare, flashing light, heat, dust, unsightly or unsafe storage of materials, excessive traffic, or any other impact that may become hazardous to health and safety, or which adversely affects the amenities of the neighbourhood or interferes with the normal enjoyment of any land or **building**, whether public or private.

O

Office

means a **development** that includes premises available for the transaction of general business.

Outdoor Storage

means the keeping of materials, goods, or vehicles on-site for a timeframe exceeding 24 hours.

Overlay

means an area which is applied over or more underlying land use district, establishing additional or alternative standards for **development** in addition to those of the underlying land use district. An **overlay** is introduced to address a special situation or achieve specific goals.

- (i) Where a regulation in a district and an **overlay** are in conflict, the regulation in the **overlay** shall apply.

P

Parcel

means an area of land described on a Certificate of Title or described in a Certificate of Title by reference to a Plan filed or registered in a Land Titles Office.

Parcel Boundary

means the boundary that legally and geometrically demarcates a **parcel**, also known as a property line.

Parcel Coverage	means the portion of the parcel area covered by all covered structures .
Porch	means an unenclosed covered structure forming an entry to a building .
Portable Sign	means a sign which is not in a permanently installed or affixed position.
Principal Building or Use	means the use or building on a parcel that occupies the major or central portion of a parcel and constitutes the principal purpose for which the parcel is used. Principal uses may be located within a building , or portion of a building that is separated structurally from other uses within the same building . One or more principal uses may occur on a parcel .
Projecting Sign	means sign which projects from a structure or a building face.
Projection	means any structural or architectural element, building feature, or other object that juts out, overhangs, or protrudes into the prescribed setback .
Public Utilities	means systems and facilities associated with water, sewage, power, heating and cooling, energy, waste, transportation, telecommunications, and any municipal flood mitigation structure .

R

Rear Parcel Boundary	means the parcel boundary of a parcel which is opposite the front parcel boundary .
Rear Setback	means the distance between any development , building , or structure and the rear parcel boundary . A rear setback is not a rear yard .
Rear Yard	means a yard extending across the full width of a parcel from the rear wall of the principal building situated on the parcel to the rear parcel boundary of the parcel .
Recreation – Intensive	means a development for leisure activities requiring indoor and/or outdoor facilities, including but not limited to, parks, swimming pools, gyms, arenas.

Recreation Vehicle	means a vehicle that provides temporary accommodation for recreational or travel purposes and includes, but is not limited to motor homes, travel trailers, fifth wheel travel trailers, campers, tent trailers, boats, and a trailer used to transport any of the above.
Recreation Vehicle Resort	means a parcel designed, developed, maintained, and capable of providing accommodation on a temporary, seasonal, or permanent basis, for recreation vehicles .
Recreation – Non-Intensive	means leisure activities that require little to no alteration or formal development of a parcel for public or private enjoyment. This use includes amenities such as public pathways and trails, sports fields, boat launches and river access infrastructure, and associated parking areas, washrooms, signage, public art, and interpretive elements.
Restaurant/Café	means a development where prepared food and beverages are offered for sale to the public for consumption on-premises or off-premises.
Restricted Substance Retail	means a retail establishment licensed under the Alberta Gaming and Liquor Commission for the sale of liquor or cannabis for consumption off-premises.
Retail & Service – General	means a development that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser.
Retail & Service – Heavy	means a development with permanent outdoor display, service, and/or storage areas, including, but not limited to vendors of lumber and building supplies, landscaping supplies and equipment, industrial equipment, vehicles, watercraft, and/or outdoor structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment.
Right-of-Way	means the total width of any land reserved or dedicated as a thoroughfare, lane , pedestrian way, or utility line.
Rooftop Sign	means a sign affixed to or placed on a building and extending in whole or in part above the vertical walls or parapet of the building ; or the top of a canopy, awning, or other similar appurtenance of the building .

S

Screening	means some combination of structural and/or landscaping features used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.
Secondary Front Parcel Boundary	means a side parcel boundary that forms the boundary of a parcel and a road right-of-way .
Secondary Front Setback	means the distance between any development, building, or structure and the secondary front parcel boundary .
Secondary Front Yard	means a yard extending across the full width of a parcel from the secondary front parcel boundary of the parcel to the wall of the principal building .
Setback	means the minimum distance required between a development and a parcel boundary or any other features specified by this Bylaw .
Setback Area	means the area of a parcel between the parcel boundaries and the walls of the building or structure , as required by the applicable land use district in this Bylaw .
Show Home	means a development constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area .
Side Setback	means the distance between any part of a development, building, or structure and the side parcel boundary . A side setback is not a side yard .
Side Parcel Boundary	means the boundary of a parcel which connects the front parcel boundary with the rear parcel boundary .
Side Yard	means a yard extending from the front yard to the rear yard situated between the side parcel boundary of the parcel and the wall of the principal building , not including projections .
Sign	means a visual medium used to convey information by way of words, pictures, images, graphics, emblems, or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a person, product, activity, service, event, or idea.
Site	means an area of land on which a building or use exists or for which an application for a development permit is made and can comprise more than one parcel .

Soft Landscaping	means the use of vegetative material as part of a landscaped area .
Solar Energy System	means structures and accessories designed to convert solar radiation into electrical or thermal energy.
Stop Order	means an order issued by the Development Authority pursuant to Section 645 of the Act .
Stormwater Management	means the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources, and the environment.
Stormwater Management Plan	means a plan that indicates pre- and post- development drainage systems including any required stormwater management features.
Structural Alteration	means altering the main building components that support a building , including but not limited to the roof, foundation, or exterior walls of a structure , that results in the expansion of the useable floor area of a structure or reduces existing setback areas .
Structure	means anything constructed or erected on the ground, or attached to something located on the ground, not including pavement, curbs, sidewalks, open air surfaces, or movable vehicles.
Subdivision	means the division of a parcel into one or smaller parcels by a plan of a subdivision or other instrument.
Subdivision Agreement	means a legal agreement between the applicant for a subdivision and the Town committing to the provision of any matter required by a condition of the subdivision approval.
Subdivision Authority	means the persons appointed pursuant to the Act that have been authorized to exercise subdivision powers on behalf of the Town .
Subdivision and Development Appeal Board	means the body established by Council pursuant to the Act to act as the appeal body for appeals against development permit decisions, subdivision decisions, and stop orders .

T

Tourist Dwelling means a single **Dwelling Unit** occupied by a single party of guests for a period of 28 days or less and contains sleeping and sanitary facilities, and may include cooking and eating facilities.

Town means the Town of Drumheller.

U

Use means the purpose or activity for which a **parcel** or a **building** is designed, arranged, **developed**, or intended, or for which is occupied or maintained.

Use Area means the entire **floor area** of a **building** or a portion of a **building** that is occupied by a specific **use**.

V

Variance means an alteration or change to a standard prescribed by this **Bylaw** that is authorized by the **subdivision authority**, the **development authority**, or the **subdivision and development appeal board**.

Violation Tag means a document issued by the **Town** to a person or company who has committed an offense under Part 5 of this **Bylaw**.

W

Wind Energy System means a **structure** designed to convert wind energy into mechanical or electrical energy.

Y

Yard means an open space on the same **site** as a **building** and which is unoccupied and unobstructed from the ground upward except as otherwise provided for in this **Bylaw**.

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